



**Orange County
Board of Commissioners**

Agenda

Virtual Business Meeting

June 1, 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 June 1, 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 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 Designating June 11, 2021 as South Orange Rescue Squad Day
- b. Resolution Supporting Juneteenth 2021

5. Public Hearings

6. Regular Agenda

- a. Opioid Litigation Memorandum of Agreement

7. Reports

- a. Buckhorn Area Study

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. Orange County ABC Board Travel Policy
- e. Fiscal Year 2020-21 Budget Amendment #13
- f. Resolution Regarding a Lease Purchase Agreement between Orange County Schools and Apple Financial Services to Provide iPads for Pre-K and Kindergarten Students
- g. Amendment to the Code of Ordinances – Minimum Housing Standards Ordinance

9. County Manager's Report

Projected June 3, 2021 Budget Public Hearing & Work Session

Budget and CIP Public Hearing

Discussion on County Departments' Requests for American Rescue Plan Act (ARPA) Funds

Options to Expand Affordable Housing Incentives and Opportunities

Advisory Board Appointments (Multiple Boards)

Projected June 7, 2021 Closed Session Items

County Manager's Evaluation

County Attorney's Evaluation

Clerk to the Board's Evaluation



Projected June 8, 2021 Budget Work Session Items

Review and Consider Budget Amendments Proposed by Board Members and Staff

Finalize Budget and Tax Rate Decisions on the FY 2021-22 Annual Operating Budget and the FY 2021-26 Capital Investment Plan

Resolution of Intent to Adopt FY 2021-2022 Budget

10. County Attorney's Report

11. *Appointments

12. Information Items

- May 18, 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

13. Closed Session

14. Adjournment

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

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

Orange County Board of Commissioners' meetings and work sessions are available via live streaming video at orangecountync.gov/967/Meeting-Videos 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 ocbooc@orangecountync.gov email address by 3:00 PM on the afternoon of the meeting.

When submitting the comment, include the following:

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

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



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

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

When submitting the request to speak, include the following:

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

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

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

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**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: June 1, 2021**

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

SUBJECT: Proclamation Designating June 11, 2021 as South Orange Rescue Squad Day

DEPARTMENT: Board of Commissioners
Emergency Services

ATTACHMENT(S):
Proclamation

INFORMATION CONTACT:
Clerk's Office, (919) 245-2130
Kirby Saunders, (919) 245-6100

PURPOSE: To approve a proclamation recognizing South Orange Rescue Squad's 50th Anniversary and designating June 11, 2021 as South Orange Rescue Squad Day in Orange County.

BACKGROUND: In 1968, the Orange County Rescue Squad in Hillsborough was formed and emergency medical services and ambulance transport began in Hillsborough. Early in 1971, members of the business community in Carrboro and Chapel Hill and volunteers from the Carrboro Fire Department met to address the issue of supplying emergency medical services and ambulance transport for the rest of the County. As a result of that meeting, and with a gift of an ambulance from Orange County Rescue Squad, the South Orange Rescue Squad was formed on June 11, 1971. Funds were donated, a building was built on land donated by Mr. Edward Yaggy, and the organization began and continues to provide emergency medical services to the Orange County community. In 1991, the Squad began to provide rescue services, and in 1992 began providing technical rescue services to the residents of Orange County and surrounding areas.

Since its founding, the South Orange Rescue Squad has provided countless hours of training for thousands of volunteers and residents and has engaged in countless hours of specialized training and continuing education to enhance life-saving skills.

On June 11, 2021, the South Orange Rescue Squad will be celebrating its 50th anniversary. A proclamation recognizing the Squad on its 50th anniversary, as well as designating June 11, 2021 as South Orange Rescue Squad Day in Orange County, is attached for Board consideration.

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

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with 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 proclamation and direct the Clerk to the Board to forward the proclamation to the South Orange Rescue Squad.

PROCLAMATION**South Orange Rescue Squad Day – June 11, 2021**

WHEREAS, Emergency Medical Services (EMS) is a vital public service; and

WHEREAS, Technical Rescue, including high-angle, swiftwater, and land search are vital public services; and

WHEREAS, CPR and Community Education are vital public services, and

WHEREAS, South Orange Rescue Squad is made up entirely of volunteers who provide these vital public services to the residents of Orange County with no compensation to themselves; and

WHEREAS, before the founding of South Orange Rescue Squad, transportation from southern Orange County to a hospital was provided by the Chapel Hill Funeral Home; and

WHEREAS, members of the Carrboro Fire Department and residents of Carrboro and Chapel Hill joined together to form the South Orange Rescue Squad in 1971; and

WHEREAS, the people of Chapel Hill and Carrboro donated the money to build South Orange Rescue Squad's station which was completed in 1974; and

WHEREAS, the volunteers of South Orange Rescue Squad have been serving the Orange County public and the University of North Carolina at Chapel Hill by providing EMS since the first week of June 1971; and

WHEREAS, the volunteers of South Orange Rescue Squad began providing rescue services to the residents of Orange County and surrounding areas in 1991 and technical rescue services in 1992; and

WHEREAS, South Orange Rescue Squad has trained more than two thousand volunteers over the past 50 years, many of whom have dedicated their careers to public safety and providing medical care to the residents of North Carolina; and

WHEREAS, since 1971 the volunteers of South Orange Rescue Squad have engaged in countless hours of specialized training and continuing education to enhance their life-saving skills; and

WHEREAS, since 2006 South Orange Rescue Squad has trained more than 10,000 Orange County residents by providing free CPR classes; and

WHEREAS, South Orange Rescue Squad contributes its volunteer EMTs and its ambulances to respond to the needs of the residents of Orange County through regular scheduling in the 911 System, as well as providing surge coverage and additional resources when needed; and

WHEREAS, it is appropriate to recognize and appreciate the value and accomplishments of the 50 years of service of South Orange Rescue Squad;

NOW THEREFORE BE IT RESOLVED that we, the Orange County Board of Commissioners, do hereby proclaim June 11, 2021 as South Orange Rescue Squad Day in recognition of the Squad's 50th anniversary of service to the Orange County community.

This the 1st day of June, 2021.

Renee Price, Chair
Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: June 1, 2021

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

SUBJECT: Resolution Supporting Juneteenth 2021

DEPARTMENT: Human Rights and Relations

ATTACHMENT(S):

Resolution

INFORMATION CONTACT:

Renee Price, Chair, BOCC, (919) 245-2130
Annette Moore, Human Rights and Relations, (919) 245-2317

PURPOSE: To consider a resolution affirming the Board of Commissioners' support of previous Board action to make Juneteenth a paid County holiday in this the inaugural year of observing Juneteenth on June 19, 2021.

BACKGROUND: On June 19, 1865, more than two years after the signing of the emancipation proclamation, Union Major General Gordon Granger went to Galveston, Texas to deliver the news to enslaved people that they were free. The first Juneteenth in 1866 in Texas was celebrated in Texas was a community event where people gathered together for prayer, food, song and dance. Since then, Texas families have emigrated to other parts of the United States and the historic and cultural tradition of Juneteenth has followed them. Today, Juneteenth is a holiday in at least 38 states. In 2007, the North Carolina enacted legislation that enables Juneteenth National Freedom Day to become a state holiday when it or a substantially similar holiday is nationally recognized. Last year Orange County and the Towns of Carrboro, Chapel Hill and Hillsborough gave recognition to Juneteenth as holiday.

Juneteenth, while a time of celebration, it is also a time of reflection. Ira Berlin, in his book, "The Long Emancipation: The Demise of Slavery in the United States" finds slavery did not just happen over the course of the Civil War but was "a near century process." Emancipation was not a gift bestowed upon Black Americans by Lincoln or the Republican Party; it was something Black Americans fought for from the time they came to this country enslaved more than 400 years ago until today. In fighting for their freedom, Black Americans have shaped what it means to be a citizen in this "imperfect" country we call home. Through judicial decisions and legislation, Black Americans have redefined the words, "[We] the people."

This year there will be online and in person community celebrations of Juneteenth, June 18 – 20, by the Towns of Carrboro and Chapel Hill, the Chapel Hill-Carrboro City Schools system, the Chapel Hill-Carrboro NAACP, the Marion Cheek Jackson Center and others. Juneteenth will be

celebrated with Black community and cultural events through arts performances, history exhibits, music and activities. Staff recommends the community attend these events to learn more about Juneteenth and the history of the Black community.

"The attached resolution regarding Juneteenth echoes many of the declarations and sentiments expressed by the Black, Indigenous and People of Color Elected Officials group in their statement commemorating Juneteenth, and thereby affirms the Board's support for this nationwide holiday.

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

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

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

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

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

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

ORANGE COUNTY BOARD OF COMMISSIONERS

Resolution Supporting Juneteenth 2021

WHEREAS, Juneteenth is a celebration of the date, June 19, 1865, when people who were enslaved in Texas were informed that the US government had officially outlawed the brutal practice of slavery, three years *prior* with the issuance of the Emancipation Proclamation; and

WHEREAS, the Emancipation Proclamation issued on January 1, 1863 declared that the people who were enslaved in Confederate-controlled areas were officially free people (state action was used to abolish slavery in areas controlled by Union forces with the exceptions of Kentucky and Delaware where slavery was finally ended by the Thirteenth Amendment in December 1865); and

WHEREAS, isolated from both Union and Confederate forces during the Civil War, Texas had become a refuge for those who wished to continue the practice of holding human beings as property; and

WHEREAS, since the capture of New Orleans in 1862, people who held human beings as property in Mississippi, Louisiana and other points east had been migrating to Texas to escape the Union Army's reach and more than 150,000 people held in bondage had been moved to Texas; and the White people of Texas actively worked to ensure that the people held in bondage, who should have been freed in 1863, did not hear of the freedom granted by the Emancipation Proclamation; and

WHEREAS, although the Emancipation Proclamation was issued on January 1, 1863, there were still a total of 250,000 people held as human chattel in Texas when U.S. Army General Gordon Granger arrived in Galveston, Texas and on June 19, 1865 – Juneteenth – proclaimed the war had ended and so had the captivity of people who had been enslaved; and

WHEREAS, the following is the text of the official recorded version of the order:
“The people of Texas are informed that, in accordance with a proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of personal rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and hired labor. The freedmen are advised to remain quietly at their present homes and work for wages. They are informed that they will not be allowed to collect at military posts and that they will not be supported in idleness either there or elsewhere.”; and

WHEREAS, although news of emancipation came at different times during that Texas summer and autumn 1865, African Americans in Texas started to celebrate the freedom of enslaved persons on June 19 (Juneteenth) as their day of celebration; and

WHEREAS, beginning in 1866, they held parades, barbecues, and gave speeches in remembrance of their liberation. The oldest of the surviving formerly enslaved people were often given a place of honor and Black Texans initially used these gatherings to attempt to locate family members from whom they had been separated and soon these events became staging areas for family reunions and an opportunity to uplift each other as they moved through hostile environments; and

WHEREAS, by 1900, Juneteenth had unofficially become Texas Emancipation Day and was sponsored by black churches and civic organizations; and

WHEREAS, with the migration of African Americans from Texas to the West Coast, especially during World War II, Juneteenth grew in the emerging black communities of Los Angeles, San Diego, and Oakland in California; Portland, Oregon; and Seattle, Washington; and

WHEREAS, activists in the 1980s began to advocate for wider recognition of the Juneteenth Holiday; and

WHEREAS, Texas became the first state to make Juneteenth a state holiday; and

WHEREAS, by June 2020, 47 states and the District of Columbia had established either full or partial recognition of the holiday – only Hawaii, North Dakota, and South Dakota have not; and

WHEREAS, Juneteenth is the oldest nationally celebrated commemoration of the ending of slavery in the United States; and

WHEREAS, Juneteenth has been declared a paid holiday by the governing bodies of Orange County, Town of Chapel Hill, the Town of Carrboro, the Town of Hillsborough, the Orange County Schools District and the Chapel Hill Carrboro City Schools District; and

WHEREAS, the Thirteenth Amendment to the United States Constitution, which was passed by Congress on January 31, 1865, and ratified by the required 27 of the then 36 states on December 6, 1865, and proclaimed on December 18, 1865, abolished slavery and involuntary servitude, except as punishment for a crime; and

WHEREAS, we recognize that while the Emancipation Proclamation and the 13th amendment may have officially ended the legal practice of enslaving human beings in the United States of America, one hundred and fifty six years later, there is still progress which must be made to dismantle the insidious systems and practices which continue to harm Black people and deny them access to the rights and resources to which they are entitled;

NOW THEREFORE BE IT RESOLVED, that we, the Orange County Board of Commissioners, join with Black, Indigenous and People of Color Elected Officials in honoring the perseverance and hope that inspired African Americans to celebrate freedom, to look for lost relatives, and to thrive in a hostile and white supremacist environment, recognize Juneteenth as an important date in American history.

BE IT FURTHER RESOLVED that we honor the legacy of Juneteenth by building a more equitable future for our children, our children's children, and their children and we will continue to advocate and work to that end.

This the 1st day of June, 2021.

Renee Price, Chair
Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: June 1, 2021

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

SUBJECT: Opioid Litigation Memorandum of Agreement

DEPARTMENT: County Attorney

ATTACHMENT(S):

Memorandum of Agreement
Resolution

INFORMATION CONTACT:

John Roberts, County Attorney, 245-
2318

PURPOSE: To enter into a Memorandum of Agreement (MOA) with the State of North Carolina regarding the disbursement of settlement funds related to the national opioid litigation.

BACKGROUND: In 2018 the Board of Commissioners authorized Orange County's participation in national litigation related to the nationwide opioid epidemic. At that time the County entered an agreement with the McHugh Fuller Law Group, PLLC to represent the County's interests in the national litigation.

The national litigation has resulted in the potential for a \$26 billion settlement with the four largest corporate defendants. Should such a settlement occur, the attorneys representing the local governments, including McHugh Fuller, could have an attorney payment fund of up to \$1.6 billion. Under a settlement of this type, North Carolina could receive up to \$850 million in potential settlement funds over approximately 20 years.

For more than a year, the North Carolina Association of County Commissioners, the North Carolina Department of Justice, and a committee consisting of five county commissioners, five county managers, and five county attorneys have worked on the terms of an agreement regarding the disbursement of potential settlement funds among the state and the counties should a settlement of the national litigation occur.

The result of this work is the attached MOA that recognizes the critical role of North Carolina counties in delivering human and social services to county residents. It directs substantial resources to local governments on the front lines of the opioid epidemic while ensuring that these resources are used in an effective way to address the epidemic.

Should the national litigation settle as discussed herein, the settlement funds will be distributed among local governments according to the National Multidistrict Litigation Opioid Allocation Class Model, which is a formula developed by the national litigation attorneys, including McHugh Fuller. The formula allocates funds in proportion to where the opioid crisis is the most severe. The model accounts for the number of pills dispensed, number of opioid overdose deaths, and number of people suffering from opioid use disorder. A county's allocation percentage will not change over the term of the MOA.

Pursuant to the terms of the MOA, opioid settlement funds received in North Carolina from the national settlement will be allocated as follows:

- 80% will go to Local Governments listed in the MOA to address the opioid epidemic,
- 15% will go to the State of North Carolina,
- 5% will be used for a County Incentive Fund for any county (and any municipality in that county slated to receive settlement funds) in which the county itself and every municipality of a certain size signs the MOA.

These funds may only be used for opioid remediation activities.

The MOA prescribes collaborative strategic planning and stakeholder involvement required for certain activities. Counties are required to hold annual meetings with municipalities within their borders to encourage collaboration and plan for permissible expenditures in the upcoming year. Local governments are also encouraged to engage in a strategic planning process to access additional expenditure options.

The MOA also establishes a Coordination Group composed of local government representatives, state government representatives, and others with relevant expertise that will meet periodically to help coordinate and guide Local Governments with their work under the MOA. The Coordination Group includes twelve total representatives as follows:

- Five local government representatives including one county commissioner, one county manager, one county attorney, one local health director, and one municipal manager;
- Four appointees of the Secretary of the Department of Health and Human Services;
- One appointee of the Attorney General;
- Two appointees of the legislature including one from the UNC School of Government and one from the North Carolina Institute of Medicine.

The MOA requires local governments to deposit opioid settlement funds received in a special restricted revenue fund to account separately for the monies. The local government must include in its budget or pass a resolution authorizing the expenditure of opioid settlement funds, indicating the specific strategy it chose from one of the two options outlined in the MOA.

Under Option A, a local government may fund one or more strategies from a shorter list of evidence-based, high-impact strategies to address the epidemic, including many strategies already deployed at the county level. The Option A strategies include:

- evidence-based addiction treatment
- recovery support services
- recovery housing
- employment-related services
- early intervention programs
- naloxone distribution
- post-overdose response teams
- syringe service programs
- criminal justice diversion programs
- addiction treatment for incarcerated persons
- reentry programs

Under Option B, a local government may fund one or more strategies from a longer list of strategies after engaging in a collaborative strategic planning process involving a diverse array of stakeholders at the local level (as detailed in Exhibit C to the MOA). The longer list of Option B strategies – the full range of strategies that will be allowed under a national settlement or bankruptcy resolution – involve multiple strategies falling into these broad categories:

- Provide treatment for Opioid Use Disorder (OUD)
- Support people in treatment and recovery and provide connections to care
- Address the needs of criminal-justice-involved persons with OUD
- Address the needs of pregnant or parenting women and their families
- Prevent over-prescribing of opioids and misuse of opioids
- Prevent overdose deaths and other harms (harm reduction)

Local governments have annual financial and impact reporting and audit requirements under the MOA to ensure opioid settlement funds are spent consistent with permissible purposes:

Certain reports and resolutions from the local government's governing body will be available for public access on a statewide opioid settlement dashboard.

For every fiscal year in which a local government receives, holds, or spends opioid settlement funds, the local government must submit annual financial and impact reports specifying the activities and amounts it has funded.

The local government must maintain records of opioid settlement fund expenditures and related documents for at least five years.

The State Auditor and Department of Justice shall have access to persons and records related to the MOA and expenditures of Opioid Settlement Fund to verify accounts and data affecting fees for performance.

The Local Government manager is the point of contact for questions that arise under the MOA.

The County may secure additional funds from the 5% county incentive fund if each municipality in Orange County also adopts the MOA.

FINANCIAL IMPACT: The financial impact associated with this action is unknown. A national settlement could result in up to \$850 million dollars coming to the State of North Carolina of which, under the MOA, 80% would go directly to counties pursuant to the National MDL Opioid Allocation Class Model as discussed above.

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

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

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

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

RECOMMENDATION(S): The County Attorney recommends the Board consider and enter into the Memorandum of Agreement through adopting and authorizing the Chair to sign the attached resolution.

**MEMORANDUM OF AGREEMENT
BETWEEN THE STATE OF NORTH CAROLINA AND LOCAL GOVERNMENTS
ON PROCEEDS RELATING TO THE SETTLEMENT OF OPIOID LITIGATION**

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Background Statement

Capitalized terms not defined below have the meanings set forth in the Definitions section of the Statement of Agreement.

WHEREAS, the State of North Carolina (the “State”), North Carolina counties and municipalities, and their people have been harmed by misconduct committed by certain entities that engage in or have engaged in the manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic (“Pharmaceutical Supply Chain Participants”); and

WHEREAS, certain North Carolina counties and municipalities, through their counsel, and the State, through its Attorney General, are separately engaged in ongoing investigations, litigation and settlement discussions seeking to hold Pharmaceutical Supply Chain Participants accountable for the damage caused by their misconduct; and

WHEREAS, the State and the Local Governments share a common desire to abate and alleviate the impacts of the misconduct described above throughout North Carolina and in its local communities; and

WHEREAS, while the Local Governments and the State recognize the sums which may be available from the aforementioned litigation will likely be insufficient to fully abate the public health crisis caused by the opioid epidemic, they share a common interest in dedicating the most resources possible to the abatement effort; and

WHEREAS, settlements resulting from the investigations and litigation with Johnson & Johnson, AmerisourceBergen, Cardinal Health, and McKesson are anticipated to take the form of a National Settlement Agreement; and

WHEREAS, this Memorandum of Agreement (“MOA”) is intended to facilitate compliance by the State and by the Local Governments with the terms of the National Settlement Agreement and, to the extent appropriate, in other settlements related to the opioid epidemic reached by the state of North Carolina; and

WHEREAS, North Carolina’s share of settlement funds from the National Settlement Agreement will be maximized only if all North Carolina counties, and municipalities of a certain size, participate in the settlement; and

WHEREAS, the National Settlement Agreement will set a default allocation between each state and its political subdivisions unless they enter into a state-specific agreement regarding the distribution and use of settlement amounts (a “State-Subdivision Agreement”); and

WHEREAS, this MOA is intended to serve as such a State-Subdivision Agreement under the National Settlement Agreement; and

WHEREAS, the aforementioned investigations and litigation have caused some Pharmaceutical Supply Chain Participants to declare bankruptcy, and it may cause additional entities to declare bankruptcy in the future; and

WHEREAS, this MOA is also intended to serve as a State-Subdivision Agreement under resolutions of claims concerning alleged misconduct in manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic entered in bankruptcy court that provide for payments (including payments through a trust) to both the State and North Carolina counties and municipalities and allow for the allocation between a state and its political subdivisions to be set through a state-specific agreement (“Bankruptcy Resolutions”); and

WHEREAS, specifically, this MOA is intended to serve under the Bankruptcy Resolution concerning Purdue Pharma L.P. as a statewide abatement agreement, and under this MOA, a statewide abatement agreement is a type of State-Subdivision Agreement.

Statement of Agreement

The parties hereto agree as follows:

A. Definitions

As used in this MOA:

The terms “Bankruptcy Resolution,” “MOA,” “Pharmaceutical Supply Chain Participant,” “State,” and “State-Subdivision Agreement” are defined in the recitals to this MOA.

“Coordination group” refers to the group described in **Section E.7** below.

“County Incentive Fund” is defined in **Section G** below.

“Governing Body” means (1) for a county, the county commissioners of the county, and (2) for a municipality, the elected city council, town council, board of commissioners, or board of aldermen for the municipality.

“Incentive Eligible Local Government” is defined in **Section G** below.

“Local Abatement Funds” are defined in **Section B.2** below.

“Local Government” means all counties and municipalities located within the geographic boundaries of the State of North Carolina that have chosen to sign on to this MOA.

“MDL Matter” means the matter captioned *In re: National Prescription Opiate Litigation*, MDL 2804 pending in the United States District Court for the Northern District of Ohio.

“MDL Parties” means all parties who participated in the matter captioned *In re: National Prescription Opiate Litigation*, MDL 2804 pending in the United States District Court for the Northern District of Ohio as Plaintiffs.

“National Settlement Agreement” means a national opioid settlement agreement with the Parties and one or all of the Settling Defendants concerning alleged misconduct in manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic.

“Opioid Settlement Funds” shall mean all funds allocated by the National Settlement Agreement and any Bankruptcy Resolutions to the State or Local Governments for purposes of opioid remediation activities or restitution, as well as any repayment of those funds and any interest or investment earnings that may accrue as those funds are temporarily held before being expended on opioid remediation strategies. Not included are funds made available in the National Settlement Agreement or any Bankruptcy Resolutions for the payment of the Parties’ litigation expenses or the reimbursement of the United States Government.

“Parties” means the State of North Carolina and the Local Governments.

“Settling Defendants” means Johnson & Johnson, AmerisourceBergen, Cardinal Health, and McKesson, as well as their subsidiaries, affiliates, officers, and directors named in a National Settlement Agreement.

“State Abatement Fund” is defined in **Section B.2** below.

B. Allocation of Settlement Proceeds

1. Method of distribution. Pursuant to the National Settlement Agreement and any Bankruptcy Resolutions, Opioid Settlement Funds shall be distributed directly to the State and to Local Governments in such proportions and for such uses as set forth in this MOA, provided Opioid Settlement Funds shall not be considered funds of the State or any Local Government unless and until such time as each annual distribution is made.
2. Overall allocation of funds. Opioid Settlement Funds shall be allocated as follows: (i) 15% directly to the State (“State Abatement Fund”), (ii) 80% to abatement funds established by Local Governments (“Local Abatement Funds”), and (iii) 5% to a County Incentive Fund described in **Section G** below.
3. Allocation of funds between Local Governments. The Local Abatement Funds shall be allocated to counties and municipalities in such proportions as set forth in **Exhibit G**, attached hereto and incorporated herein by reference, which is based upon the MDL Matter’s Opioid Negotiation Class Model. The proportions shall not change based on population changes during the term of the MOA. However, to the extent required by the terms of the National Settlement Agreement, the proportions set forth in **Exhibit G** shall be adjusted: (i) to provide no payment from the National Settlement Agreement to any listed county or municipality that does not participate in the National Settlement Agreement; and (ii) to provide a reduced payment from the National Settlement Agreement to any listed county or municipality that signs onto the National Settlement Agreement after the initial participation deadline.
4. Municipal allocations. Within counties and municipalities:

- a. Local Governments receiving payments. The proportions set forth in **Exhibit G** provide for payments directly to (i) all North Carolina counties, (ii) North Carolina municipalities with populations over 75,000 based on the United States Census Bureau's Vintage 2019 population totals, and (iii) North Carolina municipalities who are also MDL Parties as of January 1, 2021.
 - b. Municipality may direct payments to county. Any municipality allocated a share in **Exhibit G** may elect to have its share of current or future annual distributions of Local Abatement Funds instead directed to the county or counties in which it is located. Such an election may be made by January 1 each year to apply to the following fiscal year. If a municipality is located in more than one county, the municipality's funds will be directed based on the MDL Matter's Opioid Negotiation Class Model.
5. Use of funds for opioid remediation activities. This MOA requires that except as related to the payment of the Parties' litigation expenses and the reimbursement of the United States Government, all Opioid Settlement Funds, regardless of allocation, shall be utilized only for opioid remediation activities.
 6. Relationship of this MOA to other agreements and resolutions. All Parties acknowledge and agree the National Settlement Agreement will require a Local Government to release all its claims against the Settling Defendants to receive Opioid Settlement Funds. All Parties further acknowledge and agree based on the terms of the National Settlement Agreement, a Local Government may receive funds through this MOA only after complying with all requirements set forth in the National Settlement Agreement to release its claims. This MOA is not a promise from any Party that any National Settlement Agreement or Bankruptcy Resolution will be finalized or executed.

C. Payment of Litigating and Non-Litigating Parties

No Party engaged in litigating the MDL Matter shall receive a smaller payment than a similarly situated non-litigating Party, other than as based on the Allocation Proportions in **Exhibit G** or based on the eligibility criteria for payments from the County Incentive Fund as provided by **Section G** below.

D. Special Revenue Fund

1. Creation of special revenue fund. Every Local Government receiving Opioid Settlement Funds shall create a separate special revenue fund, as described below, that is designated for the receipt and expenditure of the Opioid Settlement Funds.
2. Procedures for special revenue fund. Funds in this special revenue fund shall not be commingled with any other money or funds of the Local Government. The funds in the

special revenue fund shall not be used for any loans or pledge of assets, unless the loan or pledge is for an opioid remediation purpose consistent with the terms of this MOA and adopted under the process described in **Section E.6** below. Although counties or municipalities may make contracts with or grants to a nonprofit, charity, or other entity, counties or municipalities may not assign to another entity their rights to receive payments from the national settlement or their responsibilities for funding decisions.

3. Interest earned on special revenue fund. The funds in the special revenue fund may be invested, consistent with the investment limitations for local governments, and may be placed in an interest-bearing bank account. Any interest earned on the special revenue fund must be used in a way that is consistent with this MOA.

E. Opioid Remediation Activities.

1. Limitation on use of funds. Local Governments shall expend Opioid Settlement Funds only for opioid-related expenditures consistent with the terms of this MOA and incurred after the date of the Local Government's execution of this MOA, unless execution of the National Settlement Agreement requires a later date.
2. Opportunity to cure inconsistent expenditures. If a Local Government spends any Opioid Settlement Funds on an expenditure inconsistent with the terms of this MOA, the Local Government shall have 60 days after discovery of the expenditure to cure the inconsistent expenditure through payment of such amount for opioid remediation activities through budget amendment or repayment.
3. Consequences of failure to cure inconsistent expenditures. If a Local Government does not make the cure required by **Section E.2** above within 60 days, (i) future Opioid Fund payments to that Local Government shall be reduced by an amount equal to the inconsistent expenditure, and (ii) to the extent the inconsistent expenditure is greater than the expected future stream of payments to the Local Government, the Attorney General may initiate a process up to and including litigation to recover and redistribute the overage among all eligible Local Governments. The Attorney General may recover any litigation expenses incurred to recover the funds. Any recovery or redistribution shall be distributed consistent with **Sections B.3 and B.4** above.
4. Annual meeting of counties and municipalities within each county. Each county receiving Opioid Settlement Funds shall hold at least one annual meeting with all municipalities in the Local Government's county invited in order to receive input as to proposed uses of the Opioid Settlement Funds and to encourage collaboration between local governments both within and beyond the county. These meetings shall be open to the public.
5. Use of settlement funds under Option A and Option B. Local Governments shall spend Opioid Settlement Funds from the Local Abatement Funds on opioid remediation activities using either or both of the processes described as Option A and Option B below, unless the relevant National Settlement Agreement or Bankruptcy Resolution further limit the spending.

- a. Option A.
- i. Without any additional strategic planning beyond the meeting described in **Section E.4** above, Local Governments may spend Opioid Settlement Funds from the list of High-Impact Opioid Abatement Strategies attached as **Exhibit A**. This list is a subset of the initial opioid remediation strategies listed in the National Settlement Agreement.
 - ii. **Exhibit A** may be modified as set forth in Exhibit D below; provided, however, that any strategy listed on **Exhibit A** must be within the list of opioid remediation activities for the then-current National Settlement Agreement. Opioid remediation activities undertaken under a previously authorized strategy list may continue if they were authorized at the time of the Local Government's commitment to spend funds on that activity.
- b. Option B.
- i. A Local Government that chooses to participate in additional voluntary, collaborative, strategic planning may spend Opioid Settlement Funds from the broader list of categories found in **Exhibit B**. This list contains all the initial opioid remediation strategies listed in the National Settlement Agreement.
 - ii. Before spending any funds on any activity listed in **Exhibit B**, but not listed on **Exhibit A**, a Local Government must first engage in the collaborative strategic planning process described in **Exhibit C**. This process shall result in a report and non-binding recommendations to the Local Government's Governing Body described in **Exhibit C** (right-hand column).
 - iii. A Local Government that has previously undertaken the collaborative strategic planning process described in **Exhibit C** and wishes to continue implementing a strategy listed in **Exhibit B**, but not listed in **Exhibit A**, shall undertake a new collaborative strategic planning process every four years (or more often if desired).
 - iv. A Local Government that has previously undertaken the collaborative strategic planning process described in **Exhibit C** that wishes to implement a new strategy listed in **Exhibit B** but not listed in **Exhibit A**, shall undertake a new collaborative strategic planning process.
 - v. Two or more Local Governments may undertake a single collaborative strategic planning process resulting in a report and recommendations to all of the Local Governments involved.

6. Process for drawing from special revenue funds.
 - a. Budget item or resolution required. Opioid Settlement Funds can be used for a purpose when the Governing Body includes in its budget or passes a separate resolution authorizing the expenditure of a stated amount of Opioid Settlement Funds for that purpose or those purposes during a specified period of time.
 - b. Budget item or resolution details. The budget or resolution should (i) indicate that it is an authorization for expenditure of opioid settlement funds; (ii) state the specific strategy or strategies the county or municipality intends to fund pursuant to Option A or Option B, using the item letter and/or number in **Exhibit A** or **Exhibit B** to identify each funded strategy, and (iii) state the amount dedicated to each strategy for a stated period of time.
7. Coordination group. A coordination group with the composition and responsibilities described in **Exhibit D** shall meet at least once a year during the first three years that this MOA is in effect. Thereafter, the coordination group shall meet at least once every three years until such time as Opioid Settlement Funds are no longer being spent by Local Governments.

F. Auditing, Compliance, Reporting, and Accountability

1. Audits under Local Government Budget and Fiscal Control Act. Local Governments' Opioid Settlement Funds are subject to financial audit by an independent certified public accountant in a manner no less than what is required under G.S. 159-34. Each Local Government must file an annual financial audit of the Opioid Settlement Funds with the Local Government Commission. If any such audit reveals an expenditure inconsistent with the terms of this MOA, the Local Government shall immediately report the finding to the Attorney General.
2. Audits under other acts and requirements. The expenditure of Opioid Settlement Funds is subject to the requirements of the Local Government Budget and Fiscal Control Act, Chapter 159 of the North Carolina General Statutes; Local Government Commission rules; the Federal Single Audit Act of 1984 (as if the Opioid Settlement Funds were federal funds); the State Single Audit Implementation Act; Generally Accepted Government Auditing Standards; and all other applicable laws, rules, and accounting standards. For expenditures for which no compliance audit is required under the Federal Single Audit Act of 1984, a compliance audit shall be required under a compliance supplement approved by the coordination group.
3. Audit costs. Reasonable audit costs that would not be required except for this Section F may be paid by the Local Government from Opioid Settlement Funds..
4. Access to persons and records. During and after the term of this MOA, the State Auditor and Department of Justice shall have access to persons and records related to this MOA and expenditures of Opioid Settlement Funds to verify accounts and data affecting fees or

performance. The Local Government manager/administrator is the point of contact for questions that arise under this MOA.

5. Preservation of records. The Local Government must maintain, for a period of at least five years, records of Opioid Settlement Fund expenditures and documents underlying those expenditures, so that it can be verified that funds are being or have been utilized in a manner consistent with the National Settlement Agreement, any Bankruptcy Resolutions, and this MOA.
6. Reporting.
 - a. Annual financial report required. In order to ensure compliance with the opioid remediation provisions of the National Settlement Agreement, any Bankruptcy Resolutions, and this MOA, for every fiscal year in which a Local Government receives, holds, or spends Opioid Settlement Funds, the county or municipality must submit an annual financial report specifying the activities and amounts it has funded.
 - b. Annual financial report timing and contents. The annual financial report shall be provided to the North Carolina Attorney General by emailing the report to opioiddocs@ncdoj.gov, within 90 days of the last day of the state fiscal year covered by the report. Each annual financial report must include the information described on **Exhibit E**.
 - c. Reporting to statewide opioid settlement dashboard. Each Local Government must provide the following information to the statewide opioid settlement dashboard within the stated timeframes:
 - i. The budget or resolution authorizing the expenditure of a stated amount of Opioid Settlement Funds for a specific purpose or purposes during a specified period of time as described in **Section E.6.b** above (within 90 days of the passage of any such budget or resolution);
 - ii. If the Local Government is using Option B, the report(s) and non-binding recommendations from collaborative strategic planning described in **Section E.5.b.ii** above and **Exhibit C** (right hand column) (within 90 days of the date the report and recommendations are submitted to the local governing body for consideration);
 - iii. The annual financial reports described in Section F.6.a and **Exhibit E** (within 90 days of the end of the fiscal year covered by the report); and
 - iv. The impact information described in **Exhibit F** (within 90 days of the end of the fiscal year covered by the report).

The State will create an online portal with instructions for Local Governments to report or upload each of these four items by electronic means.

- d. Copy to NCDOJ of any additional reporting. If the National Settlement Agreement or any Bankruptcy Resolutions require that a Local Government file, post, or provide a report or other document beyond those described in this MOA, or if any Local Government communicates in writing with any national administrator or other entity created or authorized by the National Settlement Agreement or any Bankruptcy Resolutions regarding the Local Government's compliance with the National Settlement Agreement or Bankruptcy Resolutions, the Local Government shall email a copy of any such report, document, or communication to the North Carolina Department of Justice at opioiddocs@ncdoj.gov.
 - e. Compliance and non-compliance.
 - i. Every Local Government shall make a good faith effort to comply with all of its reporting obligations under this MOA, including the obligations described in **Section F.6.c** above.
 - ii. A Local Government that engages in a good faith effort to comply with its reporting obligations under **Section F.6.c** but fails in some way to report information in an accurate, timely, or complete manner shall be given an opportunity to remedy this failure within a reasonable time.
 - iii. A Local Government that does not engage in a good faith effort to comply with its reporting obligations under this MOA, or that fails to remedy reporting issues within a reasonable time, may be subject to action for breach of contract.
 - iv. Notwithstanding anything to the contrary herein, a Local Government that is in substantial compliance with the reporting obligations in this MOA shall not be considered in breach of this MOA or in breach of contract.
7. Collaboration. The State and Local Governments must collaborate to promote effective use of Opioid Settlement Funds, including through the sharing of expertise, training, technical assistance. They will also coordinate with trusted partners to collect and share information about successful regional and other high-impact strategies and opioid treatment programs.

G. County Incentive Fund

A Local Government receiving Settlement Proceeds pursuant to **Section B.4.a** shall be an Incentive Eligible Local Government if every municipality in the Local Government's county with population of at least 30,000 has executed this MOA by October 1, 2021, but no later than any such deadline set in the National Settlement Agreement for the highest possible participation in incentive structures for North Carolina. Each Incentive Eligible Local Government shall receive a share of the 5% County Incentive Fund set forth in **Section B.2.iii**, distributed pro rata among only Incentive Eligible Local Governments as set forth in **Exhibit G**. For purposes of the calculations required by this Section, populations will be based on United States Census Bureau's Vintage 2019 population totals, and a municipality with populations in multiple counties will be counted only toward the county which has the largest share of that municipality's population.

H. Effectiveness

1. When MOA takes effect. This MOA shall become effective at the time a sufficient number of Local Governments have joined the MOA to qualify this MOA as a State-Subdivision Agreement under the National Settlement Agreement or any Bankruptcy Resolution. If this MOA does not thereby qualify as a State-Subdivision Agreement, this MOA will have no effect.
2. Amendments to MOA.
 - a. Amendments to conform to final national documents. The Attorney General, with the consent of a majority vote from a group of Local Government attorneys appointed by the Association of County Commissioners, may initiate a process to amend this MOA to make any changes required by the final provisions of the National Settlement Agreement or any Bankruptcy Resolution. The Attorney General's Office will provide written notice of the necessary amendments to all the previously joining parties. Any previously joining party will have a two-week opportunity to withdraw from the MOA. The amendments will be effective to any party that does not withdraw.
 - b. Coordination group. The coordination group may make the changes authorized in **Exhibit D**.
 - c. No amendments to allocation between Local Governments. Notwithstanding any other provision of this MOA, the allocation proportions set forth in **Exhibit G** may not be amended.
 - d. General amendment power. After execution, the coordination group may propose other amendments to the MOA, subject to the limitation in **Section H.2.c** above. Such amendments will take effect only if approved in writing by the Attorney General and at least two-thirds of the Local Governments who are Parties to this MOA. In the vote, each Local Government Party will have a number of votes measured by the allocation proportions set forth in **Exhibit G**.
3. Acknowledgement. The Parties acknowledge that this MOA is an effective and fair way to address the needs arising from the public health crisis due to the misconduct committed by the Pharmaceutical Supply Chain Participants.
4. When MOA is no longer in effect. This MOA is effective until one year after the last date on which any Opioid Settlement Funds are being spent by Local Governments pursuant to the National Settlement Agreement and any Bankruptcy Resolution.
5. Application of MOA to settlements and bankruptcy resolutions. This MOA applies to all settlements under the National Settlement Agreement with the Settling Defendants and any Bankruptcy Resolutions. The Parties agree to discuss the use, as the Parties may deem appropriate in the future, of the settlement terms set out herein (after any necessary

amendments) for resolutions with Pharmaceutical Supply Chain Participants not covered by the National Settlement Agreement or a Bankruptcy Resolution.

6. Applicable law and venue. Unless required otherwise by the National Settlement Agreement or a Bankruptcy Resolution, this MOA shall be interpreted using North Carolina law and any action related to the provisions of this MOA must be adjudicated by the Superior Court of Wake County. If any provision of this MOA is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision which can be given effect without the invalid provision.
7. Scope of MOA. The Parties acknowledge that this MOA does not excuse any requirements placed upon them by the terms of the National Settlement Agreement or any Bankruptcy Resolution, except to the extent those terms allow for a State-Subdivision Agreement to do so.
8. No third party beneficiaries. No person or entity is intended to be a third party beneficiary of this MOA.
9. No effect on authority of parties. Nothing in this MOA shall be construed to affect or constrain the authority of the Parties under law.
10. Signing and execution of MOA. This MOA may be signed and executed simultaneously in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement. A signature transmitted by facsimile or electronic image shall be deemed an original signature for purposes of executing this MOA. Each person signing this MOA represents that he or she is fully authorized to enter into the terms and conditions of, and to execute, this MOA, and that all necessary approvals and conditions precedent to his or her execution have been satisfied.

(Signature pages follow.)

Signature pages will be structured as one page for the State of North Carolina,
followed by separate signature pages for each county.

These signature pages will also include blanks for the county's municipalities.

To avoid having 101 signature pages in the middle of this file,
the signature pages are in a separate document.

**EXHIBIT A TO NC MOA:
HIGH-IMPACT OPIOID ABATEMENT STRATEGIES (“OPTION A” List)**

In keeping with the National Settlement Agreement, opioid settlement funds may support programs or services listed below that serve persons with Opioid Use Disorder (OUD) or any co-occurring Substance Use Disorder (SUD) or mental health condition.

As used in this list, the words “fund” and “support” are used interchangeably and mean to create, expand, or sustain a program, service, or activity.

1. **Collaborative strategic planning.** Support collaborative strategic planning to address opioid misuse, addiction, overdose, or related issues, including staff support, facilitation services, or any activity or combination of activities listed in Exhibit C to the MOA (collaborative strategic planning).
2. **Evidence-based addiction treatment.** Support evidence-based addiction treatment consistent with the American Society of Addiction Medicine’s national practice guidelines for the treatment of opioid use disorder – including Medication-Assisted Treatment (MAT) with any medication approved for this purpose by the U.S. Food and Drug Administration – through Opioid Treatment Programs, qualified providers of Office-Based Opioid Treatment, Federally Qualified Health Centers, treatment offered in conjunction with justice system programs, or other community-based programs offering evidence-based addiction treatment. This may include capital expenditures for facilities that offer evidence-based treatment for OUD. (If only a portion of a facility offers such treatment, then only that portion qualifies for funding, on a pro rata basis.)
3. **Recovery support services.** Fund evidence-based recovery support services, including peer support specialists or care navigators based in local health departments, social service offices, detention facilities, community-based organizations, or other settings that support people in treatment or recovery, or people who use drugs, in accessing addiction treatment, recovery support, harm reduction services, primary healthcare, or other services or supports they need to improve their health or well-being.
4. **Recovery housing support.** Fund programs offering recovery housing support to people in treatment or recovery, or people who use drugs, such as assistance with rent, move-in deposits, or utilities; or fund recovery housing programs that provide housing to individuals receiving Medication-Assisted Treatment for opioid use disorder.
5. **Employment-related services.** Fund programs offering employment support services to people in treatment or recovery, or people who use drugs, such as job training, job skills, job placement, interview coaching, resume review, professional attire, relevant courses at community colleges or vocational schools, transportation services or transportation vouchers to facilitate any of these activities, or similar services or supports.
6. **Early intervention.** Fund programs, services, or training to encourage early identification and intervention for children or adolescents who may be struggling with problematic use of drugs or mental health conditions, including Youth Mental Health

First Aid, peer-based programs, or similar approaches. Training programs may target parents, family members, caregivers, teachers, school staff, peers, neighbors, health or human services professionals, or others in contact with children or adolescents.

7. **Naloxone distribution.** Support programs or organizations that distribute naloxone to persons at risk of overdose or their social networks, such as Syringe Service Programs, post-overdose response teams, programs that provide naloxone to persons upon release from jail or prison, emergency medical service providers or hospital emergency departments that provide naloxone to persons at risk of overdose, or community-based organizations that provide services to people who use drugs. Programs or organizations involved in community distribution of naloxone may, in addition, provide naloxone to first responders.
8. **Post-overdose response team.** Support post-overdose response teams that connect persons who have experienced non-fatal drug overdoses to addiction treatment, recovery support, harm reduction services, primary healthcare, or other services or supports they need to improve their health or well-being.
9. **Syringe Service Program.** Support Syringe Service Programs operated by any governmental or nongovernmental organization authorized by section 90-113.27 of the North Carolina General Statutes that provide syringes, naloxone, or other harm reduction supplies; that dispose of used syringes; that connect clients to prevention, treatment, recovery support, behavioral healthcare, primary healthcare, or other services or supports they need; or that provide any of these services or supports.
10. **Criminal justice diversion programs.** Support pre-arrest or post-arrest diversion programs, or pre-trial service programs, that connect individuals involved or at risk of becoming involved in the criminal justice system to addiction treatment, recovery support, harm reduction services, primary healthcare, prevention, or other services or supports they need, or that provide any of these services or supports.
11. **Addiction treatment for incarcerated persons.** Support evidence-based addiction treatment, including Medication-Assisted Treatment with at least one FDA-approved opioid agonist, to persons who are incarcerated in jail or prison.
12. **Reentry Programs.** Support programs that connect incarcerated persons to addiction treatment, recovery support, harm reduction services, primary healthcare, or other services or supports they need upon release from jail or prison, or that provide any of these services or supports.

EXHIBIT B TO NC MOA:

Additional Opioid Remediation Activities (“OPTION B” List)

This list shall be automatically updated to match the list of approved strategies in the most recent National Settlement Agreement.

PART ONE: TREATMENT

A. TREAT OPIOID USE DISORDER (OUD)

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:¹

1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, including all forms of Medication-Assisted Treatment (MAT) approved by the U.S. Food and Drug Administration.
2. Support and reimburse evidence-based services that adhere to the American Society of Addiction Medicine (ASAM) continuum of care for OUD and any co-occurring SUD/MH conditions.
3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.
4. Improve oversight of Opioid Treatment Programs (OTPs) to assure evidence-based or evidence-informed practices such as adequate methadone dosing and low threshold approaches to treatment.
5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions and for persons who have experienced an opioid overdose.
6. Treatment of trauma for individuals with OUD (e.g., violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (e.g., surviving family members after an overdose or overdose fatality), and training of health care personnel to identify and address such trauma.
7. Support evidence-based withdrawal management services for people with OUD and any co-occurring mental health conditions.

¹ As used in this Exhibit B, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs.

8. Training on MAT for health care providers, first responders, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or underserved areas.
9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions.
10. Fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.
11. Scholarships and supports for behavioral health practitioners or workers involved in addressing OUD and any co-occurring SUD or mental health conditions, including but not limited to training, scholarships, fellowships, loan repayment programs, or other incentives for providers to work in rural or underserved areas.
12. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (DATA 2000) to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a DATA 2000 waiver.
13. Dissemination of web-based training curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service-Opioids web-based training curriculum and motivational interviewing.
14. Development and dissemination of new curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service for Medication-Assisted Treatment.

B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY

Support people in treatment for or recovery from OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Provide comprehensive wrap-around services to individuals with OUD and any co-occurring SUD/MH conditions, including housing, transportation, education, job placement, job training, or childcare.
2. Provide the full continuum of care of treatment and recovery services for OUD and any co-occurring SUD/MH conditions, including supportive housing, peer support services and counseling, community navigators, case management, and connections to community-based services.
3. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions.
4. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, including supportive housing, recovery housing, housing assistance programs, training for housing providers, or recovery housing programs that allow or integrate FDA-approved medication with other support services.

5. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions.
6. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions.
7. Provide or support transportation to treatment or recovery programs or services for persons with OUD and any co-occurring SUD/MH conditions.
8. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions.
9. Identify successful recovery programs such as physician, pilot, and college recovery programs, and provide support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.
10. Engage non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to support the person with OUD in the family.
11. Training and development of procedures for government staff to appropriately interact and provide social and other services to individuals with or in recovery from OUD, including reducing stigma.
12. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.
13. Create or support culturally appropriate services and programs for persons with OUD and any co-occurring SUD/MH conditions, including new Americans.
14. Create and/or support recovery high schools.
15. Hire or train behavioral health workers to provide or expand any of the services or supports listed above.

**C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED
(CONNECTIONS TO CARE)**

Provide connections to care for people who have – or at risk of developing – OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.
2. Fund Screening, Brief Intervention and Referral to Treatment (SBIRT) programs to reduce the transition from use to disorders, including SBIRT services to pregnant women who are uninsured or not eligible for Medicaid.

3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.
4. Purchase automated versions of SBIRT and support ongoing costs of the technology.
5. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments.
6. Training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.
7. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, or persons who have experienced an opioid overdose, into clinically-appropriate follow-up care through a bridge clinic or similar approach.
8. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions or persons that have experienced an opioid overdose.
9. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.
10. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced an opioid overdose.
11. Expand warm hand-off services to transition to recovery services.
12. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.
13. Develop and support best practices on addressing OUD in the workplace.
14. Support assistance programs for health care providers with OUD.
15. Engage non-profits and the faith community as a system to support outreach for treatment.
16. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions.

D. ADDRESS THE NEEDS OF CRIMINAL-JUSTICE-INVOLVED PERSONS

Address the needs of persons with OUD and any co-occurring SUD/MH conditions who are involved in, are at risk of becoming involved in, or are transitioning out of the criminal justice

system through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Support pre-arrest or pre-arraignment diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, including established strategies such as:
 - a. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (PAARI);
 - b. Active outreach strategies such as the Drug Abuse Response Team (DART) model;
 - c. “Naloxone Plus” strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;
 - d. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (LEAD) model;
 - e. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative; or
 - f. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise.
2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions to evidence-informed treatment, including MAT, and related services.
3. Support treatment and recovery courts that provide evidence-based options for persons with OUD and any co-occurring SUD/MH conditions.
4. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are incarcerated in jail or prison.
5. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are leaving jail or prison, have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.
6. Support critical time interventions (CTI), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.
7. Provide training on best practices for addressing the needs of criminal-justice-involved persons with OUD and any co-occurring SUD/MH conditions to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, harm reduction, case management, or other services offered in connection with any of the strategies described in this section.

E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, and the needs of their families, including babies with neonatal abstinence syndrome (NAS), through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Support evidence-based or evidence-informed treatment, including MAT, recovery services and supports, and prevention services for pregnant women – or women who could become pregnant – who have OUD and any co-occurring SUD/MH conditions, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for uninsured women with OUD and any co-occurring SUD/MH conditions for up to 12 months postpartum.
3. Training for obstetricians or other healthcare personnel that work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions.
4. Expand comprehensive evidence-based treatment and recovery support for NAS babies; expand services for better continuum of care with infant-need dyad; expand long-term treatment and services for medical monitoring of NAS babies and their families.
5. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with Neonatal Abstinence Syndrome get referred to appropriate services and receive a plan of safe care.
6. Child and family supports for parenting women with OUD and any co-occurring SUD/MH conditions.
7. Enhanced family supports and child care services for parents with OUD and any co-occurring SUD/MH conditions.
8. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.
9. Offer home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, including but not limited to parent skills training.
10. Support for Children's Services – Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

PART TWO: PREVENTION

F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Fund medical provider education and outreach regarding best prescribing practices for opioids consistent with Guidelines for Prescribing Opioids for Chronic Pain from the U.S. Centers for Disease Control and Prevention, including providers at hospitals (academic detailing).
2. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.
3. Continuing Medical Education (CME) on appropriate prescribing of opioids.
4. Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.
5. Support enhancements or improvements to Prescription Drug Monitoring Programs (PDMPs), including but not limited to improvements that:
 - a. Increase the number of prescribers using PDMPs;
 - b. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs, by improving the interface that prescribers use to access PDMP data, or both; or
 - c. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD in a manner that complies with all relevant privacy and security laws and rules.
6. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation's Emergency Medical Technician overdose database in a manner that complies with all relevant privacy and security laws and rules.
7. Increase electronic prescribing to prevent diversion or forgery.
8. Educate Dispensers on appropriate opioid dispensing.

G. PREVENT MISUSE OF OPIOIDS

Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Fund media campaigns to prevent opioid misuse.
2. Corrective advertising or affirmative public education campaigns based on evidence.
3. Public education relating to drug disposal.
4. Drug take-back disposal or destruction programs.
5. Fund community anti-drug coalitions that engage in drug prevention efforts.
6. Support community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction – including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA).
7. Engage non-profits and faith-based communities as systems to support prevention.
8. Fund evidence-based prevention programs in schools or evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.
9. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.
10. Create or support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions.
11. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.
12. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses, behavioral health workers or other school staff, to address mental health needs in young people that (when not properly addressed) increase the risk of opioid or other drug misuse.

H. PREVENT OVERDOSE DEATHS AND OTHER HARMS (HARM REDUCTION)

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Increase availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, individuals with OUD and their friends and family members, individuals at high risk of overdose, schools, community navigators and outreach workers, persons being released from jail or prison, or other members of the general public.
2. Public health entities that provide free naloxone to anyone in the community.

3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, community support groups, and other members of the general public.
4. Enable school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.
5. Expand, improve, or develop data tracking software and applications for overdoses/naloxone revivals.
6. Public education relating to emergency responses to overdoses.
7. Public education relating to immunity and Good Samaritan laws.
8. Educate first responders regarding the existence and operation of immunity and Good Samaritan laws.
9. Syringe service programs and other evidence-informed programs to reduce harms associated with intravenous drug use, including supplies, staffing, space, peer support services, referrals to treatment, fentanyl checking, connections to care, and the full range of harm reduction and treatment services provided by these programs.
10. Expand access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.
11. Support mobile units that offer or provide referrals to harm reduction services, treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions.
12. Provide training in harm reduction strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions.
13. Support screening for fentanyl in routine clinical toxicology testing.

PART THREE: OTHER STRATEGIES

I. FIRST RESPONDERS

In addition to items in sections C, D, and H of this Exhibit relating to first responders, support the following:

1. Educate law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.
2. Provision of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.

J. LEADERSHIP, PLANNING AND COORDINATION

Support efforts to provide leadership, planning, coordination, facilitation, training and technical assistance to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Statewide, regional, local, or community regional planning to identify root causes of addiction and overdose, goals for reducing harms related to the opioid epidemic, and areas and populations with the greatest needs for treatment intervention services; to support training and technical assistance; or to support other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
2. A dashboard to share reports, recommendations, or plans to spend Opioid Settlement Funds; to show how Opioid Settlement Funds have been spent; to report program or strategy outcomes; or to track, share, or visualize key opioid-related or health-related indicators and supports as identified through collaborative statewide, regional, local, or community processes.
3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
4. Provide resources to staff government oversight and management of opioid abatement programs.

K. TRAINING

In addition to the training referred to throughout this document, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Provide funding for staff training or networking programs and services to improve the capability of government, community, and not-for-profit entities to abate the opioid crisis.
2. Support infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, or implement other strategies to abate the opioid epidemic described in this opioid abatement strategy list (e.g., health care, primary care, pharmacies, PDMPs, etc.).

L. RESEARCH

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, data collection, and evaluation of programs and strategies described in this opioid abatement strategy list.
2. Research non-opioid treatment of chronic pain.

3. Research on improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.
4. Research on novel harm reduction and prevention efforts such as the provision of fentanyl test strips.
5. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.
6. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (e.g. Hawaii HOPE and Dakota 24/7).
7. Epidemiological surveillance of OUD-related behaviors in critical populations including individuals entering the criminal justice system, including but not limited to approaches modeled on the Arrestee Drug Abuse Monitoring (ADAM) system.
8. Qualitative and quantitative research regarding public health risks and harm reduction opportunities within illicit drug markets, including surveys of market participants who sell or distribute illicit opioids.
9. Geospatial analysis of access barriers to MAT and their association with treatment engagement and treatment outcomes.

**EXHIBIT C to NC MOA:
COLLABORATIVE STRATEGIC PLANNING PROCESS UNDER OPTION B**

	ACTIVITY NAME	ACTIVITY DETAIL	CONTENT OF REPORT & RECOMMENDATIONS
A	Engage diverse stakeholders	Engage diverse stakeholders, per "ITEM A DETAIL" below, throughout the collaborative strategic planning process	Report on stakeholder engagement per "ITEM A DETAIL" below
B	Designate facilitator	Designate a person or entity to facilitate the strategic collaborative planning process. Consider a trained, neutral facilitator.	Identify the facilitator
C	Build upon any related planning	Build upon or coordinate with prior or concurrent planning efforts that address addiction, drug misuse, overdose, or related issues, including but not limited to community health assessments.	Report any related planning efforts you will build upon or coordinate with
D	Agree on shared vision	Agree on a shared vision for positive community change, considering how strategic investments of Opioid Settlement Funds have the potential to improve community health and well-being and address root causes of addiction, drug misuse, overdose, and related issues	Report on shared vision for positive community change
E	Identify key indicator(s)	Identify one or more population-level measures to monitor in order to gauge progress towards the shared vision. (The NC Opioid Action Plan Data Dashboard contains several such measures.)	Report on the key indicators selected
F	Identify and explore root causes	Explore root causes of addiction, drug misuse, overdose, and related issues in the community, using quantitative data as well as stakeholder narratives, community voices, the stories of those with lived experience, or similar qualitative information	Report on root causes as described
G	Identify and evaluate potential strategies	Identify potential strategies to address root causes or other aspects of the opioid epidemic; identify these strategies (by letter or number) on EXHIBIT A or EXHIBIT B, and consider the effectiveness of each strategy based on available evidence	Identify and evaluate potential strategies
H	Identify gaps in existing efforts	For each potential strategy identified (or for favored strategies), survey existing programs, services, or supports that address the same or similar issues; and identify gaps or shortcomings	Report on survey of and gaps in existing efforts
I	Prioritize strategies	Prioritize strategies, taking into account your shared vision, analysis of root causes, evaluation of each strategy, and analysis of gaps in existing efforts	Report on prioritization of strategies
J	Identify goals, measures, and evaluation plan	For each strategy (or favored strategy), develop goals and an evaluation plan that includes at least one process measure (How much did you do?), at least one quality measure (How well did you do it?), and at least one outcome measure (Is anyone better off?)	Report on goals, measures, and evaluation plan for each chosen strategy
K	Consider ways to align strategies	For each potential strategy identified (or for favored strategies), consider opportunities to braid Opioid Settlement Funds with other funding streams; develop regional solutions; form strategic partnerships; or to pursue other creative solutions	Report on opportunities to align strategies as described
L	Identify organizations	Identify organizations and agencies with responsibility to implement each strategy; and identify the human, material, and capital resources to implement each strategy	Identify organizations and needs to implement each strategy

M	Develop budgets and timelines	Develop a detailed global budget for each strategy with anticipated expenditures, along with timelines for completing components of each strategy	Report budgets and timelines for each strategy
N	Offer recommendations	Offer recommendations to local governing body (e.g., the county board, city council, or other local governing body)	Report recommendations to governing body

ITEM A DETAIL: STAKEHOLDER INVOLVEMENT

	STAKE-HOLDERS	DESCRIPTION	CONTENT OF REPORT & RECOMMENDATIONS
A-1	Local officials	County and municipal officials, such as those with responsibility over public health, social services, and emergency services	Report stakeholder involvement (who and how involved in process)
A-2	Healthcare providers	Hospitals and health systems, addiction professionals and other providers of behavioral health services, medical professionals, pharmacists, community health centers, medical safety net providers, and other healthcare providers	same as above
A-3	Social service providers	Providers of human services, social services, housing services, and community health services such as harm reduction, peer support, and recovery support services	same
A-4	Education and employment service providers	Educators, such as representatives of K-12 schools, community colleges, and universities; and those providing vocational education, job skills training, or related employment services	same
A-5	Payers and funders	Health care payers and funders, such as managed care organizations, prepaid health plans, LME-MCOs, private insurers, and foundations	same
A-6	Law enforcement	Law enforcement and corrections officials	same
A-7	Employers	Employers and business leaders	same
A-8	Community groups	Community groups, such as faith communities, community coalitions that address drug misuse, groups supporting people in recovery, youth leadership organizations, and grassroots community organizations	same
A-9	Stakeholders with "lived experience"	Stakeholders with "lived experience," such as people with addiction, people who use drugs, people in medication-assisted or other treatment, people in recovery, people with criminal justice involvement, and family members or loved ones of the individuals just listed	same
A-10	Stakeholders reflecting diversity of community	Stakeholders who represent the racial, ethnic, economic, and cultural diversity of the community, such as people of color, Native Americans, members of the LGBTQ community, and members of traditionally unrepresented or underrepresented groups	same

EXHIBIT D TO NC MOA: COORDINATION GROUP

COMPOSITION

The Coordination Group shall consist of the following twelve members:

Five Local Government Representatives

- Four appointed by the North Carolina Association of County Commissioners including:
 - One county commissioner
 - One county manager
 - One county attorney
 - One county local health director or consolidated human services director
- One municipal manager appointed by the North Carolina League of Municipalities

Four Experts Appointed by the Department of Health and Human Services

- Four appointed by the Secretary of the Department of Health and Human Services, having relevant experience or expertise with programs or policies to address the opioid epidemic, or with behavioral health, public health, health care, harm reduction, social services, or emergency services.

One Expert Appointed by the Attorney General

- One appointed by the Attorney General of North Carolina from the North Carolina Department of Justice or another state agency, having drug policy or behavioral health experience or expertise.

Two Experts Appointed by Legislative Leaders

- One representative from the University of North Carolina School of Government with relevant expertise appointed by the Speaker of the North Carolina House of Representatives.
- One representative from the board or staff of the North Carolina Institute of Medicine with relevant expertise appointed by the President Pro Tem of the North Carolina Senate.

The coordination group may appoint a non-voting administrator to convene meetings and facilitate the work of the coordination group. The administrator will not be paid from the Opioid Settlement Funds distributed under this MOA.

Appointees shall have relevant experience or expertise with programs or policies to address the opioid epidemic, behavioral health, public health, health care, social services, emergency services, harm reduction, management of local government, or other relevant areas.

Those responsible for making appointments to the coordination group are encouraged to appoint individuals who reflect the diversity of North Carolina, taking into consideration the need for geographic diversity; urban and rural perspectives; representation of people of color and

traditionally underrepresented groups; and the experience and perspective of persons with “lived experience.” Those responsible for making appointments may appoint a successor or replace a member at any time. Members of the coordination group serve until they resign or are replaced by the appointer. Eight members of the coordination group constitutes a quorum.

RESPONSIBILITIES

- a. As provided in **Section F.2** of the MOA, where no compliance audit would be required under the Federal Single Audit Act of 1984 for expenditures of Opioid Settlement Funds, a compliance audit shall be required under a compliance supplement established by a vote of at least 8 members of the coordination group. The compliance supplement shall address, at least, procedures for determining:
 - i. Whether the Local Government followed the procedural requirements of the MOA in ordering the expenditures.
 - ii. Whether the Local Government’s expenditures matched one of the types of opioid-related expenditures listed in **Exhibit A** of the MOA (if the Local Government selected Option A) or **Exhibit B** of the MOA (if the Local Government selected Option B).
 - iii. Whether the Local Government followed the reporting requirements in the MOA.
 - iv. Whether the Local Government (or sub-recipient of any grant or loan, if applicable) utilized the awarded funds for their stated purpose, consistent with this MOA and other relevant standards.
 - v. Which processes (such as sampling) shall be used:
 - i. To keep the costs of the audit at reasonable levels; and
 - ii. Tailor audit requirements for differing levels of expenditures among different counties.
- b. The coordination group may, by a vote of at least 8 members, propose amendments to the MOA as discussed in **Section H** of the MOA or modify any of the following:
 - i. The high-impact strategies discussed in **Section E.5** of the MOA and described in **Exhibit A** to the MOA;
 - ii. The collaborative strategic planning process discussed in **Section E.5** of the MOA and described in **Exhibit C** to the MOA;
 - iii. The annual financial report discussed in **Section F.4** of the MOA and described in **Exhibit E** to the MOA;
 - iv. The impact information discussed in **Section F.4** of the MOA and described in **Exhibit F** to the MOA; or
 - v. Other information reported to the statewide opioid dashboard.

- c. The coordination group may, by consensus or by vote of a majority of members present and voting, work with the parties to this MOA, the North Carolina Association of County Commissioners, the North Carolina League of Municipalities, other associations, foundations, non-profits, and other government or nongovernment entities to provide support to Local Governments in their efforts to effectuate the goals and implement the terms of this MOA. Among other activities, the coordination group may coordinate, facilitate, support, or participate in any of the following activities:
- i. Providing assistance to Local Governments in identifying, locating, collecting, analyzing, or reporting data used to help address the opioid epidemic or related challenges, including data referred to in **Exhibit F**;
 - ii. Developing resources or providing training or technical assistance to support Local Governments in addressing the opioid epidemic and carrying out the terms of this MOA;
 - iii. Developing pilot programs, trained facilitators, or other resources to support the collaborative strategic planning process described in this MOA;
 - iv. Developing and implementing a voluntary learning collaborative among Local Governments and others to share best practices in carrying out the terms of this MOA and addressing the opioid epidemic, including in-person or virtual convenings or connections;
 - v. Developing voluntary leadership training programs for local officials on strategies to address the opioid epidemic, opportunities for Local Governments to harness the ongoing transition to value-based healthcare, and other relevant topics;
 - vi. Taking other actions that support Local Governments in their efforts to effectuate the goals and implement the terms of this MOA but do not in any way change the terms of this MOA or the rights or obligations of parties to this MOA.

**EXHIBIT E TO NC MOA:
ANNUAL FINANCIAL REPORT**

Each annual financial report must include the following financial information:

1. The amount of Opioid Settlement Funds in the special revenue fund at the beginning of the fiscal year (July 1).
2. The amount of Opioid Settlement Funds received during the fiscal year.
3. The amount of Opioid Settlement Funds disbursed or applied during the fiscal year, broken down by funded strategy (with any permissible common costs prorated among strategies).
4. The amount of Opioid Settlement Funds used to cover audit costs as provided in Section F.3 of this MOA.
5. The amount of Opioid Settlement Funds in the special revenue fund at the end of the fiscal year (June 30).

All Local Governments that receive two-tenths of one percent (0.2 percent) or more of the total Local Government Allocation as listed in **Exhibit G** shall provide the following additional information:

6. For all Opioid Settlement Funds disbursed or applied during the fiscal year as reported in item 3 above, a single breakdown of the total amount disbursed or applied for all funded strategies during the fiscal year into the following categories:
 - a. Human resource expenditures.
 - b. Subcontracts, grants, or other payments to sub-recipients involved in implementing of the funded strategies listed item 4 above.
 - c. Operational expenditures.
 - d. Capital expenditures.
 - e. Other expenditures.
7. With respect to item 6.b above, the Local Government shall provide the following information for any sub-recipient that receives ten percent or more of the total amount that the Local Government disbursed or applied during the fiscal year:
 - a. The name of the sub-recipient.
 - b. The amount received by the sub-recipient during the fiscal year.
 - c. A very brief description of the goods, services, or other value provided by the sub-recipient (for example, “addiction treatment services” or “peer-support services” or “syringe service program” or “naloxone purchase”).

The coordination group may clarify or modify specifications for this annual financial report as provided in Exhibit D.

EXHIBIT F TO NC MOA: IMPACT INFORMATION

Within 90 days of the end of any fiscal year in which a Local Government expends Opioid Settlement Funds, the Local Government shall report impact information for each strategy that it funded with Opioid Settlement Funds during that fiscal year (“funded strategy”), using the STANDARD FORM or the SHORT FORM for each funded strategy.

The STANDARD FORM is recommended to all Local Governments for all funded strategies. However, Local Governments may use the SHORT FORM as follows:

- All Local Governments that receive less than 0.2 percent (two-tenths of one percent) of the total Local Government Allocation as shown on **Exhibit G** may use the SHORT FORM for all funded strategies.
- All Local Governments that receive 0.2 percent (two-tenths of one percent) or more but less than 0.3 percent (three-tenths of one percent) of the total Local Government Allocation as shown on **Exhibit G** must use the STANDARD FORM for the funded strategy that received the largest amount of settlement funds during the fiscal year and may use the SHORT FORM for all other funded strategies.
- All Local Governments that receive 0.3 percent (three-tenths of one percent) or more but less than 0.4 percent (four-tenths of one percent) of the total Local Government Allocation as shown on **Exhibit G** must use the STANDARD FORM for the two funded strategies that received the largest amount of settlement funds during the fiscal year and may use the SHORT FORM for all other funded strategies.

STANDARD FORM

1. County or municipality and fiscal year covered by this report.
2. Name, title, and organization of person completing this report.
3. Name of funded strategy, letter and/or number of funded strategy on **Exhibit A** or **Exhibit B** to the MOA, and number and date of resolution(s) authorizing expenditure of settlement funds on funded strategy.
4. **Brief progress report** describing the funded strategy and progress made during the fiscal year. Recommended length: approximately one page (250 words).
5. **Brief success story** from a person who has benefitted from the strategy (de-identified unless the person has agreed in writing to be identified). Recommended length: approximately one page (250 words).
6. **One or more process measures**, addressing the question, “How much did you do?”
Examples: number of persons enrolled, treated, or served; number of participants trained; units of naloxone or number of syringes distributed.
7. **One or more quality measures**, addressing the question, “How well did you do it?”
Examples: percentage of clients referred to care or engaged in care; percentage of staff with

certification, qualification, or lived experience; level of client or participant satisfaction shown in survey data.

8. **One or more outcome measures**, addressing the question, “Is anyone better off?”
Examples: number or percentage of clients with stable housing or employment; self-reported measures of client recovery capital, such as overall well-being, healthy relationships, or ability to manage affairs; number or percentage of formerly incarcerated clients receiving community services or supports within X days of leaving jail or prison.
9. In connection with items 6, 7, and 8 above, **demographic information** on the participation or performance of people of color and other historically marginalized groups.

The State will provide counties and municipalities with recommended measures and sources of data for common opioid remediation strategies such as those listed in **Exhibit A**.

Counties or municipalities that have engaged in collaborative strategic planning are encouraged to use the measures for items 6 through 8 above identified through that process.

SHORT FORM

1. County or municipality and fiscal year covered by this report.
2. Name, title, and organization of person completing this report.
3. Name of funded strategy, letter and/or number of funded strategy on **Exhibit A** or **Exhibit B** to the MOA, and number and date of resolution(s) authorizing expenditure of settlement funds on strategy.
4. **Brief progress report** describing the funded strategy and progress made on the funded strategy during the fiscal year. Recommended length: approximately one-half to one page (125-250 words).

**EXHIBIT G TO NC MOA:
LOCAL GOVERNMENT ALLOCATION PROPORTIONS**

Counties:

Alamance	1.378028967612490%
Alexander	0.510007879580514%
Alleghany	0.149090598929352%
Anson	0.182192960366522%
Ashe	0.338639188321974%
Avery	0.265996766935006%
Beaufort	0.477888434887858%
Bertie	0.139468575095652%
Bladen	0.429217809476617%
Brunswick	2.113238507591200%
Buncombe	2.511587857322730%
Burke	2.090196827047270%
Cabarrus	1.669573446626000%
Caldwell	1.276301146194650%
Camden	0.073036400412663%
Carteret	1.128465593852300%
Caswell	0.172920237524674%
Catawba	2.072695222699690%
Chatham	0.449814383077585%
Cherokee	0.782759152904478%
Chowan	0.113705596126821%
Clay	0.224429948904576%
Cleveland	1.119928027749120%
Columbus	1.220936938986050%
Craven	1.336860190247190%
Cumberland	2.637299659634610%
Currituck	0.186778551294444%
Dare	0.533126731273811%
Davidson	1.940269530393250%
Davie	0.513147526867745%
Duplin	0.382785147396895%
Durham	1.797994362444460%
Edgecombe	0.417101939026669%
Forsyth	3.068450809484740%
Franklin	0.500503643290578%
Gaston	3.098173886907710%
Gates	0.079567516632414%
Graham	0.183484561708488%
Granville	0.590103409340146%

Greene	0.123274818647799%
Guilford	3.375015231147900%
Halifax	0.453161173976264%
Harnett	0.988980772198890%
Haywood	0.803315110111045%
Henderson	1.381595087040930%
Hertford	0.206843050128754%
Hoke	0.332485804570157%
Hyde	0.027237354085603%
Iredell	2.115931374540020%
Jackson	0.507757731330674%
Johnston	1.250887468217670%
Jones	0.087966986994631%
Lee	0.653115683614534%
Lenoir	0.604282592625687%
Lincoln	0.926833627125253%
Macon	0.466767666100745%
Madison	0.237776496104888%
Martin	0.23288220579515%
McDowell	0.587544576492856%
Mecklenburg	5.038301259920550%
Mitchell	0.309314151564137%
Montgomery	0.226050543041193%
Moore	0.971739112775481%
Nash	0.845653639635102%
New Hanover	2.897264892001010%
Northampton	0.120996238921878%
Onslow	1.644001364710850%
Orange	1.055839419023090%
Pamlico	0.119936151028001%
Pasquotank	0.374816210815334%
Pender	0.585749331860312%
Perquimans	0.111833180344914%
Person	0.403024296727131%
Pitt	1.369008066415930%
Polk	0.266142985954851%
Randolph	1.525433986174180%
Richmond	0.749132839979529%
Robeson	1.359735343574080%
Rockingham	1.365368837477560%
Rowan	2.335219287913370%
Rutherford	0.928941617994687%
Sampson	0.619513740526226%
Scotland	0.449148274209402%

Stanly	0.724974208589555%
Stokes	0.623953112434303%
Surry	1.410826706091650%
Swain	0.281162928604502%
Transylvania	0.497595509451435%
Tyrrell	0.041440907207785%
Union	1.466702679869700%
Vance	0.536258255282162%
Wake	4.902455667205510%
Warren	0.106390583495122%
Washington	0.074770720453604%
Watauga	0.469675799939888%
Wayne	0.970699333078804%
Wilkes	1.997177160589100%
Wilson	0.646470841490459%
Yadkin	0.562147145073638%
Yancey	0.382114976889272%

Municipalities:

Asheville	0.235814724255298%
Canton	0.011453823221205%
Cary	0.144151645370137%
Charlotte	1.247483814366830%
Concord	0.227455870287483%
Durham	0.380405026684971%
Fayetteville	0.309769055181433%
Gastonia	0.257763823789835%
Greensboro	0.527391696384329%
Greenville	0.162656474659432%
Henderson	0.032253478794181%
Hickory	0.094875835682315%
High Point	0.206428762905859%
Jacksonville	0.095009869783840%
Raleigh	0.566724612722679%
Wilmington	0.119497493968465%
Winston-Salem	0.494459923803644%

**A RESOLUTION BY ORANGE COUNTY
APPROVING THE MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE STATE OF
NORTH CAROLINA AND LOCAL GOVERNMENTS ON PROCEEDS RELATING TO THE
SETTLEMENT OF OPIOID LITIGATION**

WHEREAS, as of 2019, the opioid epidemic had taken the lives of more than 16,500 North Carolinians, torn families apart, and ravaged communities from the mountains to the coast; and

WHEREAS, the COVID-19 pandemic has compounded the opioid crisis, increasing levels of drug misuse, addiction, and overdose death; and

WHEREAS, the Centers for Disease Control and Prevention estimates the total "economic burden" of prescription opioid misuse alone in the United States is \$78.5 billion a year, including the costs of healthcare, lost productivity, addiction treatment, and criminal justice involvement; and

WHEREAS, the opioid epidemic has taken the lives of Orange County residents and cost Orange County a substantial amount of funds expended to combat the effects of the opioid epidemic; and

WHEREAS, certain counties and municipalities in North Carolina joined with thousands of local governments across the country to file lawsuits against opioid manufacturers and pharmaceutical distribution companies and hold those companies accountable for their misconduct; and

WHEREAS, representatives of local North Carolina governments, the North Carolina Association of County Commissioners, and the North Carolina Department of Justice have negotiated and prepared a Memorandum of Agreement (MOA) to provide for the equitable distribution of any proceeds from a settlement of national opioid litigation to the State of North Carolina and to individual local governments; and

WHEREAS, Local Governments and the State of North Carolina anticipate a settlement in the national opioid litigation to be forthcoming; and

WHEREAS, by signing onto the MOA, the state and local governments maximize North Carolina's share of opioid settlement funds to ensure the needed resources reach communities, once a negotiation is finalized, as quickly, effectively, and directly as possible; and

WHEREAS, it is advantageous to all North Carolinians for local governments, including Orange County and its citizens, to sign onto the MOA and demonstrate solidarity in response to the opioid epidemic, and to maximize the share of opioid settlement funds received both in the state and this county to help abate the harm; and

WHEREAS, the MOA directs substantial resources over multiple years to local governments on the front lines of the opioid epidemic while ensuring that these resources are used in an effective way to address the crisis.

NOW, THEREFORE BE IT RESOLVED, Orange County hereby approves the Memorandum of Agreement between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation, and any subsequent settlement funds that may come into North Carolina as a result of the opioid crisis. Furthermore, Orange County authorizes the County Manager to take such measures as necessary to comply with the terms of the MOA and receive any settlement funds, including executing any documents related to the allocation of opioid settlement funds and settlement of lawsuits related to this matter. Be it further resolved copies of this resolution and the signed MOA be sent to opioiddocs@ncdoj.gov as well as forwarded to the North Carolina Association of County Commissioners at communications@ncacc.org.

Adopted this the 1st day of June, 2021.

Renee Price, Chair
Orange County Board of Commissioners

ATTEST:

Laura Jensen
Clerk to the Board

(SEAL)

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: June 1, 2021

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

SUBJECT: Buckhorn Area Study

DEPARTMENT: Planning & Inspections,
Manager's Office, Economic
Development

ATTACHMENT(S):

1. May 17, 2021 Outreach Meeting Notice
2. Public Comments/Questions Collected
3. Frequently Asked Questions (FAQ) Document
4. Future Land Use Map

INFORMATION CONTACT:

Travis Myren, Deputy County Manager,
(919) 245-2308
Craig Benedict, Planning Director, (919)
245-2592
Tom Altieri, Comprehensive Planning
Supervisor, (919) 245-2579
Steve Brantley, Economic Development
Director, (919) 245-2326

PURPOSE: To receive a report on the Buckhorn Area Study public outreach, convey any additional direction to staff, and discuss the need and timing of a Board response to the City of Mebane.

BACKGROUND: As suggested by the Board of County Commissioners (BOCC) in late 2018, staff was to research the development potential of existing designated economic development zones, as well as other viable sites. A prior engineering analysis of strengths, weaknesses, opportunities, and threats (SWOT analysis) by Timmons Group of the economic development districts bolstered the need for additional study. Orange County's Planning and Economic Development departments worked together with their Mebane counterparts on the Buckhorn Area Study. As such, both jurisdictions funded the Study to help inform future land use and potential utility service that could be mutually beneficial.

At its April 20, 2021 Business meeting, the BOCC received a report and detailed presentation from staff that addressed:

- Orange County Comprehensive Planning and context history as it relates to Planning collaboration with City of Mebane and Economic Development Zones;
- Overview of the current Countywide framework for development;
- Overview of water and sewer installations in the areas identified for Economic Development;
- Buckhorn Economic Development District (EDD);

- Areas from the *Buckhorn Area Study* with known developer Interest (A-B) - No known interest in areas C, D, and E;
- Moving forward in coordination with the City of Mebane on Areas A and B; and
- Public outreach.

Key outcomes from the April Board meeting included direction to staff to proceed in scheduling and holding an outreach meeting and to report back at the Board's June 1, 2021 meeting. Following is a link to the agenda materials from the April 20, 2021 BOCC meeting:

<http://server3.co.orange.nc.us:8088/WebLink/0/doc/64229/Page1.aspx>

The video for the meeting is available for viewing at <http://orangecountync.gov/967/Meeting-Videos>

May 17, 2021 VIRTUAL PUBLIC OUTREACH MEETING: A Public Outreach Meeting was held on Monday May 17, 2021 from 6:00-8:00PM. The meeting was advertised via direct mail to owners of property located within Outreach Focus Areas "A" and "B", as well as those within 1,000-feet of these areas. The mailed notification letter, which included a map, is provided as Attachment 1. Approximately 70 people attended, 21 people provided comments and/or questions. At the end of the meeting, all people who had hands raised by the 8:00 end time were able to speak at least once, and a few spoke more than once. Instructions were provided at the beginning of the meeting, as well as the end, directing the public to send any additional comments or questions to BuckhornStudy@orangecountync.gov. Comments and/or questions received at that address by 11:59 PM on Sunday, May 23, 2021 are provided in Attachment 2. In response, staff has developed a Frequently Asked Questions (FAQ) document provided as Attachment 3.

The purpose of the outreach meeting was to:

- Continue engagement with the community as a follow-up to previous *Buckhorn Area Study* meetings;
- Communicate that Areas "A" and "B" are to be the focus for outreach and planning coordination between Orange County and the City of Mebane;
- Provide additional context for Outreach Focus Areas "A" and "B"; and
- Collect public comments and common questions to guide the development of a Frequently Asked Questions (FAQ) document for public and BOCC information.

Consistent themes and questions from the meeting emerged during the Q&A portion of the meeting, and are being documented as part of the FAQ document. Some of the key topics that were raised in questions and comments include the following:

- Concerns with the tributaries feeding into Seven Mile Creek and Eno River
- A sense of lost trust in Orange County and the Planning Department
- The absence of "social impacts" as a facet of the study
- The challenges around holding public meetings over Zoom, especially for those with poor broadband connectivity, as opposed to holding in-person meetings
- The absence of a comprehensive Traffic Impact Analysis (TIA) for the West Ten Road and Buckhorn Road areas (as opposed to project-specific TIAs)
- The presence of Gravelly Hill Middle School in an area that could become surrounded by 'big box' industrial or warehousing sites and the associated air quality concerns
- The potential for economic development to displace multiple groups of people, some of whom have had land passed down through family for a century

DRAFT BUCKHORN AREA STUDY – SUMMARY OF ORANGE COUNTY MEETINGS AND AGENDA ITEMS*:

- November 10, 2020 – Joint City of Mebane and Orange County-hosted Virtual Open House (Public Comments Taken)
- November 23, 2020 – BOCC Information Item
- February 16, 2021 – BOCC Report Item (Public Comments Taken)
- March 9, 2021 – BOCC Work Session with City of Mebane Council
- April 20, 2021 – BOCC Regular Item** (Public Comments Taken)
- May 17, 2021 – Orange County-hosted Virtual Public Outreach Meeting (Public Comments Taken)

*The City of Mebane Planning Board and Council also conducted meetings between November 2020 – January 2021, which included opportunity for public comments and a formal public hearing.

**An outcome of the April 20 BOCC meeting was the renaming of the Buckhorn Area Plan to the “Buckhorn Area Study” to better reflect County intent and process, as well as Study content.

STAFF IDEAS FOR CONTINUED PUBLIC ENGAGEMENT AND COORDINATION: Orange County Planning staff collects a variety of data on municipal development. Upon BOCC request, staff has the ability to prepare and maintain a new webpage that could be used as a central repository for western Orange County development trends, outreach information, and process documents for proposed developments in the area. This could include tools and information, such as:

- A link to the *Mebane Development Map* website that shows developments that are proposed, approved or under construction in Mebane’s incorporated area
- An Orange County-maintained map with parcels annexed into Mebane accompanied by a table of total annexed acres over the past few years
- Materials associated with the *Buckhorn Area Study* process to date
- Links to relevant Mebane Planning Board and City Council documents as a part of the development, annexation and rezoning processes that are in western Orange County

Any changes to the County’s Comprehensive Plan Future Land Use Map (FLUM) or Zoning require Orange County public hearing, advertised consistent with County ordinance, and County Commissioner adoption. Development proposals submitted to Orange County are processed consistent with the County’s ordinance and development standards, different from those submitted to the City of Mebane, which are processed consistent with its ordinances and standards.

Orange County Planning staff will continue to actively participate in Technical Review Committee (TRC) Meetings in Mebane when action is proposed in Orange County and provide memos in accordance with Orange County Plans. In direct response to public comments, the Draft *Buckhorn Area Plan Study* includes a section on “Development Standards” that discusses Lighting, Trails, Buffers, and Traffic as areas for review and ongoing coordination between Orange County and City of Mebane staffs. Additionally, the Orange County BOCC may resume its annual meetings with Mebane City Council. As summarized previously, the Mebane City Council joined the Orange County BOCC at its work session on March 9, 2021.

CONSISTENCY OF AREAS “A” and “B” WITH EXISTING COUNTY PLANS AND AGREEMENTS: Attachment 4 shows the relationship between Areas “A” and “B” and the Future

Land Use Map (FLUM) included in the adopted Orange County 2030 Comprehensive Plan. As indicated, Area “A” is located within an area currently identified on the FLUM as Economic Development Transition future land use. Land in these areas have been specifically targeted for non-residential land uses including light industrial, distribution, office, service/retail uses, and flex space since 1981 with compatible zoning on the property since 1994. The study included Area A to show its strength in economic development viability due to its location north of and adjacent to the interstate. In addition, this study accentuated its viability with partial supporting infrastructure, wherein the existing investment could be leveraged.

Attachment 4 also shows that Area “B” is located within an area currently identified on the FLUM as Rural Residential future land use. Land in these areas have been specifically targeted for low intensity and low-density residential development. Upon the direction of the BOCC, County Planning staff could initiate a process to implement non-residential development in Area “B” through proposed changes to the FLUM and Orange County Zoning, which would require additional process consisting of public outreach, a Planning Board recommendation, a formal Public Hearing, and adoption by the BOCC. However, such a process could be somewhat misleading in the event that future development in Area B requires public water and/or sewer utilities owned by the City of Mebane, which as a matter of policy will likely require a voluntary annexation petition for utility connection. In cases of annexation, the development proposal would be submitted to the municipality (City of Mebane) for processing consistent with its plan, ordinances and standards rather than Orange County’s plan, ordinances and standards. For this reason, Planning staff is suggesting additional public engagement and coordination, as outlined herein, rather than amendments to the County’s FLUM and Zoning. This focused public engagement and coordination on Area B could help inform the City of Mebane on any future changes it may consider to its Comprehensive Land Development Plan, which currently excludes the majority of Area B.

ORANGE COUNTY RESPONSE TO CITY OF MEBANE: The City of Mebane may be anticipating comments from Orange County with regard to any feedback it may have on the Buckhorn Area Study (a.k.a. Draft *Buckhorn Area Plan* to the City of Mebane), next steps, or closure. Tonight’s meeting may be the last opportunity the Board has to discuss a letter of response and offer staff direction prior to the Board’s summer meeting break.

FINANCIAL IMPACT: The portion of the Study covered by Orange County has previously been budgeted and paid during FY 2019-20. Existing staff resources can fulfill further research and implementation, including changes to County plans or agreements. Monies could be budgeted for a ‘deeper dive’ into all related implementation aspects of Areas A and B.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are 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.
- **GOAL: ENABLE FULL CIVIC PARTICIPATION**
Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

- **GOAL: ENSURE ECONOMIC SELF SUFFICIENCY**

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

ENVIRONMENTAL IMPACT: There are no Orange County Environmental Responsibility Goal impacts associated with this outreach report item. Chapter 4 of the draft Buckhorn Area Study consists of an Area Description that provides sections on Land Use, Environment, and Watersheds, each with an overview and map(s). The parcel analysis conducted and included in Chapter 7 of the Study included wetlands, floodplains, preservation areas, mean slope, and water supply watersheds, among other criteria.

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

1. Receive the report;
2. Convey any additional direction to staff; and
3. Discuss the need and timing of a County response to the City of Mebane.

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



April 30, 2021

Notice of
Virtual Public Outreach Meeting on the *Buckhorn Area Plan Study* Next Steps –
Outreach Focus Areas “A” and “B”

To Whom It May Concern:

The purpose of this letter is to notify you of an upcoming meeting pertaining to the continuation of coordinated efforts between Orange County and the City of Mebane on the *Buckhorn Area Plan* (a.k.a. Buckhorn Study).

Your property, or portion thereof, is either:

- Located within Outreach Focus Areas “A” or “B”, as identified by the Orange County Board of County Commissioners (BOCC) for further study and coordination; or
- Lies within 1,000-feet of Outreach Focus Areas “A” or “B” as identified by the Orange County BOCC for further study and coordination.

Please see the map on the reverse side for the specific location of these areas.

The purpose of the public outreach meeting is to:

- Continue engagement with the community as a follow-up to previous *Buckhorn Area Plan Study* meetings;
- Communicate that Areas “A” and “B” are to be the focus for outreach and planning coordination between Orange County and the City of Mebane;
- Provide additional context for Outreach Focus Areas “A” and “B”; and
- Collect public comments and common questions to guide the development of a Frequently Asked Questions (FAQ) document for public and BOCC information.

An on-line public outreach meeting has been scheduled for **Monday May 17, 2021 from 6:00-8:00 PM**. Following a brief staff presentation, participants will be asked to provide comments and questions, which will be used to guide the development of an FAQ document. **To participate, you will be required to register for the meeting in advance, which will generate the Zoom invite with the link to join. The link to register is on the Planning Department’s website under the ‘Current Interest Projects’ tab, or the URL to register can also be entered into a web browser using the link directly below:**

https://orangecountync.zoom.us/webinar/register/WN__gyShxVQTLywLw_MBXXbtA

The Orange County BOCC will receive a report on comments and questions collected, as well as the final FAQ document, at its Business Meeting on June 1, 2021, 7:00 PM. Your comments, thoughts, and questions will help guide the BOCC in determining any next steps.

For those individuals who may not have internet access, there are phone options available to join the meetings. Please contact Ms. Tina Love, Planning and Inspections Department Administrative Support, at (919) 245-2575 or email at tlove@orangecountync.gov for information on how to call-in to either meeting.

Additional information, including background information on the study as well as the hyperlink for registration to this meeting can be found on the Planning Department's website under the 'Current Interest Projects' tab at: <https://www.orangecountync.gov/792/Planning-Inspections>.

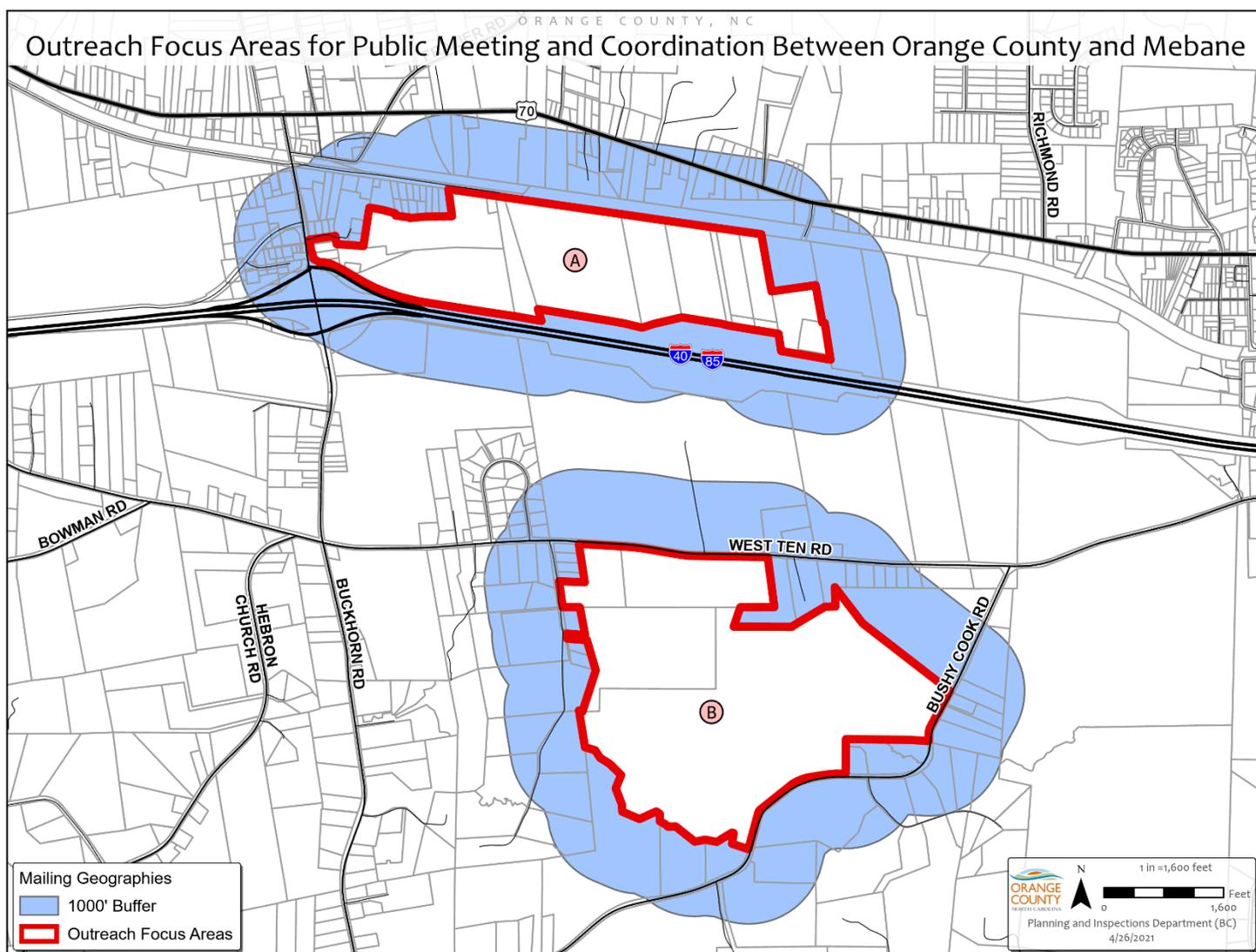
You may also contact staff during regular business hours via email or phone:

- BuckhornStudy@orangecountync.gov;
- Tom Altieri, Comprehensive Planning Supervisor, at (919) 245-2579; or
- Tom Ten Eyck, Transportation/Land Use Planner, at (919) 245-2567.

Sincerely,



Craig N. Benedict, AICP
Planning Director



From: [Aimee Tattersall](#)
To: [Buckhorn Study](#)
Subject: [EXTERNAL MAIL!] Please Indicate Where Gravelly Hill Is On The Map!
Date: Monday, May 10, 2021 8:22:20 PM

By leaving off the location of the school it masks the major concern that the school could be surrounded by commercial development.

Most importantly all students and staff as well as soccer could be breathing truck fumes.

thank you for adding this important detail, Aimee Tattersall

From: [Fiona Johann](#)
To: [Renee Price](#); [Jamezetta Bedford](#); [Mark Dorosin](#); [Sally Greene](#); [Amy Fowler](#); [Jean Hamilton](#); mckee@orangecountync.gov; [ALL_BOCC_MANAGER_CLERK](#); [Laura Jensen](#); [Buckhorn Study](#)
Subject: [EXTERNAL MAIL!] Questions about BAP community input session 05.17
Date: Tuesday, May 11, 2021 5:58:19 AM

Orange county commissioners and staff,

In order to make the best use of everyone's time, I am hoping to receive some clarity on how the May 17th BAP community input session will be formatted. Will we be given 3 minutes to make comments or will we be able to ask questions and have an open dialogue both staff and commissioners?

Thanks in advance for this clarification. Looking forward to this session.

Best,
Fiona Johann

From: [Tom Altieri](#)
To: [Margo Lakin](#)
Subject: RE: [EXTERNAL MAIL!] Re: FW: Buckhorn Area Plan public comment?
Date: Tuesday, May 11, 2021 8:52:43 AM
Attachments: [image003.png](#)
[image005.png](#)
[image006.png](#)

Hi Margo,

Please feel free to call me Tom.

The purpose of the meeting is to collect/document questions and comments. While there will be a +20 minute staff presentation, there will be no conversation per say between staff and the public so we are able to hear as many people within the 2-hr meeting as possible. The same applies to any Commissioners that may watch and listen. The Commissioners have been taking public comment during its meetings and staff will provide public comments to the BOCC at its June 1 meeting. As we may have more participants on May 17 than we can hear, we will encourage the submittal of additional comments to: BuckhornStudy@orangecountync.gov

Craig will have a role in the presentation, as will I and another staff person to review tech public comment aspects, incl conveyance of the email address provided here.

Thank you,

Tom

From: Margo Lakin <margoelakin@gmail.com>
Sent: Monday, May 10, 2021 8:22 PM
To: Tom Altieri <taltieri@orangecountync.gov>
Subject: [EXTERNAL MAIL!] Re: FW: Buckhorn Area Plan public comment?

Good Evening, Mr. Altieri:

I'm curious what the public information session process will look like on May 17. Will there be public comment (if so, three minutes, I assume), will the commissioners have a conversation with the public, will Craig have a presentation, etc.?

Thank you for any clarification you can provide. I greatly appreciate it.

Best,
Margo

On Fri, May 7, 2021 at 11:12 AM Tom Altieri <taltieri@orangecountync.gov> wrote:

Ms. Lakin,

While not Cy Stober's counterpart, I do report to the OC Planning Director, Craig Benedict, and should be able to help you with any questions you may have about OC process. Feel free to get in touch anytime next week. Email is fine but if you think some dialogue would be most helpful, a phone call is also welcomed.

Thank you,

Tom

Tom Altieri, AICP
 Comprehensive Planning Supervisor

Orange County Planning Department
131 W. Margaret Lane, Suite 201
P.O. Box 8181
Hillsborough, NC 27278
Phone: (919) 245-2579
Fax: (919) 644-3002
<http://www.orangecountync.gov>
taltieri@orangecountync.gov



From: Cy Stober <cstober@cityofmebane.com>
Sent: Wednesday, May 5, 2021 10:08 AM
To: Margo Lakin <margoelakin@gmail.com>
Cc: Tom Altieri <taltieri@orangecountync.gov>; Preston Mitchell <pmitchell@cityofmebane.com>
Subject: [EXTERNAL MAIL!] RE: Buckhorn Area Plan public comment?

Ms. Lakin,

I have not been asked by Orange County to represent the City at the meeting.

Mebane's position on the Buckhorn Area Plan, as stated by the mayor at the May 3, 2021, City Council meeting:

"The Mebane City Council met with the Orange County Commissioners in March 2021. The Commissioners are now discussing the Buckhorn Area Plan of 2020 with a scheduled public hearing set for May 17. Until Orange County completes that process, the City of Mebane, per the historic Mebane-Orange County agreement, will continue to utilize statutory authority, with guidance from the City plans, and the existing Buckhorn Economic Development District agreement when approached by property owners regarding voluntary annexation and/or ETJ rezoning requests."

Please let me know if you have further questions or concerns.

Thank you,

Cy Stober, AICP
Development Director



106 East Washington Street
Mebane, NC 27302

 919 563-9990

www.cityofmebane.com



From: Margo Lakin <margoelakin@gmail.com>
Sent: Tuesday, May 4, 2021 11:21 AM
To: Cy Stober <cstober@cityofmebane.com>
Cc: Tom Altieri <taltieri@orangecountync.gov>
Subject: Re: Buckhorn Area Plan public comment?

Good Morning, Mr. Stober:

Thank you for the information. Would you be able to explain what is Mebane's position on these matters, particularly the role in the planning process and the contents of the adopted plans that apply in the area?

Also, can I assume you will be present at the May 17 joint public information session with Orange County and Mebane to discuss the BAP?

Thank you again,
Margo Lakin

On Mon, Apr 5, 2021 at 8:44 AM Cy Stober <cstober@cityofmebane.com> wrote:

Ms. Lakin,

The City of Mebane has no further public meetings scheduled for the Buckhorn Area Plan. The Plan was not adopted by the Mebane City Council and staff was not directed to bring it back to them for reconsideration. I believe that the Orange County Commissioners have requested a meeting to discuss the plan further but I am not aware of anything scheduled. I will be present at any such meeting to reflect City's position on matters, particularly our role in the planning process and the contents of our adopted plans that apply in the area.

Tom Altieri, Orange County Comprehensive Planning Supervisor, should be able to provide you with information on activities at the County level for further public comment opportunities. I have cc'd him on this e-mail.

Thank you for your inquiry.

Sincerely,

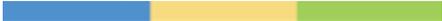
Cy Stober, AICP
Development Director



106 East Washington Street
Mebane, NC 27302

- 919 563-9990

www.cityofmebane.com



From: Margo Lakin <margoelakin@gmail.com>

Sent: Friday, April 2, 2021 12:08 PM

To: Cy Stober <cstober@cityofmebane.com>

Subject: Buckhorn Area Plan public comment?

Good Afternoon, Mr. Stober:

I'm curious if headway has been made on scheduling any type of public comment session for the Buckhorn Area Plan yet? If so, would you know what that would entail or if a date has been set yet? Is there someone else who would have this information?

Thank you for any assistance you can provide, it's greatly appreciated.

Enjoy your weekend,
Margo Lakin

From: [Tom Altieri](#)
To: [Fiona Johann](#)
Cc: [Laura Jensen](#); [Renee Price](#); [Jamezetta Bedford](#); [Mark Dorosin](#); [Sally Greene](#); [Amy Fowler](#); [Jean Hamilton](#); [mckee@orangecountync.gov](#); [ALL_BOCC_MANAGER_CLERK](#); [Buckhorn Study](#)
Subject: RE: [EXTERNAL MAIL!] Questions about BAP community input session 05.17
Date: Tuesday, May 11, 2021 9:04:33 AM

Ms. Johann,

With regard to your meeting format questions...

The purpose of the meeting is to collect/document questions and comments. While there will be a +-20 minute staff presentation, there will be no conversation per say between staff and the public so we are able to hear as many people within the 2-hr meeting as possible. There will be a 3-minute limit. The Commissioners have been taking public comment during its meetings but this is not one and staff will provide public comments to the BOCC at its June 1 meeting. As we may have more participants on May 17 than we can hear, we will encourage the submittal of any additional comments to: BuckhornStudy@orangecountync.gov

Please also see Laura Jensen's response below for additional info.

Thank you,

Tom

Tom Altieri, AICP

Comprehensive Planning Supervisor
 Orange County Planning Department
 131 W. Margaret Lane, Suite 201
 P.O. Box 8181
 Hillsborough, NC 27278
 Phone: (919) 245-2579
 Fax: (919) 644-3002
<http://www.orangecountync.gov>
taltieri@orangecountync.gov



From: Laura Jensen <ljensen@orangecountync.gov>
Sent: Tuesday, May 11, 2021 8:46 AM
To: Fiona Johann <fiona.johann@gmail.com>; Renee Price <rprice@orangecountync.gov>; Jamezetta Bedford <jbedford@orangecountync.gov>; Mark Dorosin <mdorosin@orangecountync.gov>; Sally Greene <sgreene@orangecountync.gov>; Amy Fowler <afowler@orangecountync.gov>; Jean Hamilton <jhamilton@orangecountync.gov>; mckee@orangecountync.gov; [ALL_BOCC_MANAGER_CLERK](mailto:ALL_BOCC_MANAGER_CLERK@orangecountync.gov) <OCBOCC@orangecountync.gov>; [Buckhorn Study](mailto:BuckhornStudy@orangecountync.gov) <BuckhornStudy@orangecountync.gov>
Subject: RE: [EXTERNAL MAIL!] Questions about BAP community input session 05.17

Hello Ms. Johann,

The outreach meeting on the 17th is not a Board of County Commissioners meeting, but is organized by the Planning Department. The Planning Department is accepting questions and comments at BuckhornStudy@orangecountync.gov. To register for the outreach meeting, please complete the

form at https://orangecountync.zoom.us/webinar/register/WN_gyShxVQTLywLw_MBXXbtA. If you need further information, please visit <https://www.orangecountync.gov/1722/Current-Interest-Projects>.

Thank you,
Laura Jensen

Laura Jensen
Clerk to the Board
Orange County Government
ljensen@orangecountync.gov
919-245-2130

From: Fiona Johann <fiona.johann@gmail.com>

Sent: Tuesday, May 11, 2021 5:58 AM

To: Renee Price <rprice@orangecountync.gov>; Jamezetta Bedford <jbedford@orangecountync.gov>; Mark Dorosin <mdorosin@orangecountync.gov>; Sally Greene <sgreene@orangecountync.gov>; Amy Fowler <afowler@orangecountync.gov>; Jean Hamilton <jhamilton@orangecountync.gov>; mckee@orangecountync.gov; ALL_BOCC_MANAGER_CLERK <OCBOCC@orangecountync.gov>; Laura Jensen <ljensen@orangecountync.gov>; Buckhorn Study <BuckhornStudy@orangecountync.gov>

Subject: [EXTERNAL MAIL!] Questions about BAP community input session 05.17

Orange county commissioners and staff,

In order to make the best use of everyone's time, I am hoping to receive some clarity on how the May 17th BAP community input session will be formatted. Will we be given 3 minutes to make comments or will we be able to ask questions and have an open dialogue both staff and commissioners?

Thanks in advance for this clarification. Looking forward to this session.

Best,
Fiona Johann

From: [Dr. Kathleen A. Dawson](#)
To: [Craig Benedict](#)
Cc: [Cy Stober](#); [Michelle Dodson](#); [Chuck Edwards Contact](#); [Tom Altieri](#); [Thomas Ten Eyck](#); [Steve Brantley](#); [Bonnie Hauser](#); [Travis Myren](#)
Subject: [EXTERNAL MAIL!] Re: Re: West Ten Rd Question
Date: Tuesday, May 11, 2021 11:15:45 PM
Attachments: [image001.png](#)
[image002.png](#)

Thank you, Mr. Benedict. I will be sure to share the information with those concerned.

Respectfully,

Dr. Kathleen A. Dawson (*she/her/hers*)

Deputy Superintendent

Orange County Schools

200 E. King Street

Hillsborough, NC 27278

<https://www.orangecountyfirst.com>

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On Tue, May 11, 2021 at 5:37 PM Craig Benedict <cbenedict@orangecountync.gov> wrote:

Dr. Dawson,

West Ten Road has been designated a "Collector Road" on our region approved (i.e. Metropolitan Planning Organizations (MPO's) "Access Management Plan" (AMP) for several years acknowledging that our land use plan for this area (since 1981) has designated it as primarily an economic development activity area.

Collector roads are known and designed to handle this higher level of traffic. This aspect was known when the school was sited and that inevitably there would be a mix of traffic. NCDOT employs criteria to ensure roadway standards meet this designation as well as any development proposals.

We will continue our dialogue with NCDOT to ensure roads in the area meet their standards and report back to you.

Thank you for your interest and concern.

Craig N. Benedict AICP

Orange County Planning and Inspections Director

131 West Margaret Lane. Suite 201

PO Box 8181

Hillsborough, NC 27278

919-245-2585

From: Dr. Kathleen A. Dawson <kathleen.dawson@orange.k12.nc.us>

Sent: Monday, May 10, 2021 8:08 PM

To: Cy Stober <cstober@cityofmebane.com>

Cc: Michelle Dodson <michelle.dodson@orange.k12.nc.us>; Chuck Edwards Contact <cnedwards@ncdot.gov>; Craig Benedict <cbenedict@orangecountync.gov>

Subject: [EXTERNAL MAIL!] Re: West Ten Rd Question

Thank you, Cy.

I've also cc'd Craig Benedict from Orange County Planning who may also provide more guidance on the concern I shared about NCDOT's plans to make all of West Ten Rd. (where GHMS is located) a truck route. As it stands now, trucks use it to bypass the weigh station nearby. It appears this area is becoming more commercial all the time. Is this true and if so, are there any other alternatives?

Thank you in advance.

Respectfully,

Kathleen

Dr. Kathleen A. Dawson (she/her/hers)

Deputy Superintendent

Orange County Schools

200 E. King Street

Hillsborough, NC 27278

<https://www.orangecountyfirst.com>

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On Mon, May 10, 2021 at 4:10 PM Cy Stober <cstober@cityofmebane.com> wrote:

Dr. Dawson,

Thank you for writing. I only know what has been shared with the City by NCDOT: West Ten is now open for heavy duty vehicle use from Mount Willing Road to Buckhorn Road. I have cc'd the District 7 Engineer Chuck Edwards to see if he has any further comment on this matter.

Please let me know if you have any further questions or concerns.

Thank you,

Cy Stober, AICP

Development Director



106 East Washington Street

Mebane, NC 27302

- 919 563-9990

www.cityofmebane.com



From: Dr. Kathleen A. Dawson <kathleen.dawson@orange.k12.nc.us>
Sent: Friday, May 7, 2021 6:50 PM
To: Cy Stober <cstober@cityofmebane.com>
Cc: Michelle Dodson <michelle.dodson@orange.k12.nc.us>
Subject: West Ten Rd Question

Good afternoon, Cy.

I hope you had a great week. As you know, I'm still learning about all these developments and my role as acting COO.

It was brought to my attention that there is a concern that the NCDOT plans to make all of West Ten Rd. (where GHMS is located) a truck route. As it stands now, trucks use it to bypass the weigh station nearby. It appears this area is becoming more commercial all the time. Is this true and if so, are there any other alternatives?

Thank you, again Cy and I truly appreciate your patience and your willingness to teach me.

Have a great weekend!

Kathleen

Dr. Kathleen A. Dawson (she/her/hers)

Deputy Superintendent

Orange County Schools

200 E. King Street

Hillsborough, NC 27278

 <https://www.orangecountyfirst.com>

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From: [Catherine Matthews](#)
To: [Buckhorn Study](#); ocbooc@gmail.com
Subject: [EXTERNAL MAIL!] Speaking Monday May 17th
Date: Sunday, May 16, 2021 1:53:31 PM

Hello,

I would like to attend the BAP meeting and speak/ask questions.

Thank you,

Catherine Matthews
3818 Chestnut Ridge Church Rd
Efland, NC 27243
cmatthews@uncg.edu

Dr. Catherine E. Matthews
Professor Emerita, K-12 Science Education & Environmental Education
Department of Teacher Education & Higher Education, UNCG

From: [Gordon Brown](#)
To: [Buckhorn Study](#)
Subject: [EXTERNAL MAIL!]
Date: Monday, May 17, 2021 3:45:55 PM

Is there a schedule for outreach focus on Areas C, D and E?

If so, what is that schedule?

Will Areas C, D and E remain viable areas of focus within the I-40 corridor per the December 2020 Buckhorn Area Plan?

Thank you.

Sent from [Mail](#) for Windows 10

From: tbspru
To: [Buckhorn Study; ocbocc@gmail.com](mailto:ocbocc@gmail.com)
Cc: voice4efland@gmail.com
Subject: [EXTERNAL MAIL!] Questions and Comment by Tim Spruill about BAP
Date: Monday, May 17, 2021 5:21:42 PM

1. The Buckhorn Area Plan includes the area between I 40/85 and West 10 Rd and Buckhorn Rd and Mt Willing Rd in Orange County. What is the maximum impervious surface area allowed by Orange County for this area, which is in the Upper Eno Protected Watershed? The State Law says 30%, even though most research has found that 10% is the maximum impervious surface allowed before the stream ecosystem and water quality degrades. Why would Orange County Planning Department allow more than 10% impervious surface development in a protected watershed in view of this research if it cares for the welfare of its residents?
2. Sevenmile Creek and McGowan Creek drain directly into Class 1 reservoirs. While the BAP is located in an area with obvious benefits to an industrial park, it is also located in an area that is critical to providing clean drinking water to residents of Hillsborough that will be adversely impacted with extensive industrial use development and impervious surfaces. These impacts include increased sediment and other non-point source contaminant loads, as well as significant impact on the underlying shallow aquifer by reducing baseflow to Sevenmile Creek (reducing flows during dry periods and more importantly, during extended droughts). What, specifically, is being done to prevent or mitigate these impacts?
3. Focus area A is located in an area that was originally proposed as the Buckhorn Economic Development Zone. Focus area B is not and was recently added, clearly in hopes of increasing the money making machine for the County and City of Mebane. All with no discussion with Orange County Commissioners or County residents. There are already families living in Focus Area A. Focus Area B is zoned rural residential and already has residents. Gravelly Hill School will be situated in the middle of manufacturing and warehouse facilities, if the Buckhorn Area Plan is carried out. One such massive facility, Medline, is already located immediately to the west of the school. The entire development will be in the headwaters of two streams that provide public water supplies and in an area that has high quality water, wildlife, and wooded wetlands that will be severely impacted if carried out as presented. The BAP, as presented, will essentially obliterate the rural buffer between Mebane and Hillsborough and essentially ignore the intentions of the Efland-Mebane Small Area Plan to retain the rural character of the County. The existing "plan" is no such thing.

The County should rethink the existing BAP by incorporating suggestions and ideas of its residents before it is presented as a viable plan that deserves endorsement and support from the Board of County Commissioners.

[Sent from the all new AOL app for iOS](#)

From: [Tina Love](#)
To: [Craig Benedict](#)
Cc: [Thomas Ten Eyck](#); [Tom Altieri](#)
Subject: FW: [EXTERNAL MAIL!] Recording of BAP Community Session?
Date: Tuesday, May 18, 2021 3:35:06 PM

We haven't been posting videos but Perdita has provided PB Meeting video recordings upon request

From: Jared Cates <ncjared@gmail.com>
Sent: Tuesday, May 18, 2021 3:31 PM
To: Tina Love <tlove@orangecountync.gov>
Subject: [EXTERNAL MAIL!] Recording of BAP Community Session?

Ms. Love -

Will a recording from the BAP Community Input session be put up on the Planning Department's website? If so, can you please send me the link once it is up.

Thank you!
Jared Cates
Efland resident

From: [Thomas Ten Eyck](#)
To: [T Walker](#); [Buckhorn Study](#); [joseph.golden](#)
Subject: RE: [EXTERNAL MAIL!] Fwd: Buckhorn Study
Date: Thursday, May 20, 2021 1:38:40 PM
Attachments: [image002.png](#)

Ms. Walker,

Good afternoon. I wanted to get back to you after having talked with our Transportation Planner and be sure that I knew all of the facts regarding E. Washington St. and the extension to the east of Buckhorn Road. I also wanted to say thank you for participating in the meeting and for asking this question.

I do not remember who may have mentioned the elimination of the E. Washington St. Ext., but there is no plan, project or study that proposes elimination to E. Washington St. or the extension to the east of Buckhorn Road. In any of the transportation projects that we have seen with regard to the at-grade crossing of the railroad at Buckhorn Road (the railroad is, generally, not a fan of at-grade crossings), E. Washington Street and the extension both remain in place and maintain their connection to Buckhorn Road. Additionally, I do not know of any developers or development conversations that have taken place in this area.

While one of the purposes of the *Buckhorn Area Study* was to analyze and study the parcels to better understand what areas might be best-suited for future development, none of the results are a guarantee of action; we are still very early in the process. And our purpose in the public outreach meeting was to do exactly this—receive questions and provide clarification so that we can be sure that we are being up front with any processes moving forward.

I also wanted to let you know that we will be including this question in our FAQ document that we share with the Board of County Commissioners as we elicit their guidance for what to do next. Thank you for your question, and I hope that what I've shared here is helpful.

If you have any additional questions, please feel free to email me back. You can also send additional questions to BuckhornStudy@orangecountync.gov (as you did before), which will come directly to me and my supervisor, and we can help you from there.

Have a wonderful rest of your Thursday, and thank you, again!

Sincerely,

Tom TE

Tom Ten Eyck

Transportation/Land Use Planner II
Orange County Planning & Inspections Department
131 West Margaret Lane, Suite 201
Hillsborough, NC 27278

Phone: 919-245-2567

E-mail: ttenevck@orangecountync.gov

Website: www.orangecountync.gov



From: T Walker [mailto:tondrawalker@gmail.com]

Sent: Wednesday, May 19, 2021 12:54 PM

To: Buckhorn Study; joseph golden

Subject: [EXTERNAL MAIL!] Fwd: Buckhorn Study

Hello,

I attended the online discussion held on Monday, May 17th regarding the proposed development to occur on the Buckhorn Road area. My family and I have property in target area A, between the I-40/I-85 exit to the railroad tracks, eastside of Buckhorn Rd. There are a few follow-up questions that I have from Monday's meeting.

There was a mention that it is proposed to eliminate E. Washington St., Ext. Is there follow up plans regarding what to do with the houses and families that live on this road? Most of the people are elderly and have been there for many years. I do not know the "pastor(s)" that are speaking for the people of the neighborhood, especially since the pastor(s) do not live in the area and do not represent me nor my family.

Have you been in contact with any developers currently for the area? If so, can you clarify? I have a concern regarding the displacement of the predominantly black people in the area and the "social impact" of them losing their homes.

Thank you for your time.

From: [Gavin Philipps](#)
To: [Buckhorn Study](#)
Subject: [EXTERNAL MAIL!] Buckhorn Area Plan Community Input Session
Date: Friday, May 21, 2021 4:36:05 PM

Planning Department

As a resident who lives with 1/2 mile of this proposed development I have some major concerns about the proposal. The Medline facility has already created safety concerns with the large construction equipment, rocks and debris and its not even open yet.

I am very concerned that this proposal comes even closer to more homes and to our local school. Would Chapel Hill let you build a manufacturing site next to their school? Why is that OK for us in Efland?

I would ask that you consider dropping Areas C, D, and E for industrial/manufacturing consideration moving forward because they are not viable sites, and Gravelly Hill Middle School is in the middle of the proposed BAP.

I would ask that BOCC and the City of Mebane consider a binding agreement on a Joint Area Plan. This would mean that Orange County as well as Mebane City residents and voters would get representation on what happens in this area.

I'd be happy to help be part of the solution, but what you are proposing is not acceptable for the local residents like me.

Sincerely
Gavin Philipps
4714 Timberwood Trail
Efland, NC 27243

From: [Gaura Humek](#)
To: [Buckhorn Study](#); [ALL_BOCC_MANAGER_CLERK](#)
Subject: [EXTERNAL MAIL!] Buckhorn Study "plan B"
Date: Saturday, May 22, 2021 1:51:23 PM

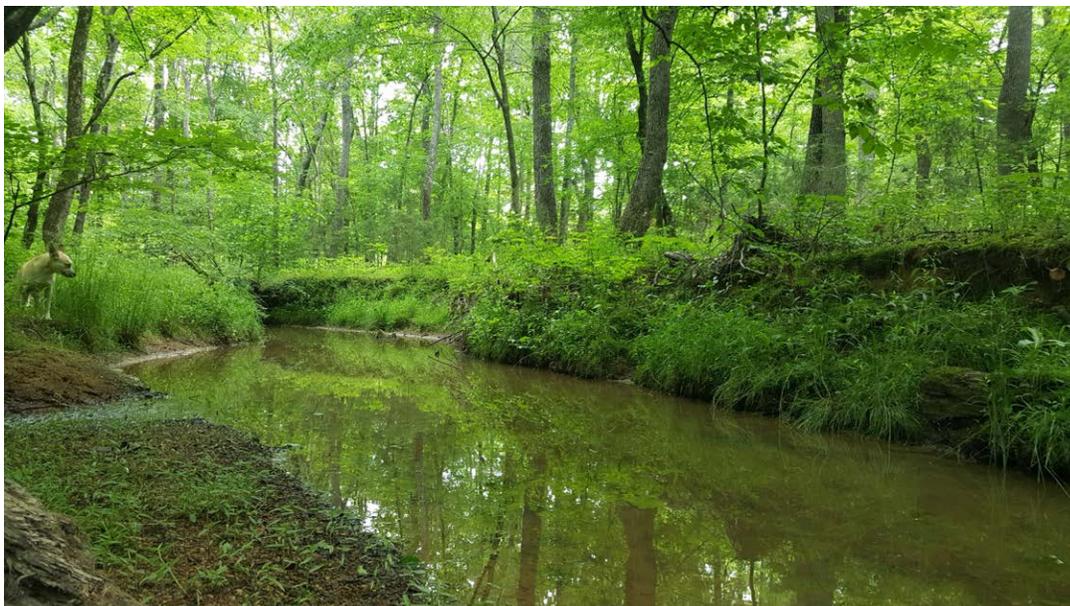
Orange Co Board of Commissioners,

My name is Gaura Humek, I am a resident of Efland. What you call "plan B", I call home, and so do millions of other creatures that live out here. Not only do the lives living here care about the protection of this land, but so do millions of others that depend on clean drinking water. My property contains part of the small creek that flows through "plan B, I hike out in the woods surrounding the creek many times.

I get to study the life system that thrives out there, not on a screen, behind a desk, but on a personal level! I have seen thousands of plants and animals in those woods including owls, hawks, bobcats, coyotes, deer, rabbits, ducks, beavers, muskrats, hundreds of types of songbirds, turkey, turtles, and even a bear! This is a delicate ecosystem is in a critical watershed protection area. I can be sure that there are many endangered plants and wildlife that thrive in that ecosystem, including endangered Mussels! I know of three freshwater springs that flow all year and I wouldn't be surprised to find more.

All the water that flows out of this property goes into Seven Mile Creek and then into the Eno River and eventually makes its way into most of Eastern North Carolina. This is the drinking water for millions of people, including yourself! So if want to guarantee that you, your family and friends, and the rest of NC gets clean drinking water, you will make the right choice. You will not let Mebane destroy this delicate Eco System!

Thank you,
Gaura Humek



From: [John Dempsey](#)
To: [Buckhorn Study](#)
Subject: [EXTERNAL MAIL!] Buckhorn Area Plan Public Comment
Date: Saturday, May 22, 2021 4:38:04 PM

5.21.2021

To: The Orange County Planning Department

Re: Buckhorn Area Plan public comment and questions.

Thank you for the opportunity to participate in public comments and questions regarding the Buckhorn Area Plan (BAP) proposals.

I have two comments and a few questions regarding the BAP, particularly its potential impact on Sevenmile Creek and subsequently the Hillsborough municipal water supply. I believe that it is extremely important to answer questions regarding the environmental impact that would result from changing the land use in Sevenmile Creek and the first and second-order creeks that feed it and its aquifer.

Comment #1: There should be more opportunity for public comment regarding the BAP. The meeting that recently took place was a bit confusing and the OCBOCC would definitely benefit from the information provided by Orange County residents by scheduling another public session.

Comment #2: Sevenmile Creek feeds into the Eno River system just upstream from the Hillsborough municipal water supply intake. Hillsborough is the beneficiary of this source of quality drinking water (NC State rated: WS-II, NS).

The environmental impact of the industrial uses recommended for this watershed in the BAP need to be quantified in order for the Orange County Board to make the correct decisions regarding land use and restrictions in that water system. Absent engineering and science based information, regarding the volume and water quality impact on this system, then the only vote that would make sense would have to be 'no', recognizing the existing protected watershed designation that this area enjoys. If an area is currently protected then the burden of proof should be on those who recommend stripping those protections. There should be data that is science based and provided by third parties that have no financial interest in the proposed changes.

Questions for the Commissioners and the Planning Department:

- How can the Buckhorn Area Plan technically move forward given that it is not in compliance with the WASMPBA, Water and Sewer Management Planning and Boundary Agreement between Hillsborough, Carrboro, Chapel Hill and Orange County?
- The Greene Tract Development has had a recent study completed by Synterra Company identifying rare flora and fauna as well as trees that are over 100 years old within that 164-acre parcel. How many trees over 100 years old are located within the 1,300 plus acres located within the overall Buckhorn Area Plan and how many of those are on parcels A and B?

- What would the water temperature impact be on Sevenmile Creek, and the first and second order streams that feed into it, from parcel B, if the Buckhorn Area Plan should be implemented?
- What technical research has been done to determine the short and long term impact on Sevenmile Creek, a NC State designated WS-II, Nutrient Sensitive system, by impervious surfaces as a result of implementing the Buckhorn Area Plan?
- How would the Buckhorn Area Plan impact the aquifer that flows out of area B and provides and purifies the ground water that charges Sevenmile Creek?
- What would the impact of the Buckhorn Area Plan proposed industrial build-out be on the existing wildlife corridors between the Neuse and the Cape Fear watersheds?
- Sevenmile Creek feeds into the Eno River just upstream from the intake for the Hillsborough Municipal water supply. What would be the sediment load impact on the fresh water currently flowing from that creek almost directly into Hillsborough's water supply intake?
- Has the Orange County Planning Board worked directly with the Hillsborough Water Treatment Plant Staff or the Hillsborough City Government to determine the potential sediment load and possible pollution impact on Hillsborough's water supply?
- The North Carolina Wildlife Resources Commission recently published a conservation plan to direct management activities for threatened flora and fauna within the Neuse and Tar-Pamlico river basins, it includes species in the Eno River and Sevenmile Creek. Has the Orange County Planning Department been working with that State agency to coordinate the Buckhorn Area Plan in support of their conservation efforts?
- Why wasn't Orange County's own Committee for the Environment not consulted for information and input regarding the environmental impact of rezoning rural residential and agricultural use land, much of which falls within a County designated protected watershed, for industrial and manufacturing use?

Thanks again for the opportunity to participate and for listening to the vital information provided by Orange County residents. Together we make better decisions.

Sincerely,
John Dempsey
Hillsborough.

The single biggest problem in communication is the illusion that it has taken place.

—George Bernard Shaw

From: [tbspru](#)
To: [Buckhorn Study](#); ocbocc@gmail.com
Cc: [cmatthews](#); [Andrea Riley](#); [John Dempsey](#); [Fiona Johann](#); [Beth B.](#); [Jared Cates](#); [Patricia OConnor](#); [Matt Cartmill](#); [Kaye Brown](#); [Lib Hutchby](#)
Subject: [EXTERNAL MAIL!] Request for more public input opportunities for BAP
Date: Saturday, May 22, 2021 11:38:04 PM

Dear Orange County Commissioners,

The BAP proposed by the Orange County Planning Department and Mebane City Council is currently in need of much more consideration of comments and input from the public. Comments at the first meeting held by the Planning Department indicated numerous issues relating to environment, social justice, and suitability for any planned projects for a rural setting. If Mebane and Orange County continue along their course of building to fill the tax coffers in the absence of any thinking beyond what is minimally do-able from a basic engineering viewpoint, without significant consideration of concerns and ideas from citizens and others, the County will wind up with an industrial corridor composed of a concrete jungle full of nameless buildings, few trees, and avoidable environmental costs.

Development of the Buckhorn area has been “planned” by the Mebane and Orange County Planning Departments for more than 15 years, but with basically no public input. This is an important change in land use that will impact Orange County residents far into the future. The fact that a school is located in the middle of planned industrial warehouses and commercial properties and that 70 percent impervious area is planned for a major water-supply watershed is clear evidence that no care about real planning has taken place. Please require more public input opportunities for meetings and require **production of a real plan and vision beyond the badly inadequate current form of the BAP.**

Tim Spruill, Efland

[Sent from the all new AOL app for iOS](#)

From: [Aimee Tattersall](#)
To: [ALL_BOCC_MANAGER_CLERK](#); [Buckhorn Study](#)
Subject: [EXTERNAL MAIL!] Traffic on West 10, Buckhorn and Mt. Willing Road with Commercial Development
Date: Sunday, May 23, 2021 1:10:34 PM

Title: Worried About Traffic on West 10, Buckhorn and Mt. Willing Road

To the Orange County Board of Commissioners and the Orange County Planning Department

You all are well aware that I am worried about traffic on West 10. You are all well aware that there are more than 45 entrances on this three-mile stretch of West 10: homes, roads that have from approximately ten residents to more than 20 homes, churches, middle school and now MedLine and Neyer. More people live on Buckhorn and Mt. Willing near these intersections.

I am frustrated when I hear so little concern for the people who live on these roads from the city of Mebane, the Orange County Planning department and the Orange County Board of Commissioners. The people who live outside the 1,000-foot mailing area may have no idea that commercial development can happen in Area A and Area B and yet they must deal with the consequences. Until Neyer starts clearing most residents may not know about that either.

No one has any idea how many trucks MedLine will generate, There was no Traffic Impact Analysis (TIA). I do know that even during the construction phase there are well over 300 vehicles of all sizes in and out every day.

There is a TIA for Neyer. I am sure you all understand it. I cannot say the same for myself. At the beginning of the document ("Table E-1: Site Trip Intensity, page 4") we learn that there will be 675,000 sq. ft. intensity (whatever that includes) with 1,120 daily trips with week day am enter peak of 82 vehicles per hour and pm exit peak of 80 vehicles per hour. And this is half the square feet of MedLine! Or does this include MedLine, school traffic and regular folks like me? What intersections does this include? I do not have have clarity. I hope you do. Please educate me and my fellow residents!

How many vehicles will converge on the interstates from Mattress Factory Road and Amacel? How many trips every day from current houses and houses under construction nearby?
(Have you driven Bowman Road recently? Over 200 new homes under construction.)

There is so much we will not know until MedLine goes operational in 2022. Maybe you know Neyer's schedule. I do not.

I hope the city of Mebane will take the concerns of Orange County into account but I gather they are not required to do so if the land owners request to be annexed. I

realize that this might in the end be Mebane's decision only.

Thank you for listening,

Aimee Tattersall, 1133 Squires Road, Mebane NC 27302

From: [Andrea Riley](#)
To: [tbspru](#)
Cc: [Buckhorn Study](#); ocbocc@gmail.com; [cmatthews](#); [John Dempsey](#); [Fiona Johann](#); [Beth B.](#); [Jared Cates](#); [Patricia OConnor](#); [Matt Cartmill](#); [Kaye Brown](#); [Lib Hutchby](#)
Subject: [EXTERNAL MAIL!] Re: Request for more public input opportunities for BAP
Date: Sunday, May 23, 2021 4:38:05 PM

Fantastic letter, Tim, as usual. Thank you for writing and for sharing!

Andrea

On Sat, May 22, 2021 at 11:34 PM tbspru <tbspru@aol.com> wrote:

Dear Orange County Commissioners,

The BAP proposed by the Orange County Planning Department and Mebane City Council is currently in need of much more consideration of comments and input from the public. Comments at the first meeting held by the Planning Department indicated numerous issues relating to environment, social justice, and suitability for any planned projects for a rural setting. If Mebane and Orange County continue along their course of building to fill the tax coffers in the absence of any thinking beyond what is minimally do-able from a basic engineering viewpoint, without significant consideration of concerns and ideas from citizens and others, the County will wind up with an industrial corridor composed of a concrete jungle full of nameless buildings, few trees, and avoidable environmental costs.

Development of the Buckhorn area has been “planned” by the Mebane and Orange County Planning Departments for more than 15 years, but with basically no public input. This is an important change in land use that will impact Orange County residents far into the future. The fact that a school is located in the middle of planned industrial warehouses and commercial properties and that 70 percent impervious area is planned for a major water-supply watershed is clear evidence that no care about real planning has taken place. Please require more public input opportunities for meetings and require **production of a real plan and vision beyond the badly inadequate current form of the BAP.**

Tim Spruill, Efland

[Sent from the all new AOL app for iOS](#)

From: [Andrea Riley](#)
To: [Buckhorn Study](#); ocbocc@gmail.com; [Renee Price](#); [Jamezetta Bedford](#); [Jean Hamilton](#); [Sally Greene](#); [Amy Fowler](#); [Mark Dorosin](#); [Earl McKee](#)
Subject: [EXTERNAL MAIL!] Orange County Planning Department Outreach Meeting regarding the Buckhorn Area Plan/"Study"
Date: Sunday, May 23, 2021 4:41:07 PM
Attachments: [Questions for May 17, 2021 Orange County BAP Outreach Meeting.doc](#)

Commissioners,

If the Orange County Planning Department believes that the Public outreach meeting that was held on May 17, 2021 was enough to restore the public trust in the Planning Department it is sadly mistaken. The presentation seemed to be another attempt at face-saving after all of the department's repeated lies, obfuscations, misrepresentations, manipulations, and omissions about the Buckhorn Area Plan, a woefully inadequate plan that has recently been retroactively and disingenuously repackaged by the department as a "Study".

The information presented at the Outreach Meeting misrepresented the sequence of events that took place regarding the presentation of this plan to the public; it glossed over the fact that there was no meaningful data in the plan regarding environmental, social, or traffic impacts on the area; it omitted the fact that there existed a previous understanding among the BOCC members that there would be no build out or development below (south of) West 10 Road; and it failed to invite a representative from the Mebane Planning Department to participate in the Q & A of the meeting, despite the fact that this plan is a joint plan of Mebane and Orange County.

For a more accurate presentation about the Buckhorn Area Plan, see the podcast interview of Janine Zanin on WHUP at <https://whupfm.org/episode/3-d-news-5-17-21/>. Tune in around minute 24:33 to hear Janine explain what the BAP is and outline what the procedural and inherent problems are with this proposal.

The directions for participation in the county's Outreach Meeting were vague and confusing to those of us who wanted to contribute. I, for one, could not figure out whether I had a choice between clicking on the "raise hand" button and the Q& A button, or whether I should use both, so I clicked on both. The result was that I was first in line and called on for the first question in my Q & A: this question was read aloud by the moderator; Craig Benedict gave a rambling and vague answer; and then the moderator moved on to the next person who had raised his hand. Neither my second or third question was read nor answered, nor did I have a chance to comment or have another chance to participate. (The Q & A option seemed to be blocked after the meeting started; my three questions are attached.)

There is a high likelihood that there were others who also were confused about the procedure for participating, and that there were additional people who did not get a chance to be heard. **We are asking that there be another meeting held** – one that is more widely publicized and competently organized, with clear directions for participation – so that more voices can be taken into consideration before the BOCC receives the FAQ and comments presented by the Planning Department.

It has come to the public's attention that there has been a request from the county for an outside, impartial evaluation of the Orange County Planning Department to be conducted. We applaud this decision. It is our hope that ALL OF THE MATERIAL AND COMMENTS

which were submitted regarding the application for rezoning for RTLTP and Efland Station, as well as that pertaining to the adoption of the Buckhorn Area Plan, will be made available for this evaluation.

There is a need for a new, more creative approach to land use planning in Orange County – perhaps with new personnel leading the Planning Department and the Economic Development Unit. There is a resource in Orange County that could be utilized to aid in identifying broader options than those that have been proposed to date by the Planning Department and Economic Development Unit. The UNC School of Government has expertise in assisting communities to identify what they want in the way of development, as well as experience in then locating applicants. The School could be asked by the BOCC to survey Northern Orange residents' development needs and then find applicants that meet those needs. It would be a shame not to take advantage of the School's experience in aiding communities to identify and locate smart, sustainable development – development that serves the people of Northern Orange County rather than the profit margin of industrial developers. It is the hope of A Voice for Orange members that the BAP, as it stands, will be abandoned, and that a fresh study will be conducted with the aid of the UNC School of Government.

Respectfully,
Andrea T. Riley

Questions for submission at the Orange County Planning Department Outreach Meeting for the Buckhorn Area Plan:

- 1) What possibilities are being considered by Orange County to extend conservation or preservation of the land adjacent to Seven Mile Creek Natural Area?
- 2) Has Orange County considered asking the Town of Mebane to join the Orange County Water and Sewer Management, Planning and boundary Agreement of 2001 in order to protect the agreed upon rural buffer areas of Orange County, to limit the jurisdiction areas for development of sewer and water services, and to share service responsibilities, and if not, why not?
- 3) Wasn't there an earlier agreement among the Orange County Commissioners not to build out and develop the land below (south of) West 10 Road, and why is that agreement being overlooked?

Submitted by Andrea Riley
05/17/2021

From: [Lib Hutchby](#)
To: [Andrea Riley](#)
Cc: [Buckhorn Study](#); ocbooc@gmail.com; [Renee Price](#); [Jamezetta Bedford](#); [Jean Hamilton](#); [Sally Greene](#); [Amy Fowler](#); [Mark Dorosin](#); [Earl McKee](#)
Subject: [EXTERNAL MAIL!] Re: Orange County Planning Department Outreach Meeting regarding the Buckhorn Area Plan/"Study"
Date: Sunday, May 23, 2021 6:57:34 PM

On May 19, I sent the following to the Orange County Board of Commissioners: No response has been received. I'm not sure anyone has read it.-Lib

Lib Hutchby <libhutchby5@gmail.com> May 19, 2021, 11:33 AM (4 days ago)

Dear Commissioners,

After listening to and watching the Orange County Planning Department's presentation and Q&A, part of me felt sorry for you and part of me felt angry and all seemed confusing. It was not a good night for the Planning Department staff and I still wonder how they could have gotten by with such a lack of transparency for so long.

The proposal for Buckee's , for example, should never have come to the Orange County Board of Commissioners. Now, it seems that the folks who live in Efland, Cheeks, Hillsborough, all the children who go to school or play soccer along W. Ten Rd., face the possibility of unsafe access. No traffic study was done. No adequate interpretation of the impervious surface has been presented by the staff. No priority to protecting Seven Mile Creek has been presented. No realistic attention to the climate crisis we all face has been infused with authority to insist on renewables and environmental justice regardless of what "development" looks like.

Now, after months of calling the BAP a "plan," it's being called a "study" and the process has left residents saying, "We don't trust. . ." It's a sad situation when confusion leaves few feeling confident that those whom we elected have been left out of a necessary process. Those of us who are volunteers will endure more necessity to bring previous professional expertise to the questions as a method of your learning just how inept the leadership in the Planning Department has become.

Yes, you need more experts in air and water quality to actually monitor the existing spaces for pollution, monitor the roadways to understand that W. Ten will not be safe for scenic highway users or children because trucks are already discovering it as an alternative bypass of requirements on I-40 and development begins to chew away at the rural protections like grinding one's teeth at night and, over time, having high dental bills, fewer teeth, and painful consequences.

Yes, I'm reacting and responding. I care what happens to those in Northern Orange County as well as I care what happens to the decision-makers for Orange County. "Caring" doesn't fix the Planning Dept., but until we care, usually we don't even notice that something needs to be changed. I just want you to know that I know it needs fixing and the sooner the better.

Sincerely,

Lib Hutchby

Chapel Hill

to ocbocc@orangecountync.gov



On Sun, May 23, 2021 at 4:19 PM Andrea Riley <ateuteriley44@gmail.com> wrote:

Commissioners,

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Respectfully,
Andrea T. Riley

From: [Matt Cartmill](#)
To: [Buckhorn Study](#)
Cc: [Matt Cartmill](#)
Subject: [EXTERNAL MAIL!] Areas C, D, and E
Date: Sunday, May 23, 2021 11:06:09 PM

At the recent meeting held by the County Planning Department to receive public input on the Buckhorn Area Study, it was stated that areas C, D, and E, the three easternmost study areas in the original Buckhorn Area Plan, were being removed from consideration for the time being. I am writing to stress that these areas should be permanently and explicitly removed from Buckhorn Area economic-development planning. All three drain immediately into critically protected watersheds. None of the three contains the infrastructure necessary for either commercial or dense-residential development and exploitation. With respect to Area E in particular, the city planning departments of both Mebane and Hillsborough have expressly denied any intention of bringing in either water or sewer in the immediate or foreseeable future. Any Buckhorn Area Study that emerges from the current planning should exclude these three areas, included in the original plan, from further consideration.

Matt Cartmill,
Hillsborough.

From: [Patricia OConnor](#)
To: [Buckhorn Study](#)
Subject: [EXTERNAL MAIL!] BAP
Date: Sunday, May 23, 2021 11:46:33 PM

Dear Planners,

The recent meeting about the BAP was confusing and left many people out of the discussion. Another meeting, with more clear instructions about how and when to speak is in order. Whether you call it a plan or a study, there remains much to discuss about development along the West Ten corridor. It is totally unfair that multiple properties, not in the original plan, have been annexed and rezoned by Mebane. My home, and numerous others, will soon be embedded in an industrial park without any real estate impact study, without a complete traffic study that includes Medline and Neyer (or if it exists, it's not clear) and without any regard for the impacts on our quality of life. The trucks using this road have increased dramatically in number since the beginning of this development, many likely now avoiding the weigh station. This isn't very thoughtful planning. Our homes and way of life have been sacrificed for the sole purpose of filling Mebane and OC coffers. Thoughtful development is possible but seems beyond your reach. Why aren't you seeking development that would enhance our rural areas and protect our air, water and quality of life? Why is everyone simply settling for warehouses like there is no other development possible for this corridor? It lacks all thoughtfulness and imagination. In addition to many homes, we have a middle school, soccer field, planned ball field and 2 places of worship on West Ten Road. Surely there are other projects that would both enhance the rural environment and generate revenue.

I had planned on staying in my home through my retirement but fear the proposed development will make it an unattractive option. The people who live here deserve better and should have a voice in how development proceeds in this area.

Patty O'Connor
1011 Squires Rd.
Mebane, NC

Patty O.

Sent from my I-phone

ATTACHMENT 3



ORANGE COUNTY

NORTH CAROLINA

Draft Buckhorn Area Study
Frequently Asked Questions
(FAQ)

May 2021

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Introduction

Orange County Planning Staff prepared this document in response to residents' questions and comments regarding the *Buckhorn Area Study* that was undertaken by the City of Mebane and Orange County. The Study was a combined effort of the two jurisdictions.

Staff hopes that residents and the Board of County Commissioners will find this document useful.

1. Land Use History/Project Initialization

1.a. What is the *Buckhorn Area Study*?

The *Buckhorn Area Study* (originally the *Buckhorn Area Plan*) is a technical study of future land use and potential utility services to identify properties that could be zoned for nonresidential purposes and best support economic development while balancing the costs of utility service extensions. The study used GIS mapping to determine parcels most suitable for development within the study area. The study process allowed for a technical review of multiple development factors, including:

- Developable acres
- Preservation areas
- Average (mean) slope
- Watersheds
- Sewer Infrastructure
- Water Infrastructure
- Interstate Access
- Interstate Visibility
- Roadway Access
- Access to Existing Rail Lines

Past plans in the area were reviewed to ensure that the vision, goals, and strategy for the area aligned with the recommendations to the *Buckhorn Area Study*. The study area was defined after significant consideration of existing land uses, environmental impacts and economic potential.

1.b. What was the catalyst for the *Buckhorn Area Study*?

Mebane's Comprehensive Land Development Plan, *Mebane by Design*, was adopted in 2017 and provides a vision for Mebane's growth through 2035. In its 2017 version, *Mebane by Design* did not fully address the areas that fell outside of its Future Growth Area, including the Medline site. As such, the City of Mebane needed to amend *Mebane by Design*. The *Buckhorn Area Study* provided the necessary focus to amend the G-2 Industrial (V) Growth Area as well as the Future Growth Area boundary line in *Mebane by Design*.

In Orange County's case, as suggested by the Board of County Commissioners (BOCC) in late 2018, staff was to research the development potential of existing designated economic development zones, as well as other viable sites. A prior engineering analysis of strengths, weaknesses, opportunities, and threats (SWOT analysis) by Timmons Group of the economic development districts bolstered the need for additional study, which led to the *Buckhorn Area Study*.

1.c. What was the scope of the study?

The Piedmont Triad Regional Council (PTRC) Scope of Services, taken from its contract with the City of Mebane, included:

- Staff meetings
- Analysis of existing conditions, prior studies, environmental constraints, and water/sewer infrastructure
- Evaluation of growth trends, population and jobs
- Stakeholder interviews with schools, businesses, and organizations
- Public information meeting
- Presentation of Study to Mebane Council and Orange County BOCC

- Update to the *Mebane by Design* report.

The Contract offers some explanation to the title discrepancies, and the misunderstanding that has occurred over the title, which was referred to as, “Small Area Plan Study”. By virtue of separate Agreement, Orange County agreed to split the cost of the Study with Mebane.

1.d. How many meetings were held for the *Buckhorn Area Study*?

There have been six meetings between 2020 and 2021 that have had a focus on the *Buckhorn Area Study*, detailed below:

- November 10, 2020 – Joint City of Mebane and Orange County hosted Virtual Open House (Public Comments Actively Solicited)
- November 23, 2020 – BOCC Information Item
- February 16, 2021 – BOCC Report Item (Public Comments Taken)
- March 9, 2021 – BOCC Work Session with City of Mebane Council
- April 20, 2021 – BOCC Regular Item (Public Comments Taken)
- May 17, 2021 – Orange County hosted Virtual Public Outreach Meeting (Public Comments Actively Solicited)

Additionally, the City of Mebane Planning Board and City Council conducted meetings on the topic:

- November 9, 2020 – Mebane Planning Board approves BAPS and amendment to Mebane’s CLDP
- December 7, 2020 – Mebane City Council discusses the modification of Mebane’s CLDP to include the West Ten Industrial Site (6016 W. Ten Rd.) and Medline Sites (5512 W. Ten Rd. and 5414 W. Ten Rd.) and to continue to public hearing until the 1.4.21 Council meeting.
- January 4, 2021 – Mebane City Council continues the public hearing, but leans on the decision to not adopt the *Buckhorn Area Study* until it is seen by the Orange County Commissioners, and the public hearing was continued until the 1.6.21 Council meeting.
- January 6, 2021 – Mebane City Council votes to amend the CLDP, *Mebane by Design*, to include West Ten Industrial Site (6016 W. Ten Rd.), the Medline sites (5512 W. Ten Rd. and 5414 W. Ten Rd.) and Focus Area A from the *Buckhorn Area Study*.

1.e. What are the next steps for the *Buckhorn Area Study*?

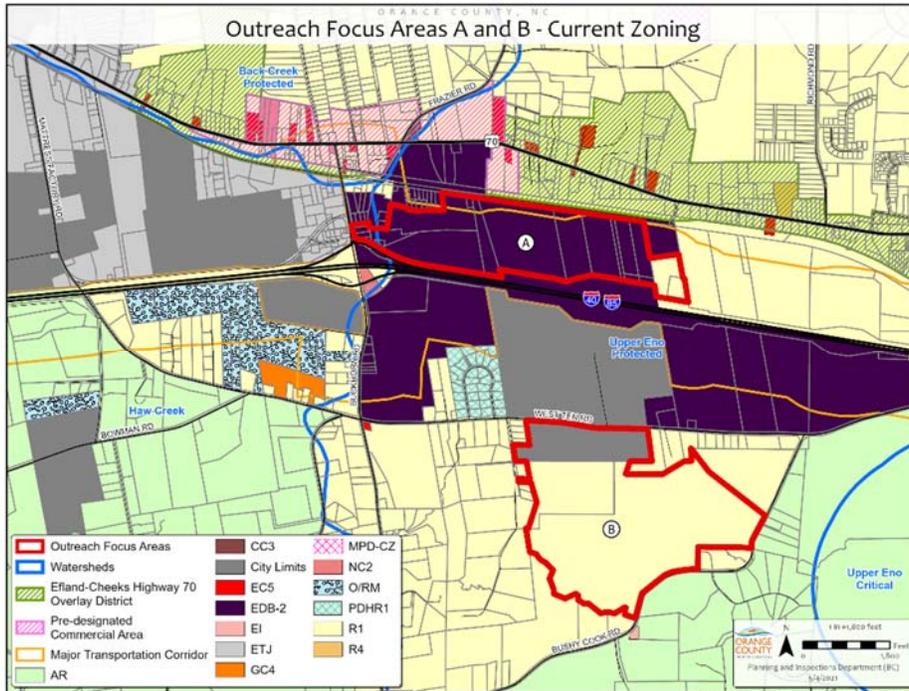
At the time of first drafting this document, the Orange County Planning and Inspections Department was preparing to host a public outreach session on May 17, 2021 from 6:00 PM – 8:00 PM to allow the public to share questions and comments. Much of the information that fills this document was captured at the public outreach meeting, and some of the questions have been based on queries that came outside of the scope of the public meeting.

After receiving questions and comments from the public, Orange County Planning will compile this FAQ document and share it with the BOCC for its June 1, 2021 Business Meeting. The BOCC will decide what future steps are warranted.

2. Focus Areas of the *Buckhorn Area Study*

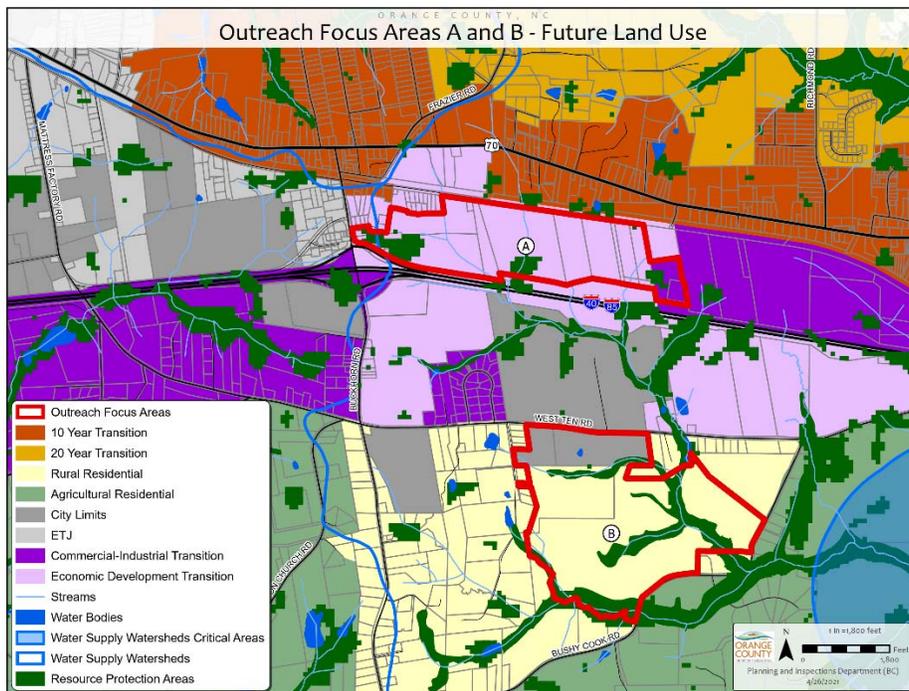
2.a. What are Focus Areas “A” and “B” from the *Buckhorn Area Study*?

Focus Areas “A” and “B” are the two areas of interest that grew out of the original *Buckhorn Area Study*. Focus Area A is located north of Interstate 40/85 and is zoned EBD-2. Focus Area B is located south of West Ten Road and is zoned R1.



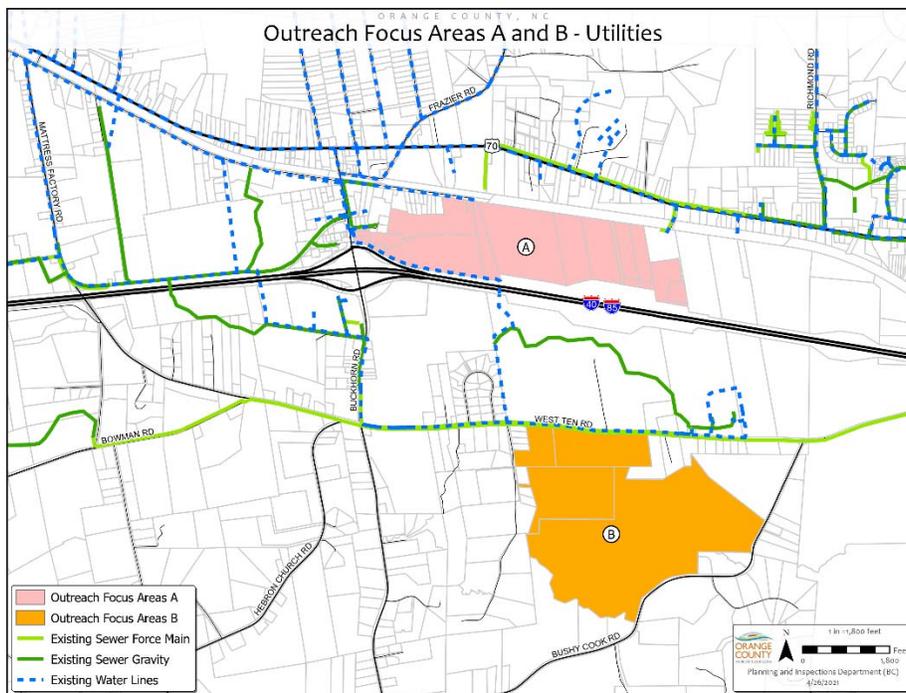
2.b. What are the Future Land Uses for Focus Areas “A” and “B” based on Orange County’s Future Land Use Map (FLUM)?

The future land uses for Focus Area A is a mix of Economic Development Transition (lavender on the map) and a small portion of Commercial-Industrial Transition (deep purple) on the east end. The future land use of Focus Area B is Rural Residential (yellow). It is important to note that the northernmost end of Focus Area B has been annexed into Mebane’s municipal jurisdiction (dark grey).



2.c. Where are the existing water and sewer utilities in this area located?

The existing water and sewer utilities are located both north and south of the Focus Areas A and B. In the map below, the existing water lines are delineated by the checkered blue line; the dark green line indicates existing gravity sewer lines while the lighter green lines indicate force sewer lines.



2.d. How do water and sewer utilities affect growth?

In most cases, development will only occur where there are sufficient utilities in order for businesses to operate. It can be inferred that businesses are most likely to develop in areas where the utilities are present or planned while areas lacking utilities are not of interest to development, even if there are other attractive attributes to businesses.

2.e. Will Areas C, D and E remain viable for development?

Approximately, one-third of Area C and a relatively small part of Area E, west of the I-85/US70- Connector, are located in areas that are consistent with the existing Orange County Future Land Use Map and remain viable for non-residential development. Area D is not consistent with the existing Orange County Future Land Use Map (FLUM) and is not viable for non-residential development. Presently the BOCC has not requested any changes to the FLUM. Areas C, D, and E all have area in the Orange County Critical Watershed, which presents additional limitations for development. There is nothing that prohibits the development of properties located within Areas C, D, and E that is consistent with the existing FLUM and Zoning, which currently support areas for low-density residential development. The City of Mebane's Comprehensive Land Development Plan also provides insight into potential development in the Study area.

3. Balance of Goals – Environmental, Economic and Equity in Services

3.a. Were there environmental considerations as a function of the technical study?

Yes. Mebane and its surrounding area have relatively few slope constraints, which would make potential land development more difficult or expensive. No development has been encouraged on environmental wetlands, and areas that limit development—particularly wetlands and flood zones—were removed from analysis.

Preservation areas including Voluntary Agricultural Districts (VADs), Conservation Easements, and National Heritage Element Occurrences (NHEOs), all of which were given negative values during the technical GIS analysis. VADs are voluntary and can be opted out of whereas conservation easements are permanent legal agreements that limit the uses of land in order to protect its conservation values. The only parcel with a conservation easement in the *Buckhorn Area Study* was the Soccer.com Center, east of Gravelly Hill Middle School, which was not included in the analysis. All NHEO parcels, areas where land or water is important for the conservation of natural biodiversity, fall outside of the Focus Areas A and B.

3.b. Were there watershed considerations as a function of the technical study?

Yes. Areas that fall within the State’s critical water supply watersheds were clipped to be not included in the study meaning that there was never intent to even explore these critical areas. While Orange County’s locally-designated critical areas are not regulated by the NC Department of Environmental Quality—and, therefore, are not included in the study as a whole—both Focus Area A and B lie west of the County’s critical area. As such, both Focus Areas lie outside of the critical watershed area for the State as well as the critical watershed area for Orange County.

3.c. Is Orange County compliant with the State’s requirements for the Protected and Critical Areas of the Upper Eno Watershed?

Yes. The State’s Division of Energy, Mineral, and Land Resources, Department of Environmental Quality, recently confirmed that Orange County is meeting its requirements and in some cases is more stringent. For additional detail, including a comprehensive description of the County’s watershed program, a white paper has been made available at the following link: <https://www.orangecountync.gov/DocumentCenter/View/15859/County-Watershed-Plan---Final-Draft-Memo?bidId=>.

3.d. Were there social considerations as a function of the technical study?

Yes. Small-lot residential areas in the study were identified and mapped. In an effort to preserve rural residential appeal, buffering these residential areas from light and noise was intended to be defined and applied to protect residents’ quality of life and is stipulated as recommendations at the end of the study. Additionally, parcels that were already developed with social significance—schools, churches, cemeteries—were also removed from analytical consideration.

3.e. Is Gravelly Hill Middle School labelled on the maps included in the Study?

Yes. The location of Gravelly Hill Middle School is shown on several of the maps in the Study, including on the cover page. Gravelly Hill Middle School is also mentioned in the text of the Study on p. 66.

3.f. Were there economic development considerations as a function of the technical study?

Yes. The study area from the *Buckhorn Area Study* includes the entire Buckhorn Economic Development District (BEDD), a dedicated development district created in 2011 by Orange County and the City of Mebane. Metrics to consider the most ‘highly developable’ parcels took into consideration factors such as average (mean) slope, total number of developable acres, access to water and sewer infrastructure, interstate access and visibility, roadway access and proximity to existing rail; all of these attributes and the resulting highest-scoring parcels from the analysis were used to inform where economic development could take place in the area.

3.g. Were there traffic considerations as a function of the technical study?

Yes. While interstate access and interstate visibility were metrics that were measured as a function of the analysis, recommendations were made in order to keep traffic along West Ten Road manageable, particularly because Gravelly Hill Middle School lies near the center of West Ten Road.

The City of Mebane will continue to require a Traffic Impact Analysis (TIA) for applications for preliminary plat or rezoning requests that anticipate generating 100 or more peak-hour vehicle trips or 1,000 or more average daily trips

(ADT). It was noted in the study that primary access points should be directed to West Ten Road and Buckhorn Road and away from Bushy Cook Road and Mt. Willing Road. As an additional consideration for the improvement of traffic flow and safety, a shared driveway requirement for contiguous non-residential uses is to be considered when feasible to do so.

3.h. Will any development along Buckhorn Road cause removal of the Washington Street and Washington Street Extension?

No. There are no plans, studies, projects or anything else that would remove access to E. Washington Street and the E. Washington Street extension from Buckhorn Road. Any potential realignment of Buckhorn Road would maintain connection to E. Washington Street both east and west of Buckhorn Road.

3.i. Can West Ten Road Handle Truck Traffic?

According to NCDOT staff, West Ten Road is built for mixed traffic including trucks. As a result of the land use analysis that was included in the Efland-Buckhorn-Mebane (EBM) Access Management Plan* (2019), Orange County is recommending roadway improvements to West Ten Road including larger lanes and wider paved shoulders. This is currently an unfunded project which Orange County will continue to pursue through the NCDOT prioritization process for funding consideration. This is handled separately from more localized road improvements that may need to occur through the implementation of development specific Traffic Impact Analyses (TIAs).

*The process to prepare the EBM Access Management Plan also include public outreach, Planning Board recommendation, and BOCC adoption (04/02/2019).

4. Inter-Local Cooperation

4.a. Does Orange County have joint planning agreements with Mebane?

No. Orange County and the City of Mebane are interested in working together and will continue to do so for geographies of mutual interest. While there is not a joint planning agreement between the two entities, Orange County and the City of Mebane do have a Utility Services Agreement that was amended in 2012. Mebane is not a signatory to the Water and Sewer Management, Planning and Boundary Agreement (WASMPBA). WASMPBA is a multi-party agreement among Orange County, Orange Water and Sewer Authority (OWASA), and the towns of Carrboro, Chapel Hill, and Hillsborough; WASMPBA establishes a system of service areas for public water and sewer utilities. Even without an agreement, both entities are interested in pursuing collaboration on projects.

5. Annexation

5.a. How does annexation work in North Carolina?

North Carolina has three (3) statutory methods of municipal annexation:

1. Voluntary annexation of contiguous areas (G.S. 160A-31 and 31.1)
2. Voluntary annexation of noncontiguous areas (G.S. 160A-58 through -58.8)
3. Involuntary annexation of contiguous areas, subject to urban development standards, mandatory service provisions, and a referendum requiring approval by a majority of voters in the area to be annexed (G.S. 160A-58.50 through -58.63).

5.b. Is the *Buckhorn Area Study* a precursor to involuntary annexation?

No. There has never been a plan in the area for involuntary annexation of any properties.

5.c. Is the *Buckhorn Area Study* a precursor to voluntary annexation?

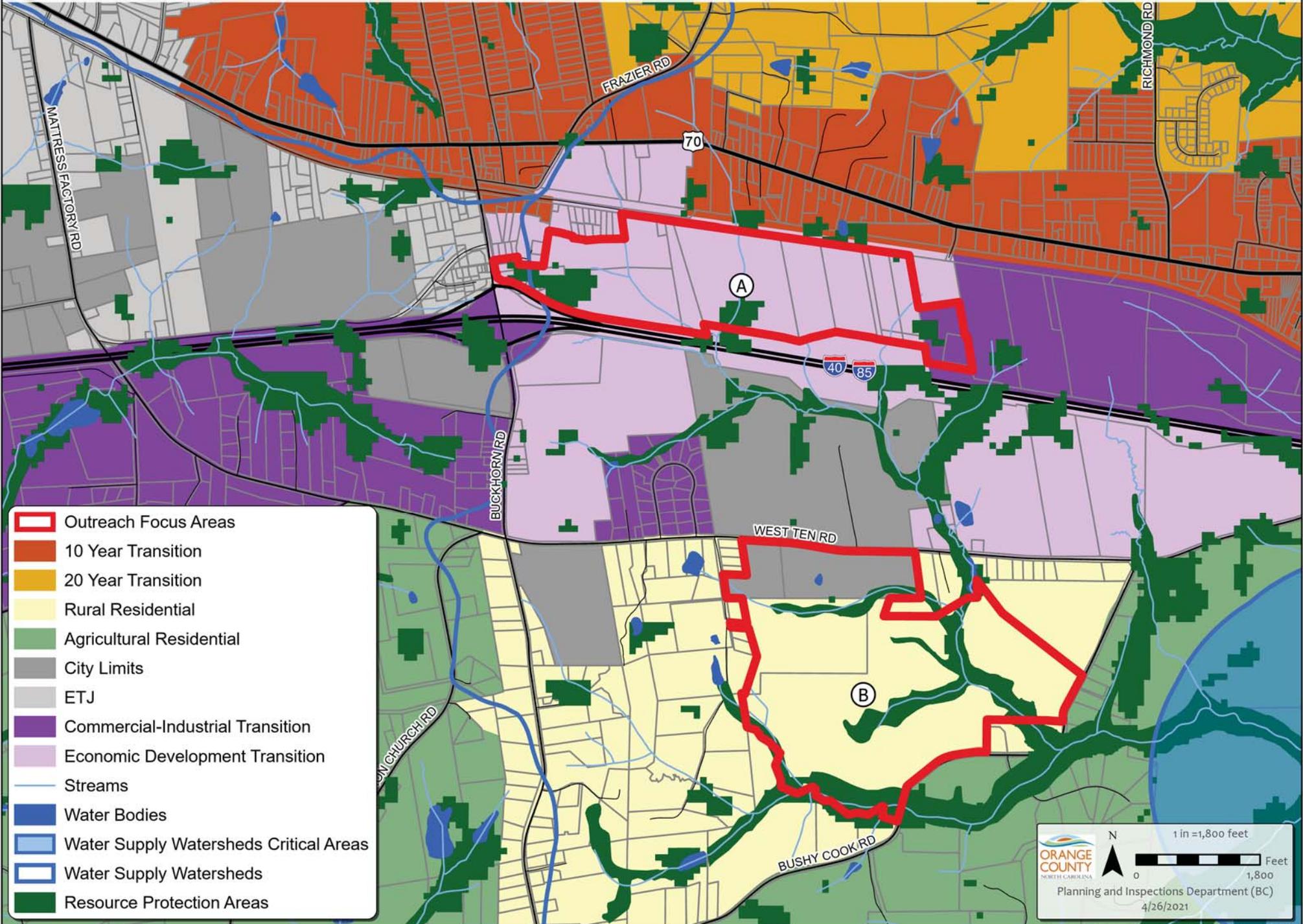
No. The *Buckhorn Area Study* is a technical study of future land use and potential utility services to identify properties that could be zoned for nonresidential purposes and best support economic development while balancing the costs of utility service extensions. In the case that a property owner was interested in development, that property owner or a developer (working with the property owner) would only seek out annexation if the property owner/developer sought out the utilities for development.

5.d. What is Mebane's role in annexation, and how does that affect the development approval process?

In order for potential developments to receive sewer and water utilities, there is usually an agreement in place where a the developer will voluntarily annex the property into Mebane's municipal jurisdiction. Mebane is not interested in non-voluntary annexation.

If a property is being developed in Orange County (outside of the municipal jurisdictions that lie within Orange County) and does not seek sewer and water utilities, then the property in question will go through the development approval process according to Orange County's standards that are outlined in the Unified Development Ordinance (UDO). However, if a property is seeking annexation into Mebane then it is Mebane's development process that the development will follow according to Mebane's standards as outlined in their UDO.

Outreach Focus Areas A and B - Future Land Use



- Outreach Focus Areas
- 10 Year Transition
- 20 Year Transition
- Rural Residential
- Agricultural Residential
- City Limits
- ETJ
- Commercial-Industrial Transition
- Economic Development Transition
- Streams
- Water Bodies
- Water Supply Watersheds Critical Areas
- Water Supply Watersheds
- Resource Protection Areas

1 in = 1,800 feet

0 1,800 Feet

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ORANGE COUNTY
NORTH CAROLINA

Planning and Inspections Department (BC)
4/26/2021

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: June 1, 2021

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

SUBJECT: Minutes

DEPARTMENT: Board of County Commissioners

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

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

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

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

Attachment 1: April 27, 2021	Virtual Joint Meeting with Orange County Board of Education, Chapel-Hill Carrboro Board of Education, and Durham Technical Community College
Attachment 2: May 4, 2021	Virtual Business Meeting

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

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

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

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

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

2 A roll call of the County Commissioners was called; all members were present except
3 Commissioner Dorosin.

4
5 Chair Price welcomed the members of the Orange County Board of Education, Chapel-
6 Hill Carrboro City Schools Board of Education, Durham Technical Community College
7 Representatives, and staff. She said the Commissioners try to hold these joint meetings at least
8 once a year.

9
10 *Commissioner Dorosin arrived at 7:02 p.m.*

11
12 Chair Price said this meeting is an opportunity for the Commissioners and schools to
13 come together to discuss priorities and challenges. She said the Commissioners will also
14 discuss budgetary items at the May Work Session. She said she has enjoyed working with the
15 two new superintendents, who have jumped right into an odd situation. She said she is
16 optimistic they can all work together to work towards a new normal for the children, to make
17 sure they get the best education for their lives and future. She said the agenda was put
18 together during the school collaboration meeting.

19 Hillary MacKenzie, Orange County Schools (OCS) Board of Education, said everyone in local
20 government is concerned about prioritizing children as they recover from the pandemic. She
21 said OCS will share what is needed in order to help students make a full recovery. She said
22 OCS will share concerning trends in student outcomes, and the budget requests, which create
23 paths to address the trends. She said ESSER (Elementary and Secondary School Emergency
24 Relief Fund) funding and fund balance will be used for onetime expenses, but are not enough to
25 address ongoing social, emotional, and academic needs of students. She said meeting the
26 needs will require human capital, people who can meet increasing needs of students and
27 families and bring more equitable outcomes. She said last year there was an increase of
28 \$14.75 per pupil, which will not be enough this year, if the well being of Orange County children
29 is truly valued. She said it is important to recognize the students need funding for long term
30 sustained care, which includes food, hotspots, internet service, etc. She thanked the Board of
31 Commissioners (BOCC) for their continued partnerships with both Boards of Education in
32 Orange County.

33 Jillian LaSerna, Chapel Hill-Carrboro City Schools (CHCCS) Board of Education Chair,
34 said she is thankful for the spirit of partnership in this meeting. She said she wants to remind
35 everyone the budget is important, and that it reveals the true beliefs, attitudes, priorities, and
36 values of a school, a district, and a county. She said this meeting is important, so CHCCS can
37 discuss the district and County's priorities, and how they can take the necessary steps to serve
38 students especially this year. She said she looks forward to working together through the
39 budget season together as a team.

40 Chair Price invited the Board of Commissioners to introduce themselves.

41 OCS Board members and staff introduced themselves.

42 CHCCS Board and staff introduced themselves.

43 Representatives from Durham Tech Community College (DTCC) introduced themselves.

44 Chair Price invited Orange County staff on the call to introduce themselves.

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1 **1. Presentation of County Manager’s Recommended Capital Budget for Fiscal Years**
2 **2021-26**

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4 Travis Myren made the following PowerPoint presentation for school related capital
5 projects, which were included in the County Manager’s Recommended FY 2021-26 Capital
6 Investment Plan:
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10 Travis Myren said this presentation will cover the Manager’s recommended Capital
11 Investment Plan related to the school districts and DTCC. He said the Board will consider the
12 plan over the coming weeks and adopt the first year of the plan on June 15, 2021. He resumed
13 the PowerPoint presentation:
14

FY2021-26 Recommended Capital Investment Plan

- Capital Budget School Funding – page 101 CIP

FY2021-26 Capital Budget Total Recommended School District Funding		
Article 46 Sales Tax	\$2,020,288	Average Daily Membership (ADM)
Debt Financed School Improvements	\$4,174,222	Average Daily Membership (ADM)
Lottery Proceeds	\$1,402,354	Average Daily Membership (ADM)
Recurring Capital	\$3,000,000	Average Daily Membership (ADM)
Supplemental Deferred Maint.	\$3,600,000	Average Daily Membership in FY2020-21 (\$30 million Total)
2016 Bond Referendum	\$13,308,000	Average Daily Membership (ADM) in FY2015-16 (\$120 million Total)
TOTAL	\$27,504,864	

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FY2021-26 Recommended Capital Investment Plan Funding and Expenditure Categories

Funding Source(s)	Expenditures Funded
Debt Financing – School Improvements Lottery Proceeds Article 46 Sales Tax \$7.6 million in FY2021-22	<ul style="list-style-type: none"> Abatement Projects ADA Requirements Athletic Facilities Classroom and Building Improvements Doors/Hardware/Canopies Electrical Systems Energy Efficiency Safety & Security Indoor Air Quality Improvements Mechanical Systems Parking Lot Improvements Roofing and Waterproofing Storm water Management Technology
Recurring Capital \$3 million in FY2021-22	<ul style="list-style-type: none"> Furniture and Equipment Drainage Improvements Carpet/Tile Installation Roof Repairs Mechanical Repairs
Deferred Maintenance – Bond Premium Supplemental Deferred Maintenance \$3.6 million in FY2021-22	<ul style="list-style-type: none"> Deferred Maintenance – Repair and Replacement Projects that do not add capacity Supplemental Deferred Maintenance Funds Project List (p.133 & p. 135)
General Obligation Bond Funding \$13.3 million in FY2021-22	<ul style="list-style-type: none"> Major Facility Construction and Renovations \$11.4 million Orange County Schools \$1.9 million Chapel Hill-Carrboro City Schools

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Travis Myren said the total of \$27,504,864 from the previous slide is distributed amongst these expenditures. He resumed the PowerPoint presentation:

FY2021-26 Recommended Capital Investment Plan Assumptions for Future Years

FY2021-26 Recommended CIP Funding Assumptions	
Article 46 Sales Tax	4.0% Growth Annually
Debt Financed School Improvements	2% Annual Growth
Lottery Proceeds	\$1,402,354 Annually
Recurring Capital	\$3,000,000 Annually
Supplemental Deferred Maintenance	\$30 million over four (4) years: Annual Expenditures Based on Draw Down Schedule from Schools
General Obligation Bond	Last Draw on 2016 General Obligation Bond in FY2021-22



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Travis Myren said there are assumptions baked into the revenue forecast and how each of the sources grow over time. He said supplemental deferred maintenance used to cover 3 years, but has expanded to cover 4 years due to the pandemic. He resumed the PowerPoint presentation:

FY2021-26 Recommended Capital Investment Plan

	FY2021-22	FY2022-23	FY2023-24	FY2024-25	FY2025-26
Article 46 Sales Tax	\$ 2,020,289	\$ 2,101,099	\$ 2,185,143	\$ 2,272,549	\$ 2,363,452
Debt Financed School Improvements	\$ 4,174,222	\$ 4,257,706	\$ 4,342,880	\$ 4,429,717	\$ 4,518,312
Lottery Proceeds	\$ 1,402,354	\$ 1,402,354	\$ 1,402,354	\$ 1,402,354	\$ 1,402,354
Recurring Capital	\$ 3,000,000	\$ 3,000,000	\$ 3,000,000	\$ 3,000,000	\$ 3,000,000
Supplemental Deferred Maintenance	\$ 3,600,000	\$ 14,253,000	\$ 8,197,000	\$ -	\$ -
TOTAL	\$ 14,196,864	\$ 25,014,159	\$ 17,127,357	\$ 11,104,620	\$ 11,284,118
General Obligation Bond	\$ 13,308,000				
GRAND TOTAL	\$27,504,864	\$25,014,159	\$17,127,357	\$11,104,620	\$11,284,118



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Travis Myren said the supplemental deferred maintenance program is the primary driver in the changes from year to year. He resumed the PowerPoint presentation:



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FY2021-26 Recommended Capital Investment Plan

- Major Education Projects
 - Supplemental Deferred Maintenance
 - \$30 million over three (3) years - Now four (4) Years
 - Apply to Deferred Maintenance and Life & Safety Improvements
 - Allocated by Average Daily Membership in FY2020-21 (CHCCS 59.99%; OCS 40.01%)

Fiscal Year	Chapel Hill-Carrboro City Schools	Orange County Schools	Total by Year
FY2020-21	\$1,800,000	\$4,150,000	\$5,950,000
FY2021-22		\$3,600,000	\$3,600,000
FY2022-23	\$10,000,000	\$4,253,000	\$14,253,000
FY2023-24	\$0,197,000		\$0,197,000
TOTAL	\$17,997,000	\$12,003,000	\$30,000,000

ORANGE COUNTY NORTH CAROLINA

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Supplemental Deferred Maintenance Project Status in FY2020-21

District	Status of FY2020-21 Projects	Amount
CHCCS	HVAC Projects • McDougle Elementary and McDougle Middle School Mechanical System Control Upgrades - Completed • Phillips Middle School HVAC - gym and band room - Design/RFP/Bid	\$681,258
CHCCS	Architectural & Engineering Feasibility & Design Services for large capital projects to be completed in Year 3 & Year 4 - To be conducted in FY2021-22	\$1,118,742
OCS	Continuation of Districtwide Safety/Security Plan	\$3,500,000
OCS	Orange High School Main Hall, Restroom Addition and Renovations	\$650,000
TOTAL		\$5,950,000

ORANGE COUNTY NORTH CAROLINA

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Travis Myren said this slide covers the current fiscal year's projects. He resumed the PowerPoint presentation:

FY2020-25 Recommended Capital Investment Plan

District	FY2021-22 Projects	
CHCCS	Conduct Architectural and Engineering Assessment focused on Older School Improvements	
OCS	HVAC Upgrade as outlined in 2014 Assessment	\$2,500,000
OCS	Middle School Athletic Field Regrade	\$100,000
OCS	Efland Cheeks Restroom and Plumbing Line Upgrade	\$1,000,000
	TOTAL	\$3,600,000



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Travis Myren said next fiscal year's recommendations are based on the district requests. He resumed the PowerPoint presentation:

FY2021-26 Recommended Capital Investment Plan

District	FY2022-23 Projects	
CHCCS	Execution of Prioritized Capital Recommendations from Facility Assessment	\$10,000,000
OCS	CW Stanford Media Center Renovations	\$250,000
OCS	Structural Analysis and Building Stabilization <ul style="list-style-type: none"> • AL Stanback Media Center • New Hope Elementary 300 Wing • Orange High School Cultural Arts 	\$3,003,000
OCS	Fire Doors and Damper Repairs	\$500,000
OCS	Supplemental Funding for Roof Replacements <ul style="list-style-type: none"> • New Hope Elementary • Gravelly Hill 	\$500,000
	TOTAL	\$14,253,000



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FY2021-26 Recommended Capital Investment Plan

District	FY2023-24 Projects	
CHCCS	Execution of Prioritized Capital Recommendations from Facility Assessment	\$6,197,000
	TOTAL	\$6,197,000



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FY2021-26 Recommended Capital Investment Plan

- Orange County Campus Expansion – page 130
 - New Academic Building
 - Facility master plan results in May
 - \$25.6 million total estimated project costs
 - Estimated at 56,000 square feet
 - 250 surface parking spaces
 - Project Phasing
 - FY2020-21: Planning and design - \$1 million
 - FY2021-22: Site preparation - \$3 million
 - FY2022-23: Construction - \$22.5 million
 - New Operating Costs of \$365,000 starting in FY2023-24
 - Current Debt Service Satisfied in FY2027

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FY2021-26 Recommended Capital Investment Plan

- Next Steps
 - Document Review
 - Clerk to the Board's Office
 - County Manager's Office
 - Orange County Website – orangecountync.gov
 - Upcoming Budget Meetings
 - April 13 Work Session for Capital Investment Plan
 - April 27 Work Session for School and Durham Tech CIP
 - May 4 Presentation of FY2021-22 Recommended Operating Budget
 - May 11 & June 3 Public Hearings on Operating Budget and CIP
 - May 13 Work Session for Schools and Outside Agencies
 - May 20 Work Session for Fire Dist., Public Safety, Support, Gen. Govt.
 - May 27 Work Session for Human Services and Comm. Services
 - June 8 Amendments and Intent to Adopt
 - June 15 Adoption of Operating Budget and CIP

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5 Will Atherton asked if the process for major construction funding requests, which would
6 not be covered in the CIP, could be identified.

7 Travis Myren said that process would be budgeted separately from the annual CIP.

8 Will Atherton clarified OCS would need to get the overall details and timing, in order to
9 have a conversation with the Board on what could accommodate meeting such a need.

10 Travis Myren said yes.

11

12 a. CHCCS Presentation of Capital Needs

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14 Patrick Abele gave the presentation. He said he will give an update on some of the
15 projects planned for the additional supplemental deferred maintenance program. He thanked
16 the Commissioners for providing this funding for older facilities after their meeting almost a year
17 ago. He said the priority during the pandemic has been on academics, and making sure
18 buildings are ready when students returned to campus. He said CHCCS has also been focused
19 on the Chapel Hill High School project this year, and there have been difficulties scheduling and
20 completing construction work with available construction workers, as well as materials.

21 Patrick Abele said CHCCS utilized the additional supplemental deferred maintenance
22 funding in several ways, with the first project being mechanical systems in older schools; and
23 the second part looking at the renovations needed at older facilities, especially with elementary
24 school campuses knowing classroom sizes have been reduced by state, without additional
25 assistance to expand or renovate in order meet those needs. He said major renovations are
26 difficult to conduct while students are present, especially in older facilities with hazardous
27 materials that need to be abated, and other large-scale construction that needs to take place.

1 He said part of the review assessed the need to expand capacity on campuses while doing
2 these projects. He said the district has looked at the 6 oldest elementary schools in the district,
3 and some have very low SAPFO capacity. He said the district is also considering renovations
4 that do not address capacity, and these projects range from \$5-7 million per school. He said
5 another option is to renovate just one school, in a more comprehensive way. He said CHCCS is
6 looking at best options in order to coordinate renovations for campuses that may need to be
7 open while the construction takes place. He said CHCCS did not want to draw down dollars
8 that it was 12 months away from utilizing, and was budgeting the projects for 2024, because
9 they were not aware of this additional supplemental funding opportunity and were anticipating a
10 future bond. He said when renovating an older facility, unexpected things will be found, so they
11 want to make sure they have a detailed scope of work before going into the renovations.

12 Will Atherton asked if CHCCS had any ideas about the flex space, in order to manage
13 students during construction, as it is something both school districts would need.

14 Patrick Abele said the issue in Chapel Hill is space and lack of land. He said there are
15 no elementary school reserved spaces, with the exception of the Greene Tract. He said it would
16 cost between \$12 and \$20 million to facilitate a swing space, which CHCCS does not have at
17 this point. He said CHCCS has also discussed creating swing space by increasing limited
18 capacity during renovations one building at a time, by moving students in a rolling fashion, from
19 one school to another.

20 Eric Allen, Facilities Management Executive Director, said the other thing that could be
21 done is bringing in temporary modular buildings, while renovation is done, to relocate students
22 temporarily. He said he has torn down buildings over the summer, and put in a modular
23 campus. He said they would just have to make sure the buildings connect and keep the site
24 safe. He said the jurisdictions would have to be flexible when it comes to inspections in order to
25 be able to do that with zoning. He said CHCCS is lacking land, so there are not many options.

26 Commissioner Fowler said it sounds like CHCCS is planning only one or two projects
27 that can be done per year in order to still house students. She asked when CHCCS foresees
28 being able to work on schools after 2023-2024, so the Commissioners can plan for funding.

29 Patrick Abele said the year he was referencing was around the 2024 timeframe, but he
30 is not sure if it would match based on the current bond, plus the new supplemental deferred
31 maintenance funding. He said this may push the possibility of a bond and what year that would
32 end up in. He said he would like to see it around 2024, so as the projects are finished, they can
33 move right to the next phase. He said CHCCS tabled redistricting, due to the pandemic, but
34 part of the review will be to match up the reassignment plan proposal with construction
35 schedules, so they work hand in hand. He said CHCCS will be working on reassignment
36 options next year.

37 Commissioner Dorosin asked if the reassignment or redistricting can alleviate some of
38 the capacity issues, or just make space for the construction.

39 Patrick Abele said it can address both. He said reassignment has not happened in
40 CHCCS in over 10 years. He said spot reassignments have occurred. He said in order to meet
41 the needs of growth, it is vital to assess reassignment for capacity purposes. He said the class
42 size reduction mandate has really hurt the schools, because where they thought they would be
43 able to create additional space has been lost. He said those reductions take place this school
44 year, and there is no waiver, so next year will feel full effect of class size reductions. He said
45 CHCCS anticipates reassignment will be necessary for Kindergarten through third grade.

46 Commissioner Dorosin asked if there are guidelines for how often reassignment should
47 be done. He said 10 years seems like a long time.

48 Patrick Abele said sometimes it is never done, sometimes it is every 20 years, or it can
49 be done every year, like in Wake County. He said it is one of the tools districts use to assist the
50 capital needs in schools. He said 10 years was probably too long, based on growth in Chapel
51 Hill, but there is no best practice.

1 Commissioner Dorosin said he hopes CHCCS will look at race and socio-economic
2 status during this process, to ensure there are no inequities across the districts.

3 Commissioner Fowler said there was a decrease in elementary school students over
4 past year, and noted that CHCCS projected the number would go back up. She said if the
5 numbers stayed lower it might allow them to relocate students more easily to get some work
6 done in the elementary schools.

7 Patrick Abele said there was a change in students doing remote learning, or students
8 seeking other options. He said CHCCS is enrolling students every day. He said they are
9 monitoring enrollment, and meet weekly to review class size projection to make sure they are
10 within capacity limits, and are ready to bring additional requests as needed. He said CHCCS
11 staff can get a report on current enrollment.

12 Chair Price asked if there is a year or timeframe when the schools were checked and
13 abated for asbestos, or will this come up during construction and repairs.

14 Patrick Abele said it is both. He said asbestos was used in schools to fireproof back in
15 the 1950s, 1960s, and maybe early 1970s. He said CHCCS must send three-year plans to the
16 state, as well as conduct semi-annual checks. He said everything is encapsulated and safe,
17 and if it is not, CHCCS brings in individuals to abate. He said there is money in every year's
18 budget in case abatement has to happen. He said CHCCS knows where the asbestos is in
19 most schools (roofs, floor tiles, etc.), and it is highly regulated, tracked and monitored. He said
20 it is known and they make sure all the regulations are completed for the projects.

21 Eric Allen said the only other place it could be is in the windowsill caulking in older
22 schools.

23 24 **b. OCS Presentation of Capital Needs**

25 Dr. Kathleen Dawson said OCS has finished renovations at Cameron Park Elementary
26 School Phase 1. She said prior to starting the phase two work, OCS is replacing the flooring,
27 which does include asbestos abatement, and work will begin this summer to start this process.
28 She said a number of schools have new roof systems, as well as lighting upgrades. She said
29 there has been continued replacement of exterior asbestos siding panels. She said there was a
30 ribbon cutting for the new "J wing" at Cedar Ridge High School. She said students and staff
31 have already moved in and started classes. She said prep work has begun at the Ag and CTE
32 site work for the barn.

33 Dr. Kathleen Dawson said the main work has been replacing roofing and HVAC
34 systems. She said there was an unexpected increase in the price of materials and labor, which
35 has made it hard to stay within the budget. She said the supplemental deferred maintenance is
36 helping to cover additional costs of HVAC work. She said they are finding that in order to
37 upgrade the system, new electrical, lighting, and fire alarm systems are also required. She said
38 the question arose of whether to only get a few schools done fully, or if all schools get partial
39 work. She said they are trying to expedite the projects, especially because good air quality is
40 necessary due to COVID.

41 Dr. Kathleen Dawson said OCS was ready to start the Central Elementary project this
42 summer, but found the HVAC portion was delayed because the materials and equipment could
43 not be received in time. She said the number of contractors who responded to the bid was
44 limited, because they are also concerned about labor and material costs. She said OCS is
45 trying to look at the planned projects to determine what parts can begin now in preparation, so
46 as soon as materials come in work can begin. She said the hope is to do some of the work this
47 summer.

48 Dr. Kathleen Dawson said work will continue at AL Stanback, which requires a
49 mechanical equipment renovation for the whole campus and requires systems to be shut down
50 and temporary heating and cooling methods provided. She said once the flooring is done at
51 Cameron Park, phase 2 work will begin. She said there are other projects across the district,

1 including the Board of Education building, which requires a backup generator. She said hot
 2 water was not available when many of the buildings were built, so OCS is looking to update that
 3 on a school-by-school basis. She said the central security system has been upgraded, and
 4 OCS is now making sure everyone knows how to use the system. She said OCS is looking at
 5 replacing the walkie-talkie system and updating the phone and intercom system district-wide.
 6 She said they are designing and planning plumbing fixtures and water and sewer updates at
 7 Efland Cheeks, and a mechanical system replacement design will also start this year. She said
 8 the goal is to begin work in the summer of 2022. She said a roof replacement was also done at
 9 Gravelly Hill. She said OCS is looking to replace the carpet at New Hope Elementary with
 10 luxury vinyl tile and also do a roof replacement. She said OCS is finishing up the geothermal
 11 project at Orange High School, and is looking to work with an architect for a new restroom
 12 facility, as the current one off of the main hall is not ADA compliant. She said there are some
 13 needed HVAC control upgrades at the welcome center, as well as some district lighting
 14 improvements. She said OCS also wants to do a District Facility Assessment, as the last one
 15 was done in 2013. She said OCS is working on an RFP for that. She reiterated the biggest
 16 challenge has been managing the high cost of labor and materials to stay within budget.

17 18 **c. DTCC Presentation of Capital Needs**

19 J.B. Buxton, DTCC President, thanked the BOCC for its support of DTCC's expansion
 20 project. He made the following PowerPoint presentation:

21 22 **Orange County Campus Expansion Update on Planning Process**

23 **1. Preliminary priorities for programs of study**

The College identified priority programs based on current offerings and labor market trends. Areas of focus are Healthcare, Logistics & Manufacturing, Skilled Trades, Public Safety, and K-12 partnerships.

24 **2. Orange County employer feedback**

In partnership with the Chapel Hill-Carrboro and Hillsborough chambers, Durham Tech conducted four roundtable meetings with local employers. Employers provided feedback regarding current and future hiring and training needs in a variety of sectors.

25 **3. Master Plan update**

Durham Tech is working with O'Brien Atkins Associates to revise the OCC master plan with updated priorities.

26 durhamtech.edu



27 Dr. Buxton said O'Brien Atkins has been working with DTCC to determine the types of
 28 spaces that needed in order to fulfill the types of training employers in the roundtables identified
 29 as needs. He said next DTCC will move to planning architectural services to complement what
 30 exists in building one, and begin to think of it as a two building campus.

31 Commissioner Bedford asked if DTCC has started outreach with the Hillsborough
 32 Commissioners, since they have planning jurisdiction.

33 Dr. Buxton said DTCC has done most of its outreach with the Chambers of Commerce in
 34 the County, to assess the needs and labor market demand data to make sure they are focused
 35 on the right set of services, before beginning to think about what the planning footprint of the
 36 building will be like. He said some outdoor education spaces might be needed based on the
 37 feedback.

38 Commissioner Fowler asked if DTCC had a specified need for the building before the
 39 focus groups, and if it changed after meeting with the focus groups.

Dr. Buxton said he arrived at DTCC in 2018, and there were initial ideas prior to his
 arrival, but DTCC has tried to update the plans with this process. He said DTCC is trying to
 think more specifically about the kind of services and programs of study that need to be in the

1 facility. He said health care demand is skyrocketing, and DTCC is also seeing the same
2 significant demand in skill trade, logistics, and mass manufacturing. He said DTCC is seeing
3 demand outstripping the supply DTCC will be able to provide.

4 Commissioner Fowler asked if DTCC will be able to stick to the timeline of planning.

5 Dr. Buxton said yes.

6 Chair Price said she was on the Board of Trustees for several years, and this group
7 spent a year on a strategic plan. She said information was gathered at that point. She said the
8 listening sessions have refined the work already done. She said it has been a long process to
9 get to this point, and it was being talked about back to 2013, and they had to push for the need
10 for the second building.

11 Commissioner Greene said she attended one of the sessions with folks from the local
12 food economy. She said she remembered a lot of need was expressed, but has not heard Dr.
13 Buxton address that yet.

14 Dr. Buxton said some of the issues with that conversation are logistics. He said there
15 have been some follow up sessions, and DTCC is starting to think about a dining facility
16 because there are a lot of students with nowhere to go, especially those that do not have easy
17 transportation. He said DTCC is starting to think about a kitchen that could possibly meet both
18 needs.

19 Commissioner McKee asked how much federal COVID relief funding each of the County
20 public schools systems have received, and how much they expect to receive.

21 Chair Price suggested coming back to this question after other Commissioners were
22 able to finish questions about DTCC.

23 Chair Price said she was in Chatham County recently, where they have a culinary school
24 that was lovely.

25 Commissioner Dorosin complimented the work President Buxton has done since coming
26 to DTCC. He said DTCC has prioritized expanding the Orange County facility and services,
27 while recognizing the needs and the ties with economic development and the school boards.
28 He said there have been discussions about how to enhance relationships, including having
29 representation of school districts on Durham Tech Board. He said he is a current trustee and
30 highlighted the work the Board has done and its commitment to the expeditious work that is also
31 economically reasonable. He said this meeting is a good reminder that they should all be
32 thinking about education as a Pre-K to 16 system, and how the pieces should fit together more
33 seamlessly.

34 Commissioner Hamilton asked if the enrollment pre-covid versus during the pandemic
35 could be identified. She also asked how most students get to the Orange County campus.

36 Dr. Buxton said the pre-pandemic headcount was 19,000 students, and is closer to
37 18,000 during the pandemic. He said the total FTE was 6,000 before and just fewer than 5,000
38 during the pandemic. He said there are significantly higher rates of African American, Latinx,
39 and men pressing pause on higher education during the pandemic. He said the rates are better
40 than the national average, but are pretty consistent with trends seen in North Carolina: around
41 5-10% depending on the semester. He said a lot of work was done to reach out to students
42 close to graduation, but who were not planning to come back in the spring. He said the
43 feedback DTCC heard was that students wanted to be back in person. He said a lot of students
44 have struggled online, and many are waiting to have classes and advising in person. He said
45 he expects higher numbers in fall and spring. He said there is a park and ride and bus service
46 for students, and there are a good number of students with cars. He said there are some
47 people going between the campuses, because some course are only offered at one campus,
48 and those students use cars because public transportation options between the two campuses
49 are not optimal.

50 2. Operating Budget Updates

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**a. Presentation of Durham Technical Community College – Orange County Campus
FY 2021-22 Operating Budget**

BACKGROUND:

Durham Technical Community College (DTCC) - Orange County Campus FY 2021-22 Operating Budget Request includes \$868,967 for Operations (an increase of \$145,711 from FY 2020-21), Capital Outlay Funds of \$75,000 (no change from FY 2020-21), and \$250,000 related to Financial Aid (\$200,000 to continue the funding of 200 scholarships for Orange County residents attending DTCC – this is funded through Article 46 One-Quarter Sales Tax proceeds), and a new funding request of \$50,000 for financial aid grants for Back to Work students when their courses are not covered by the State.

The increase in Current Expense includes a 2.5% increase for salaries and benefits to match the expected increases for state paid employees, continue to pay all employees a livable wage, funds to cover back increases in retirement that had not been requested in the past, new personnel requests to cover the Orange County portion of a new Facilities Tech position to support the increase in facility maintenance, a Small Business Center position to coordinate training opportunities for Orange County clients, and Orange County’s portion of a Student Technology Support Help Desk position to coordinate work study students. The request also includes increases in Workers Compensation and other employee related insurance, and a projected 2.3% increase in utilities, contracted services, and insurance.

Dr. Buxton made the following PowerPoint presentation:



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EXPANSION REQUESTS

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Back-to-Work Initiative

- > **Requesting \$50,000 for scholarships** for Back-to-Work courses not covered by the state's GEER funding.
- > **Scholarships target unemployed and underemployed residents in Orange County** in short-term offerings with service area industry trends/projected sector growth such as Life Sciences, Construction Trades, Health Care, Information Technology.
- > **Funding would provide 100 students with \$500 scholarships** to cover average tuition costs of \$250 and funding to support additional student needs such as textbooks, technology, and transportation.

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Dr. Buxton said he will provide four main updates to the operating budget request and talk about the need for them. He said there is a 2.5% salary increase for Orange County employees, as they are hoping to match a state increase for community college faculty and staff expected this year.

Dr. Buxton said scholarship funding is focused on economic recovery following the pandemic.

Dr. Buxton said these are all areas where DTCC is making investments with state and federal funds already. He said part of this is hiring a "Success Coach" that will work with students from the application process through completion and out to placement. He resumed the PowerPoint presentation:

Student Technology Coordinator

- > **Requesting \$21,000 for a Student Technology Help Desk Coordinator.** This position will help with the distribution of loaner laptops along with supervising work study students at the student help desk to address technical assistance needs.
- > **In 2020, Durham Tech provided nearly 550 computers to students in need and over 100 hotspots for internet connectivity.**
- > **This fall, Durham Tech will continue to offer a significant number of courses online post-pandemic.** Students need technology assistance to support their academic success.

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Dr. Buxton said DTCC is asking Durham County Commissioners for 2/3 of the full cost of the help desk position. He resumed the PowerPoint presentation:

Facilities Technician

- > **Requesting \$17,979 for 20% of the salary for a Facilities Technician.**
- > **Current industry standards** recommend one facility technician per 50,000 square feet. Currently Durham Tech's ratio is one technician per 100,000 square feet.

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Dr. Buxton said Orange and Durham counties would also fund this position, if approved. He resumed the PowerPoint presentation:

Small Business Center Coordinator

- > **Requesting \$70,000 for SBC Coordinator** to manage services for small business in Orange County. This complements federal funding committed by Durham Tech towards the expansion of SBC services such as Business Consulting, Entrepreneurial Boot Camp, and Business Start-Up courses.
- > **Durham Tech's SBC has provided twice as many Orange County clients with small business counseling services** over the last five years.
- > **The goal is to support small business through the recovery phase of the COVID-19 pandemic**

durhamtech.edu



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Questions?

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3 Commissioner Fowler asked if the five years referenced on the “Small Business Center
4 Coordinator” slide was in comparison to Durham, or if it had doubled just in Orange County.

5 Dr. Buxton said over the past five years in Orange County it has doubled, due to
6 increased demand. He said with federal and state funds, plus loan opportunities, a lot of small
7 businesses need application and technical assistance.

8 Commissioner Fowler asked if the absolute could be identified.

9 Dr. Buxton said he would find the number.

10 Commissioner Hamilton asked if the success of the students and programs is tracked.

11 Dr. Buxton said students were traditionally tracked by completion rate, such as first year
12 success and credit accumulation, as well as time to completion, and overall completion rate. He
13 said this is how community college systems have historically measured success. He said
14 DTCC tracks transfer students by whether they transfer to a four-year universities and how they
15 do at that university. He said DTCC is moving to measures of economic and social mobility. He
16 said historically the impact is not as great as DTCC wants it to be. He said DTCC is looking at
17 graduate wages by age 34, or how students move up on economic strata. He said DTCC does
18 not compete with these measurements on the national level. He said DTCC is more accessible
19 to first generation college students, and students in poverty than most places in North Carolina
20 and the country, but is not doing as well as social and economic mobility. He said DTCC is very
21 focused on improving this.

22 Commissioner Hamilton said she is looking forward to seeing some of that data and
23 commends DTCC for looking beyond the traditional completion rate.

24 Chair Price said when she goes to national and state conferences, it is amazing how far
25 ahead Durham Tech is with working with partners, businesses, high schools, and economic
26 development interests.

27 Dr. Buxton said DTCC wants to continuously improve, and the shifts seen due to
28 COVID-19 have been challenging. He said DTCC is committed to dealing with the role of race
29 in the student outcomes. He said DTCC has a robust equity commitment that gets to the
30 student outcomes, and is committed to accelerating the pace of impact.

31
32 A motion was made by Commissioner Dorosin, seconded by Commissioner Greene, to
33 recess the meeting for a five-minute break until 8:47 p.m.

34
35 **Roll call ensued**

36
37 **VOTE: UNANIMOUS**

38

1 Commissioner Fowler was not yet present, but due to a quorum of board members being
2 present, Chair Price asked for a motion to reconvene the meeting.
3

4 A motion was made by Commissioner McKee and seconded by Commissioner Hamilton
5 to reconvene at 8:53 p.m.
6

7 **Roll call ensued.**

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9 **VOTE: UNANIMOUS**

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12 **b. Presentation of Chapel Hill-Carrboro City Schools Board of Education FY 2021-22**
13 **Operating Budget**
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15 **BACKGROUND:**

16 Based on the North Carolina Department of Public Instruction’s projected Average Daily
17 Membership (ADM) enrollment for FY2021-22, Chapel Hill-Carrboro City Schools enrollment
18 would be 12,448 students, while charter students would be 156, less Out-of-County tuition paid
19 students of 253, for a total of 12,351 budgeted students (an increase of 124 students from FY
20 2020-21).

21 Chapel Hill-Carrboro City Schools is requesting an increase of \$8,033,000 in
22 continuation and expansion funding, with a \$650.39 per pupil increase, in FY 2021-22. This
23 would provide a total current expense funding of \$61,764,203. This requested increase in the
24 local per pupil allocation for current expenses would increase the per pupil allocation from
25 \$4,367 to \$5,017.39.

26 CHCCS Superintendent Dr. Nyah Hamlett and Chief Financial Officer Jonathan Scott
27 made the following PowerPoint presentation:
28
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32 Dr. Hamlett said the Commissioners will notice several slides with red font, indicating
33 that equity should be at the center of all the work they do.
34

Fiscal Year 2021-22 Superintendent's Message

Strategic plan alignment with with an eye on the future.



Equity at the Center

Using data to inform our decisions and close gaps that currently exist.

Priorities

- ★ Safety of students and staff;
- ★ Social, emotional, and mental wellness;
- ★ Morale, durability, resilience of staff to best serve and support students;
- ★ Clear and consistent communication in effort to alleviate anxiety; and
- ★ Refocusing and reuniting students and staff with tools to support increased socialization, additional services for learning loss, and social emotional needs and acclimating to in-person instruction through Equity Centered Classroom Practices.

1 Dr. Hamlett said Principals work with the school improvement teams to identify needs
 2 that are then presented to her and the leadership team. She said district leaders and
 3 department leaders brought their requests forward, and she met with 15-30 students from each
 4 middle and high school to give priorities from student perspective. She said the students'
 5 priorities are centered around mental wellness and equity. She resumed the PowerPoint
 6 presentation:
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Understanding the Academic and Social Emotional Needs of Our Students



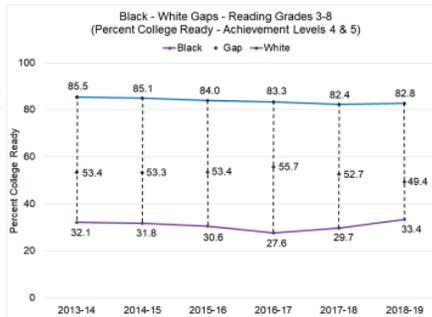
- Student Academic Performance
- Student Attendance
- Student Perception Data/Social Emotional Learning (SEL) Universal Screener
- Staff/Stakeholder Perception Data
- Summary of Findings

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Student Academic Performance - Reading



While **66.0%** of CHCCS students earned college ready scores in comparison to **45.2% statewide** (3,381 of 5,806 students), **33.4%** of our **Black** students in CHCCS earned college ready scores (222 of 665 students) as compared to **82.8%** of their **White** peers (2,438 of 2,945 students), a **gap of 49.4** percentage points between **Black and White** students.



Equity must be at the Center of all that we do.

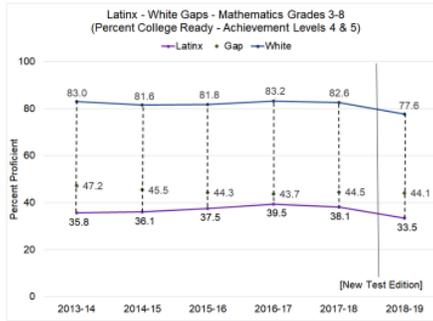
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Student Academic Performance - Math



While 62.8% of CHCCS students earned college ready scores in comparison to 45.2% statewide (3,604 of 5,739 students), 33.5% of our Latinx students in CHCCS earned college ready scores (347 of 1,035 students) as compared to 77.6% of their White peers (2,280 of 2,939 students), a gap of 44.1 percentage points between Latinx and White students.

Equity must be at the Center of all that we do.



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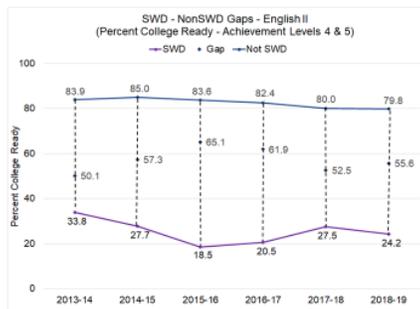
Dr. Hamlett said this data is based on end of grade testing. She resumed the PowerPoint presentation:

Student Academic Performance - English II



While 74.5% of CHCCS students earned college ready scores in comparison to 50.3% statewide (770 of 1,034 students), 24.2% of our SWD in CHCCS earned college ready scores (24 of 99 students) as compared to 79.8% of their Non-SWD peers (746 of 935 students), a gap of 55.6 percentage points between SWD and their general education students.

Equity must be at the Center of all that we do.



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Student Academic Performance - Grades

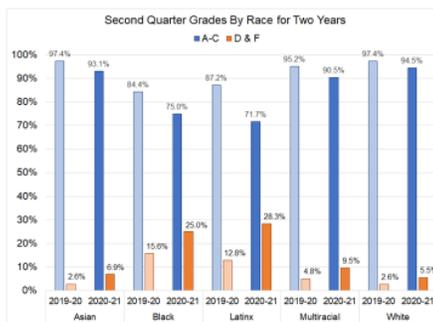


Grades for 2019-20 are in the lighter shades, with grades for 2020-21 in darker shades. A, B and C grades are combined and shown in blue, as are D and F grades shown in orange.

For each group, the percentage of A-C grades fell from 2019-20 (pre-COVID) levels to 2020-21, and the percentage of F grades rose.

The largest drops in A-C grades and increases for D-F grades were for Black and Latinx students.

Equity must be at the Center of all that we do.



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Dr. Hamlett said CHCCS is moving towards standards based grading and grading for equity, which emphasizes the importance of discontinuing traditional grading practices that can often undermine effective teaching and learning, especially for students historically underserved and under supported. She said this issue is connected to CHCCS professional learning needs, which will be discussed in this presentation. She resumed the PowerPoint presentation:

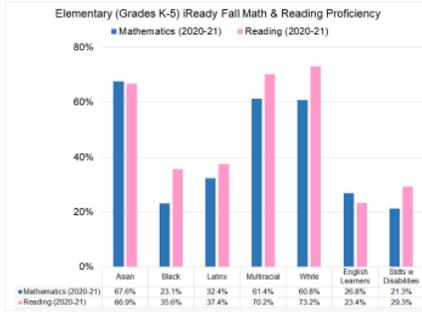
Student Academic Performance - iReady



In Mathematics on iReady this Fall, only 23.1% of our Black students in elementary grades earned a proficient score as compared to 60.8% of their White peers, a gap of 37.7 percentage points between Black and White students.

In Reading on iReady this Fall, only 37.4% of our Latinx students in elementary grades earned a proficient score as compared to 73.2% of their White peers, a gap of 35.8 percentage points between Latinx and White students.

Equity must be at the Center of all that we do.



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Dr. Hamlett said iReady is a web based adaptive diagnostic assessment and instruction program that identifies which students are experiencing difficulties with specific skills, and provides real time actual data and reports to inform instruction and intervention plans. She resumed the PowerPoint presentation:

Student Attendance Data

*Data taken from Powerschool on February 28, 2020 and February 26, 2021.



During remote learning, the proportion of students in all groups had improved Satisfactory attendance (green).

However, three of our groups showed increased Severe absences: Black students, English Learners and Students with Disabilities.

Middle schoolers also had greater Severe absences; not shown.

Equity must be at the Center of all that we do.

Group	2020-21 20-Day Enrollment	Chronic Absences 2020-21 August to February		1 Satisfactorily > 95%		2 Mildly 90 - 94.99%		3 Moderately 80 - 89.99%		4 Severely < 80%	
		2019-20	2020-21	2019-20	2020-21	2019-20	2020-21	2019-20	2020-21	2019-20	2020-21
District Total	12,051	64.2%	87.1%	25.2%	6.5%	8.1%	3.8%	2.5%	2.6%		
Asian	1,643	77.3%	92.6%	16.6%	4.1%	4.6%	2.3%	1.4%	1.0%		
Black	1,392	57.8%	71.6%	25.6%	12.1%	10.8%	8.2%	5.7%	8.2%		
Latinx	2,135	59.0%	76.9%	26.6%	11.3%	10.6%	7.8%	3.8%	4.0%		
Multiracial	865	61.5%	89.7%	26.5%	4.4%	9.1%	3.6%	2.9%	2.4%		
White	6,016	64.2%	92.4%	26.7%	4.6%	7.4%	1.8%	1.7%	1.2%		
EL - N	10,775	64.2%	88.6%	25.4%	5.9%	8.0%	3.1%	2.4%	2.3%		
EL - Y	1,276	64.2%	73.9%	23.6%	11.9%	8.7%	9.3%	3.5%	4.9%		
SWD - N	10,752	66.2%	88.9%	25.0%	6.0%	7.6%	3.2%	2.2%	1.9%		
SWD - Y	1,299	58.7%	71.9%	26.4%	11.3%	12.1%	8.7%	5.8%	8.1%		

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Dr. Hamlett said research shows absences add up and can be a sign a student is losing interest or struggling with schoolwork. She said attendance is an important life skill and research also shows that students who display engagement were more likely to be academically successful, have passing grades, and graduate on time.

Dr. Hamlett said middle schoolers also had greater amounts of severe absences that need to be addressed, though it is not shown in this graphic. She resumed the PowerPoint presentation:

SEL Universal Screener Highlights

When students were surveyed this fall to measure student perception of the social and emotional climate of schools, of those surveyed (N=6,669):



- Results indicated that 70% of our elementary students provided favorable responses;
- 57% favorable responses were provided from secondary students regarding the social and emotional climates in our schools; and
- A reduction in favorable responses ranged from 4-9 percentage points when data were disaggregated by race and among students with disabilities.

Equity must be at the Center of all that we do.

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Student Perception Data

- 29% of **students** in grades 4 and 5 reported finding it **difficult to stay focused** on school work, as did 56% of **students** in grades 6-12 (Back to School Survey, N=3,672)



Grades 4-5
The breakdown of the 29% of student responses are as follows:

- Asian - 17.6%
- Black - 40.4%
- Latinx - 22.7%
- Two or more races - 33.3%
- White - 28.7%
- Female - 27.4%
- Male - 30.5%

Grades 6-12
The breakdown of the 56% of student responses are as follows:

- Asian - 46.8%
- Black - 60.6%
- Latinx - 57.5%
- Two or more races - 58.3%
- White - 57.7%
- Female - 56.4%
- Male - 54.2%

Equity must be at the Center of all that we do.

*86 students in grades 6-12 declined to respond about their gender, or chose "other". Sixty-nine percent of that group reported having difficulty staying focused on school work. In elementary, there was a similar pattern.
Data taken from the Fall 2020 administration of the Panorama Back to School Survey to collect perceptions and feedback on student learning and supports.

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Family Perception Data

49% of **families** reported being **somewhat or not at all confident in their ability to support their child's education during remote learning** (Back to School Survey, N=6756)



The breakdown of the 49% of family responses are as follows:

- Asian - 47.5%
- Black - 37.8%
- Latinx - 50.5%
- Two or more races- 51.6%
- White - 47.7%
- Female - 48.8%
- Male - 47.1%

163 parents did not complete the gender response, or chose "other"; 58.3% of this group were somewhat or not at all confident on this item.

Data taken from the Fall 2020 administration of the Panorama Back to School Survey to collect perceptions and feedback on student learning and supports.

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Staff Perception Data



- 32% of staff reported not being confident in their ability to provide effective remote instruction in the Fall survey (N=989)

The breakdown of the 32% staff responses are as follows:

- Asian - 25.8%
- Black - 24.4%
- Latinx - 20.0%
- Two or more races - 11.5%
- White - 36.3%

- Female - 31.4%*
- Male - 31.7%

*A number of staff members declined to respond about their gender. Fifty-five percent of that group reported not being confident on this item.

Data taken from the Staff Surveys administered in the Fall of 2020 to collect feedback on remote learning experiences (N=989)

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Dr. Hamlett said a recent meeting indicated teachers have relief from knowing classes will meet in person in the fall. She resumed the PowerPoint presentation:

Staff Perception Data



- So far this year, do you need additional support in any of the following areas? Select all that apply.

- Supporting students with IEPs – 32%
- Supporting English Learners – 31%
- Supporting students social-emotional needs – 31%
- Using technology (digital tools, learning management systems) – 28%
- Family Engagement – 26%
- Equity-focused practices (culturally relevant teaching) – 14%
- Other – 7%
- None of these – 21%

*Data taken from the Staff Surveys administered in the Fall of 2020 to collect feedback on remote learning experiences (N=989)

Equity must be at the Center of all that we do.

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Staff Retirement and Resignation Data

*informs our recruitment and retention efforts



RESIGNATION by RETIREMENT	
2019-2020 (7/1- 6/30)	2020-2021 (7/1- 4/21)
21/128	24/68
16% of Total Resignations	35% of Total Resignations

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Dr. Hamlett said this data has been disaggregated by race as well and is being analyzed. She resumed the PowerPoint presentation:

Summary of Findings

Equity must be at the Center of all that we do.



- Large and pervasive achievement gaps exist for Black students, Latinx students, and students with disabilities (SWD) as measured by our goal of having all students demonstrate college ready level proficiency.
 - These gaps are found across metrics including State tests, iReady formative assessments, and grades.
- Academic performance has fallen during 2020-21 due to school closures, shifting to remote learning, and other COVID related factors.
- SEL screeners show evidence that students desire more social and emotional supports especially at the secondary level.
- Of those surveyed, almost a third of elementary students and more than half of secondary students struggle to focus on school work this year.
- Staff indicate there is a need for more high quality professional development to address learning gaps and teaching in digital learning environment.

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FY 2021-22 State Projected ADM

The State has released initial **Average Daily Membership (ADM)** projections for FY 2021-22.



Average Daily Membership (ADM) is expected to come in at:

FY 2021-22 Student Enrollment:	12,448
Estimated Charter School Enrollment:	156
(Less) Estimated Out-of-district Students:	(253)
Net Estimated FY 2021-22 ADM:	12,351
FY 2020-21 Adopted ADM:	12,227
FY 2020-21 40th Day Actual ADM:	11,764

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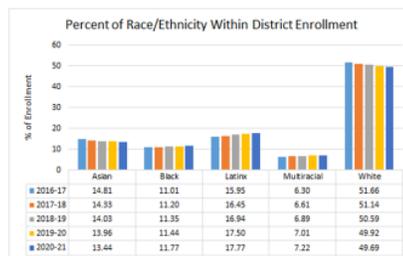
Dr. Hamlett said she does not anticipate a drop in enrollment, as was seen last year, since she expects to have all students in person. She resumed the PowerPoint presentation:

Who Do We Serve? Enrollment & Demographics



From 2016-17 to present, the proportions of Black, Latinx, and Multiracial students within overall enrollment have increased steadily over time.

Proportions of Asian and White students enrolled have declined over the 5 year period.



Equity must be at the Center of all that we do.

Prepared by Office of Assessment & Research, Chapel Hill-Carrboro City Schools, NC

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Dr. Hamlett noted that, “SWD” stands for students with disabilities, “EL” stands for English Learners, and “EDS” are students that qualify for free and reduced meals and the state identifies them as “economically disadvantaged students”. She resumed the PowerPoint presentation:



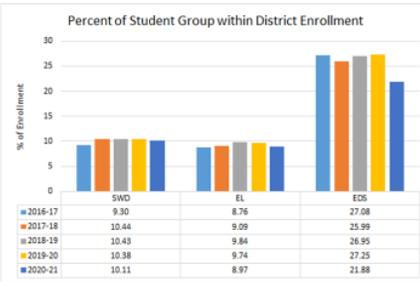
Equity must be at the center of all that we do.

Who Do We Serve? Enrollment & Demographics

The proportion of SWD within all enrollment increased from 2016-17 to 2017-18 (9.30% to 10.44%), but changed little over the next 2 years, and dropped only slightly in 2020-21.

From 2016-17 to 2019-20, the percentage of English Learner students has increased from 8.76% to 9.74%, but decreased to 8.97% in 2020-21.

The percentage of the (economically disadvantaged) ED5 group has fluctuated over time, with 2019-20 having the highest rate (27.25%) of all 5 years.



Prepared by Office of Assessment & Research, Chapel Hill-Carrboro City Schools, NC.

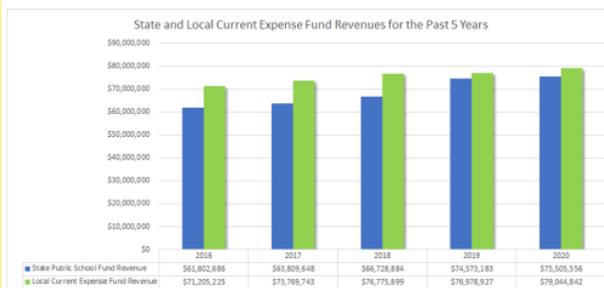
Jonathan Scott continued the PowerPoint presentation:

FY 2021-22 Local Current Expense Budget Comparison



Total Budget Comparison		Total Budget
FY 2020-21 Adopted Budget (As of 3/31/21)		\$ 84,219,344
FY 2021-22 Board of Education's Proposed Budget Request		\$ 87,077,842
Proposed Percentage Increase in Local Current Expense Budget		3.39%
Local Revenue Comparison		Total Budget
FY 2020-21 Local Revenue, Excluding Fund Balance (As of 3/31/21)		\$ 79,236,083
FY 2020-21 Fund Balance Appropriated (As of 3/31/21)		\$ 4,983,261
Total FY 2021-22 Local Operating Budget (As of 3/31/21)		\$ 84,219,344
FY 2021-22 Board of Education's Proposed Budget Request		\$ 87,077,842
Proposed Percentage Increase in Local Revenue, Excluding Fund Balance		10.14%

State and Local Current Expense Fund Revenue Comparison



Jonathan Scott said the state funding is catching up to local funding each year, and he expects the trend to continue, especially with additional COVID-related funding, and may eclipse it by the end of this year. He resumed the PowerPoint presentation:

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FY 2021-22 Proposed Expenditure Changes



Average Daily Membership (ADM) was adopted at 12,227 for the FY 2020-21. 40th Day enrollment showed current enrollment at 11,764 due to uncertainty surrounding the pandemic. Based on current initial state enrollment projections, this request is prepared at a net adopted level of 12,351 ADM.

Primary Changes	Full Time Equivalents (FTE)	Total Amount (\$)	Percent Increase in Local Current Expense Budget	Slide # (for reference)
Continuation Request (Salaries & Benefits)	0	\$5,034,000	6.35%	13
Expansion Request	23*	\$2,974,000	3.75%	15

*20 school-based positions and 3 District-level positions

Equity must be at the Center of all that we do.

1
2 Dr. Hamlett resumed the PowerPoint presentation. She indicated the numbers on the
3 previous slide have since changed and will be off.
4

School Requests Based on Need Elementary School Themes



Summary of General Takeaways from Budget Requests:

- ★ Our 3 Magnet Dual Language Schools requested the **allocation of a Dual Language Coordinator** position to serve as the liaison between the relevant District departments and the three schools.
- ★ The pandemic and remote instruction have undoubtedly created a learning gap that must be remedied as our students return to in-person instruction. Every school indicated requests for increases in **tutoring funding** to provide additional support that would help fill these gaps.
- ★ At the onset of the pandemic and remote instruction, our schools provided their students with necessary ARC materials to take home and supplement the remote instruction. Many schools noted that it is likely much of these materials will not make their way back to the schools once in-person instruction resumes. As such, many school included requests to help replenish those resources and continue implementing ARC training and programs into their curriculum.
- ★ Every school mentioned a focus and a need for additional funding in Social and Emotional Learning (SEL). This will be a vital aspect of our students' learning as they return from over a year of limited social contact. Mental health will be an important issue to monitor with our students.
- ★ FPGB included a request for sponsoring visas (H1-B and Permanent Residency) especially for former CHCCS teachers that have been vetted (C3.04). We must be able to retain the DL staff in whom we invest significant time, money, resources, and relationships. Moreover, as FPGB has now experienced twice in the past 8 months, our students have lost classroom teachers with little time to prepare them for such loss and little time to hire a suitable replacement when EPI has made these business-based decisions.

Equity must be at the Center of all that we do.

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School Requests Based on Need Middle School Themes



Summary of General Takeaways from Budget Requests:

- ★ Social Justice must remain at the forefront of our instruction, especially when we return to in person. Several schools mentioned the use of equity-based school wide book studies, equity training for staff, and equity staff teams to ensure there is always an equity lens provided with our instruction.
- ★ Several schools highlighted the importance of addressing the disproportionality in student discipline, whether it be through additional staff training or implementing various student support systems.
- ★ All schools mentioned SEL as a key focus when we ultimately do return to school. Mental health is a real and present concern for many students after being isolated and without much social interaction for the last 12 months. The presence of some form of Mental Health Experts would be a vital part of improving student success upon return.
- ★ The need for remediation and catching up is going to be a major obstacle upon return. Filling the learning gaps created by the extended period of remote instruction will take time and effort beyond the normal scope of the classroom. Additional tutoring and remediation plans need to be in place to ensure our students are set up for success as we move forward.
- ★ The pandemic has placed a burden on the relationship between the schools and the public. There is a lot of work that has to be done to repair these relationships and gain the full trust of the families around the District. Every school highlighted the importance of family and community engagement and offered several ideas and programs to address this area of need.

Equity must be at the Center of all that we do.

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School Requests Based on Need High School Themes



Summary of General Takeaways from Budget Requests:

- ★ Each high school requested that their Athletic Trainers and Athletic Directors be moved from 10 month employees to 12 month employees
- ★ Each high school requested the allocation of a testing coordinator at each school
- ★ Carrboro HS requested an additional AP that would also serve as the testing coordinator
- ★ Additional Funds for First-year Transition
 - Additional supplies, stipends for staff, and professional development related to first-year support will greatly improve the transition that has to be made by the students as they enter high school

Equity must be at the Center of all that we do.

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FY 2021-22 Continuation Request



- ★ The foundation of the Local Operating budget request is found in the Continuation portion. This portion represents the expenses required to be able to continue providing the same services and quality of education in the upcoming fiscal year.
- ★ On March 24th the Governor released his proposed biennial budget that included several potential changes that would impact the District's budget:
 - A proposed salary increase of 5.7% for Certified Staff totalling \$819,000
 - A proposed salary increase 5% for Classified Staff totalling \$815,000
 - This would cause a needed increase of \$590,000 to cover the Local Supplement
 - Costs for employer benefit matching related to these salary increases would be \$125,000 for FICA matching, \$1,471,000 for State Retirement Matching, and \$278,000 for Employer Health Insurance Cost
- ★ The Continuation Request also includes an item to make the Project ADVANCE payments a permanent salary differential
 - The cost of the permanent salary differential is \$936,000

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Jonathan Scott continued the presentation. He said the 5% salary increase for Classified Staff will guarantee they all remain at the Orange County Living Wage in the coming fiscal year.

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Jonathan Scott said there are state mandates for matching retirement, which have not been shared yet, so the district has based its numbers on a 5-year regression analysis.

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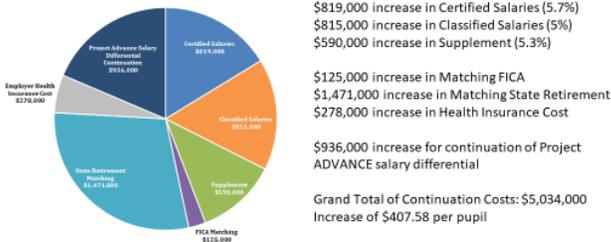
Jonathan Scott said the Project Advance permanent salary differential was previously funded through grant funds from the state, and last year CHCCS Board allocated general funds for this. He resumed the PowerPoint presentation:

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Board of Education's Continuation Request



Total Board of Education's Recommended Continuation Budget



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FY 2021-22 Expansion Request



- ★ The expansion budget represents expenditures that would require additional funding beyond the base funding of the prior year budget and the requested Continuation costs.
- ★ These requests would be recurring costs beyond their initial implementation.
- ★ There were many budget requests received from our schools and department managers.
- ★ While the budget requests identified needs, the expansion budget was prioritized to align with:
 - Strategic plan goals;
 - Equity Centered Classroom practices to address learning gaps; and
 - Ongoing pandemic response and recovery.

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Social and Emotional Learning + Mental Health Services



\$1,014,000

Strategic Plan Goals: Student Success

Advancing SEL and Mental Health Services as a Lever for
Creating Equity and Excellence

<p>Director of SEL and RP</p> <p>Assures systemic implementation of the SEL to include the development and implementation of SEL curriculum, instructional practices, assessments and professional learning.</p>	<p>Dean of Students (3)</p> <p>Support students in the development of social and academic efficacy through direct skill building of executive functioning, problem solving, and de-escalation.</p>	<p>Mental Health Specialists (6)</p> <p>Continue services in advancing school-based mental health awareness, quality prevention, intervention, and other supports provided to students, staff and families.</p>
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Equity must be at the Center of all that we do.

Dr. Hamlett continued the PowerPoint presentation.

Dr. Hamlett said in 2014, 1 in 5 NC students had at least one emotional/behavioral/developmental disability. She said studies indicate at least 1 in 5 teens between ages 12-18 suffer from at least one diagnosable mental health disorder, pre-pandemic. She said over the past year, student support services teams have provided 131,400 personal contacts with students and families, and secondary students universally noted the need for support in this area. She said there are several data points that support this expansion, which truly supports a whole child approach to a high quality learning experience for students. She resumed the PowerPoint presentation:

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Students Two or More Years Below Grade Level



Students in grades 1-5 scored at least two years behind according to the Beginning of Year iReady assessment, 2020-21

<p>Reading - 14.0%</p> <ul style="list-style-type: none"> • Asian - 11.1% • Black - 27.1% • Latinx - 32.3% • Two or more races - 8.7% • White - 5.7% • Female - 11.8% • Male - 16.3% • SWD - 42.9% • Non-SWD - 11.1% 	<p>Mathematics - 11.9%</p> <ul style="list-style-type: none"> • Asian - 5.9% • Black - 29.1% • Latinx - 28.0% • Two or more races - 7.2% • White - 3.8% • Female - 11.4% • Male - 12.2% • SWD - 40.7% • Non-SWD - 8.9%
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*A number of staff members declined to respond about their gender. Fifty-five percent of that group reported not being confident on this item.

Equity must be at the Center of all that we do.

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Elementary Math and Literacy Intervention

\$880,000

Strategic Plan Goals: Student Success



- The Board requested that the District consider costs associated with additional personnel who could provide tiered supports in literacy to students not currently meeting grade level standards.
- A full-time certified interventionist position in each Elementary School that could address COVID-related gaps and accelerate learning for students in both reading and math would be required.
- Schools could create flexible scheduling to ensure that students are receiving supplemental small group or individualized instruction from the interventionist and not missing core instruction.
- As a 10-month position, each interventionist would cost approximately \$80,000 per year for salary and matching benefits. Adding an interventionist position at all 11 elementary schools requires an additional \$880,000 increase to the budget request.

Equity must be at the Center of all that we do.

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Professional Learning

\$550,000

Strategic Plan Goals: All - EE 3: Create, promote and empower an organizational environment that values development and personalized growth opportunities for all employees.



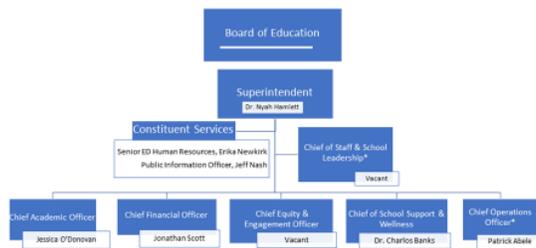
- ★ Collaborative development of a district Professional Learning Plan that is data-driven, student-centered, incorporates staff needs and is inclusive of classified employees.
- ★ Incorporation of *Learning Forward* standards for Professional Learning and district priorities identified through stakeholder feedback, analysis of student data, SIP reviews and classified needs.

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District Leadership Restructure

\$65,000

Strategic Plan Goals: Organizational Effectiveness



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Dr. Hamlett said CHCCS needs to examine its organizational structure to ensure consistency in titles for people operating at the same levels, as well as a clear reporting structure. She said the next iteration of the strategic plan will assist with that, focus on closing opportunity and achievement gaps, and moving forward with merging departments. She said there is a vacant position that will be reclassified as a Chief Equity and Engagement Officer. She resumed the PowerPoint presentation:

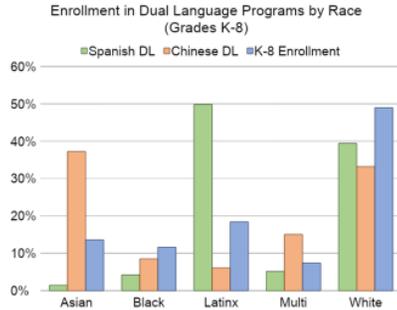
District and DL Enrollment Comparison



There are two K-8 Dual Language Programs in CHCCS: Spanish and Chinese.

Black students represent 11.6% of CHCCS enrollment, but only 4.2% of the Spanish DL program and 8.5% of the Chinese DL program.

The programs differ in size with Spanish DL having 1,048 students and Chinese DL having 446 students.



Equity must be at the Center of all that we do.

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Magnet Dual Language (DL) Program Support

\$80,000

Strategic Plan Goals: Student Success and Organizational Effectiveness



- ★ To help close our enrollment gaps in our Magnet/Dual Language Programs by developing and implementing a comprehensive marketing and family outreach plan.
- ★ To support school and district leaders in implementing research-based practices for magnet programming and monitoring the magnets' impact on increasing diversity and decreasing opportunity and achievement gaps.
- ★ **Magnet/Dual Language Coordinator Position** will serve as the liaison between schools and relevant district departments (DL/EL Office, Office of Student Enrollment, HR, PreK).
 - **Estimated cost: \$80,000 for salary and matching benefits.**

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Business and Financial Services Reorganization

\$80,000

Strategic Plan Goals: Organizational Effectiveness



- ★ The Board's Financial External Review found operational deficiencies in the Business and Financial Services Division.
- ★ A bottleneck currently exists in the purchasing process with the Interim Chief Finance Officer serving as the only gatekeeper for District purchases.
- ★ **Coordinator of Purchasing and Procurement position** will add a level of review and management of the District's purchasing practices and was a recommendation from the review.
 - **Estimated cost: \$80,000 for salary and matching benefits.**

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Dr. Hamlett said Mr. Scott is no longer serving in an interim capacity, and the financial review strongly recommended the Coordinator of Purchasing and Procurement position. She resumed the PowerPoint presentation:

December 2020 Learning Commitment Survey



- 50.2% of families to Middle School students chose for their children to stay in remote instruction for the rest of the year. This represents 1,448 students who are in remote instruction.
- 60.7% of families of High School students chose for their students to stay remote, too. This represents 2,355 students who are in remote learning.

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Dr. Hamlett said the higher the grade level, the more students opted to continue with remote learning. She said kindergarten was 30% and 12th grade was 60%. She resumed the PowerPoint presentation:

Interest in a Grades 9-12 Virtual Learning Academy

Total Number of Students/Families Interested based on April 2021 Survey
(147 responses to date)



By Demographics:	By Schools:	By Grade Level:
Asian: 29 (21%)	CHS: 32 (22%)	9th Grade: 24 (16%)
Black: 21 (13%)	CHHS: 50 (34%)	10th Grade: 47 (32%)
Latinx: 23 (16%)	ECHHS: 63 (43%)	11th Grade: 31 (21%)
Multi: 20 (14%)	PAHS: 2 (1%)	12th Grade: 45 (31%)
White: 54 (36%)		

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Virtual Learning Academy

\$305,000

Strategic Plan Goals: Student Success

Pandemic Response and Recovery; Innovative Programming



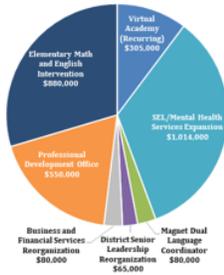
- ★ The CHCCS Virtual Learning Academy will provide quality, innovative and flexible learning environments to meet the individual needs of all students. Structured to serve diverse student populations and those with unique educational, social, and emotional needs.
- ★ Year 1: Establish a Virtual Learning Academy (grades 9-12) for the 2021-22 to engage in flexible personalized virtual settings.
- ★ Year 2: Plan to expand to include middle school students.
- ★ Year 3: Extend to possibly include upper elementary students.

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Recurring Expansion Requests Summary



Total Board of Education's Recommended Expansion Budget



- ★ The Expansion Budget totals \$2,974,000
- ★ The District feels that each item included in the request addresses critical challenges facing the District in the wake of the Pandemic
- ★ Filling the learning gaps created by the extended remote learning period, providing the tools necessary for our students to be successful, and maximizing efficiency in the operations of the District are vital to the long term sustainability of our student's success
- ★ Our Expansion Budget aligns with the Strategic Plan in each of these ways

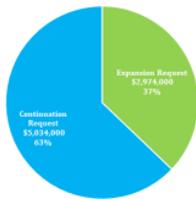
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Jonathan Scott continued the PowerPoint presentation:

Total Board of Education's Request Summary



Total Board of Education's Recommended Local Operating Budget Request



- ★ The proposed increases in the Superintendent's Local Operating Budget total \$8,008,000
- ★ That equates to a per pupil increase of \$648.37
- ★ Continuation Costs account for \$407.58 per pupil
- ★ Expansion Requests account for \$240.79 per pupil

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Local Appropriation Budget Deficit

The District's overall funding request is designed with the expressed purpose of achieving excellence as we implement our plan for student success.



- ★ After accounting for other revenue decreases the total Board of Education's Recommended Budget Request is \$8,033,000
 - Estimates for the continuation of a low interest rate environment indicate a decrease of \$25,000 in interest revenue for the next fiscal year
- ★ This correlates to a net increase of \$650.39 per pupil at the FY 2021-22 net ADM level

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Impact of COVID-19 on Expenditures

- ★ The following table shows 20 non-payroll expenditures that have seen the greatest change year over year
 - Red indicates the District has **spent less this year** compared to last year
 - Green indicates the District has **spent more this year** compared to last year



OBJECT	Description	YTD Activity	Activity Prior Year	Difference in Activity
321	Public Utilities - Electric Services	\$ 1,094,598	\$ 1,517,778	(423,179)
322	Workshop Expenses	428,883	721,367	(292,484)
326	Contracted Repairs and Maintenance - Equipment	88,855	296,847	(207,992)
329	Other Property Services	2,740	121,002	(118,263)
331	Public Transportation - Contracted	20,502	136,258	(115,756)
323	Public Utilities - Water and Sewer	287,784	397,072	(109,288)
325	Contracted Repairs and Maintenance - Land and Buildings	16,626	106,315	(89,689)
459	Other Food Purchases	8,079	86,094	(78,015)
324	Waste Management	88,249	126,404	(38,155)
333	Field Trips	(31,680)	32,195	(63,875)
327	Rentals/Leases	57,639	46,076	11,563
342	Postage	25,528	13,698	11,830
352	Employee Education Reimbursements	19,788	2,802	16,986
322	Public Utilities - Natural Gas	245,552	214,433	31,119
373	Property Insurance	185,074	148,458	36,616
418	Computer Software and Supplies	500,439	399,569	100,870
341	Telephone	180,340	55,879	124,461
462	Computer Equipment - Inventoried	192,004	41,181	148,823
411	Supplies and Materials	1,336,167	1,100,108	237,059
311	Contracted Services	2,674,924	2,045,671	629,254

Jonathan Scott said these slides show how the budgeted lines were and were not spent, as requested by the BOCC. He said the first slide shows non-payroll expenditures. He said there were additional expenses that took up any savings found from facilities being closed. He resumed the PowerPoint presentation:

Impact of COVID-19 on Expenditures (cont.)

- ★ The following table shows 20 payroll expenditures that have seen the greatest change year over year
 - Red indicates the District has **spent less this year** compared to last year
 - Green indicates the District has **spent more this year** compared to last year



OBJECT	Description	YTD Activity	Activity Prior Year	Difference in Activity
152	Substitute Teacher - Regular Teacher Absence	\$ 207,210	\$ 429,056	(221,846)
135	Instructional Facilitators	1,746,767	1,931,758	(184,991)
116	Assistant Principal (Non-teaching)	405,618	636,906	(231,288)
175	Skilled Trades	651,991	808,450	(156,459)
163	Substitute Teacher - Staff Development Absence	3,102	117,346	(114,244)
199	Overtime Pay	4,326	94,058	(89,731)
147	Monitor	340,965	427,716	(86,751)
189	Salary Differential	1,380,862	1,466,339	(85,477)
151	Office Support	2,453,271	2,553,191	(99,920)
171	Driver	247,452	306,515	(59,062)
211	Employer's Social Security Cost - Regular	2,434,358	2,364,586	69,772
281	Employer's Hospitalization Insurance Cost	3,776,600	3,608,956	167,644
232	Employer's Workers' Compensation Insurance Cost	504,104	317,749	186,355
182	Employee Allowances Taxable	280,831	87,882	192,949
131	Instructional Support - Regular Teacher Pay Scale	2,292,441	2,096,312	296,129
142	Teacher Assistant - NCLB	2,330,029	1,902,908	427,121
181	Supplement/Supplementary Pay	8,321,461	7,814,934	506,527
121	Teacher	5,748,300	5,198,542	549,758
192	Additional Responsibility Stipend	1,998,381	1,228,566	769,815
221	Employer's Retirement Cost - Regular	7,075,005	6,106,056	968,949

Jonathan Scott said this slide shows payroll expenditures. He resumed the PowerPoint presentation:

COVID-19 Federal Relief Funding

- ★ The Federal Government has taken several steps to stimulate an economic recovery to bring us out of the economic downturn at the onset of the COVID-19 pandemic.
- ★ The current fiscal year's allocations were a part of CARES Act money, which came in several rounds:
 - CARES Act - Coronavirus Relief Fund (CRF): **\$1,517,222**
 - CARES Act - Elementary and Secondary School Emergency Relief (ESSER I): **\$996,325**
 - CARES Act - Governor's Emergency Education Relief Fund (GEER): **\$427,515**
- ★ The table on the following slide details all of the COVID-19 allotments and the areas that the funding is targeted.





PRC	PRC Description	Funding Source	Fund	Allotment	Amount Spent
121	Summer Learning	CARES Act - CRF	1	\$ 330,593	\$ 317,050
122	Mental Health Professionals	CARES Act - CRF	1	79,665	75,020
123	Non-Digital Resources	CARES Act - CRF	1	23,809	23,809
124	Student Computers	CARES Act - CRF	1	168,366	167,661
125	Child Nutrition	CARES Act - CRF	1	361,296	361,296
126	Personnel Devices	CARES Act - CRF	1	39,780	40,351
128	Hotspots	CARES Act - CRF	1	114,811	114,811
132	Exceptional Children Grants	CARES Act - CRF	1	247,117	247,117
135	Cyber Security	CARES Act - CRF	1	18,347	Reallocated
137	PPE	CARES Act - CRF	1	112,617	112,617
163	Emergency Relief Fund	CARES Act - ESSER I	3	864,806	864,855
165	Digital Curricula	CARES Act - ESSER I	3	85,880	-
166	Learning Management System	CARES Act - ESSER I	3	45,639	-
169	GEER - Student Health Support	CARES Act - Governor's Emergency Education Relief Fund	3	315,330	-
170	GEER - Supplemental Instr. Services	CARES Act - Governor's Emergency Education Relief Fund	3	112,185	-
			Total	\$ 2,941,062	\$ 2,289,627

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Jonathan Scott said the majority of the Coronavirus Relief Funds (CRF) money has been liquidated. He also said all of the ESSER I money has been spent in its entirety. He resumed the PowerPoint presentation:

ESSER II and ESSER III



- ★ Subsequent to the previous CARES Act money, the Federal Government has passed two more rounds of funding with the Elementary and Secondary School Emergency Relief (ESSER) Fund
 - **ESSER II** is the next round available to the District with a total of **\$3,226,426** allotted to the District by the State on March 4th
 - **ESSER III** has also been passed for future use and NCDPI's initial planning allotment includes **\$7,219,087** for the District, however this has not been finalized and allotted at this time
- ★ This **one-time** federal relief funding will be used to fund **critical non-recurring expenditures** that will help fill the learning gaps left behind by the pandemic and continue to ensure the safety of our students and staff as the District moves towards full in-person instruction

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Jonathan Scott said all of this money is based on Title I percentages, and the lower the Title I population in the district, the less money received. He said the ESSER II funding will be just over \$2 million, and the State has passed legislation to require the district to offer robust summer programming, at the cost of \$4 million. He said all 20 schools will be involved. He said ESSER III funding is likely to be just over \$7 million. He resumed the PowerPoint presentation:

Planned Non-Recurring Expenditures



- ★ The following non-recurring expenditures represent expenditures beyond the recommended budget request that would only be a one-time payment in the FY 2021-2022. They will be funded by the One-time Federal Relief Funding and are therefore not included as a part of the local operating budget request.
- ★ These expenditures address vital short-term District needs:
 - COVID-19 has directly impacted the education of our students and created a potential learning gap.
 - The return to schools amidst the continuation of the pandemic also presents new challenges that must be overcome for our students to safely return and continue to provide the highest quality education.
 - The requests also include other one-time payments to address operational deficiencies identified in several areas of the District.

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Non-Recurring Expenditures and Federal Relief Funding Summary

BOARD OF EDUCATION'S NON-RECURRING EXPENDITURES SUMMARY FOR THE BUDGET YEAR 2021 - 22



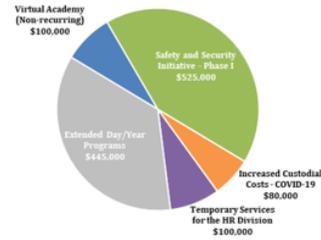
Non-Recurring Expenditures for Budget Year 2021-22		
Virtual Academy	\$ 100,000	\$ 8.10
Extended Day/Year Programs	445,000	36.03
Safety and Security Initiative - Phase I	525,000	42.51
Increased Custodial Costs Related to the COVID-19 Response	80,000	6.48
Temporary Services for the Human Resources Division	<u>100,000</u>	<u>8.10</u>
Total Non-Recurring Expenditures for Budget Year 21-22	<u>\$ 1,250,000</u>	<u>\$ 101.21</u>
ONE-TIME FEDERAL RELIEF FUNDING		
ESSER - II Cares Act Funding	\$ 3,226,426	\$ 261.23
ESSER - III (NCDPI Planning Allotment)	<u>7,219,087</u>	<u>584.49</u>
Total One-time Federal Relief Funding	<u>\$ 10,445,513</u>	<u>\$ 845.72</u>

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Non-Recurring Expenditures and Federal Relief Funding Summary (cont.)



Total Board of Education Non-recurring Expenditures



- ★ The Non-Recurring Expenditures Budget totals **\$1,250,000**
- ★ With a backdrop of high uncertainty, it focuses the District's limited resources on addressing short-term challenges posed by the ongoing pandemic
- ★ Filling the learning gaps created by the extended remote learning period, ensuring a safe return to schools, and relieving operational stresses created by the Pandemic environment are critical to providing the highest quality education for our students and experience for our employees
- ★ Our non-recurring expenditures request aligns with the Strategic Plan in each of these ways

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Fund Balance



★ An additional ~\$1.3 million has been appropriated by the Board of Education over the course of the 2020-21 school year to deal with immediate needs related to COVID-19 response. This brings the total amount appropriated this year to ~\$5 million.

	Audited 6/30/2016	Audited 6/30/2017	Audited 6/30/2018	Audited 6/30/2019	Audited 6/30/2020
Total Revenues	\$ 70,955,225	\$ 73,519,746	\$ 76,575,900	\$ 76,778,907	\$ 79,044,842
Total Expenditures	69,094,110	73,220,459	74,744,545	75,755,983	75,785,382
Revenues Over (Under) Expenditures	1,861,115	299,287	1,831,355	1,022,944	3,259,460
Less Operating Transfers	(856,830)	(985,162)	(4,242)	(4,368)	(204,925)
Fund Balance, Beginning of Year	<u>9,659,913</u>	<u>10,662,198</u>	<u>9,976,323</u>	<u>11,803,416</u>	<u>12,821,992</u>
Fund Balance, End of Year	<u>\$ 10,662,198</u>	<u>\$ 9,976,323</u>	<u>\$ 11,803,416</u>	<u>\$ 12,821,992</u>	<u>\$ 15,876,527</u>
Fund Balance Reserved	1,959,244	1,795,736	1,125,306	1,041,973	428,836
Fund Balance Assigned	2,148,000	1,000,000	1,000,000	3,100,000	3,796,550
Unassigned Fund Balance	<u>6,554,954</u>	<u>7,180,587</u>	<u>9,236,779</u>	<u>8,280,224</u>	<u>11,711,641</u>
Unassigned Fund Balance % of Expenditures	9.49%	9.81%	12.30%	10.99%	15.49%

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Jonathan Scott said CHCCS anticipates being revenue neutral by the year's end, and expects the fund balances to be around \$15-16 million.



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3 Commissioner Fowler asked if the ~\$1 million fund balance appropriation was needed in
4 addition to the CARES money for COVID-related issues.

5 Jonathan Scott said CHCCS allocated \$1 million last year for COVID response. He said
6 that money was utilized primarily for additional responsibility stipends to get people to return to
7 work prior to reopening. He said the additional money the Board allocated beyond the \$1
8 million was necessary because CHCCS has not received the remainder of CARES Act money.

9 Commissioner Fowler asked about reorganization, and if previous positions were taken
10 into account.

11 Dr. Hamlett said that was taken into account prior to her arrival, and changes were
12 based on the strong recommendation from the financial audit.

13 Jonathan Scott said it is important to remember that when the external audit was done,
14 the staffing levels were the same level as they are now. He said it was recommended to have
15 an administrator level position, as opposed to classified level position.

16 Commissioner McKee clarified that CHCCS is anticipating \$11.7 million in unassigned
17 fund balance going into July 1, 2021, plus half a million in ESSR phase III money. He asked if
18 the request of \$8 million assumes that none of the unassigned fund balance will be used.

19 Jonathan Scott said that is correct. He said he is actually anticipating around \$15 million
20 in fund balance by year-end.

21 Commissioner McKee asked if there was a minimum required fund balance amount.

22
23 Jonathan Scott's connection cut out.

24 Bonnie Hammersley said the County policy for the schools in undesignated fund balance
25 is 5.5%.

26 Jonathan Scott said he believes there is no minimum requirement by law, but best
27 practice indicates 3 months of local expenditures with operating cash.

28 CHCCS Board Member Rani Dasi said the reason CHCCS is not using the CARES
29 funding is because there are asking for items that are recurring, which cannot be paid for with
30 one time crisis funding.

31 Commissioner Bedford asked for a list of information to be emailed including: current
32 position allotments (other than classroom teachers) for elementary, middle, and high schools;
33 information on second step; the qualifications for the mental health specialist and Dean of
34 Students positions; the dates of any presentations about SEL to watch; and the estimate of any
35 budget changes with the USDA covering school lunches through December.

36 Commissioner Bedford said she was on the school board when Athletic Directors were
37 cut from 12 to 10 months. She said between 2009-2011 CHCCS cut over \$10 million out of
38 budget, in addition to losing a lot of teaching assistants. She said it is nice to see some of the
39 proposals, but she would personally advise looking at the fund balance policy in order to plan

1 how the money will be spent in order to maintain positions. She said if there is that much extra
2 fund balance the district can consider using it to maintain positions. She said she would like
3 CHCCS to explain that better because there is a crisis and the fund balance does need to be
4 spent down.

5 Dr. Hamlett said she would send the follow up email to the Commissioners.

6 Commissioner Dorosin referred to page 41 of the abstract, and asked if the 6-cent tax
7 increase is being requested in order to fully fund the request. He said the entire 6-cent increase
8 would be dedicated to education between the two school districts.

9 Jonathan Scott said the number seems correct.

10 Commissioner Dorosin said that is a large number. He said this is a tough year, and if
11 there is any way to use any CARES or fund balance more effectively spread out the costs for
12 non-recurring issues, he would encourage doing so. He said a tax increase of that amount is
13 not realistic for residents coming out of the pandemic. He clarified that a 4-cent increase is
14 needed for the continuation budget, and 6 cents for everything. He said if there is a way to use
15 any of the other funds to bridge through this tight period, it should be pursued. He said he
16 believes next year there will be a more positive economic situation, but this does not seem
17 practicable right now.

18 Commissioner Greene said she was interested in the Dean of Student position, and any
19 data showing its effectiveness in other areas. She asked if CHCCS would provide info on this in
20 a follow-up email.

21 Chair La Serna said Dr. Hamlett would send information in a follow up email.

22 Commissioner Hamilton asked if the follow up email could also include information about
23 current staffing that supports students in schools, such as social workers, assistant principals,
24 etc.

25 Rani Dasi asked if Commissioner Hamilton is looking for an organization chart or
26 numbers.

27 Commissioner Hamilton said she would like to see the staffing numbers at each level.

28 Joal Broun asked if Commissioner Hamilton would like to see the number of staff per
29 student.

30 Commissioner Hamilton asked the district to provide numbers that it thinks will be helpful
31 to make the case for the newly requested positions.

32 Commissioner Fowler asked if an old organizational chart versus the new one could be
33 provided. She said she wants to understand how there is a continually rising fund balance.

34 Chair La Serna said it would also be helpful to include national recommendations for
35 caseloads for counselors and school psychologists in the follow-up email to Commissioners
36 versus the reality at the schools currently.

37 Commissioner Greene said Commissioner Hamilton's question was a good add on. She
38 said for the Dean of Student position, she would like to understand the functionality and the
39 value it will bring to the staff and students, rather than the numbers.

40 Commissioner McKee said most of the positions added seem to be administrative, and
41 he is curious why more administrative positions are needed versus having tutors to help
42 students who are having difficulties. He said he hired a tutor to help his son when he was in
43 high school. He said the answer could be provided in the follow up email.

44 Dr. Hamlett said CHCCS can add clarification on the organization chart to show which
45 positions are administrative versus direct service to students.

46 Chair La Serna said the recommended Dean of Students should have high direct service
47 to student load, and staff can provide these details.

48 Dr. Hamlett said Dean of Students is at the high school level and would provide direct
49 service to students. She said the SRO taskforce is still working, and the Dean of Students
50 position would provide additional support if SROs are not continued in secondary schools.

51

1 **c. Presentation of Orange County Schools Board of Education FY 2021-22 Operating**
 2 **Budget**

3
 4 **BACKGROUND:**

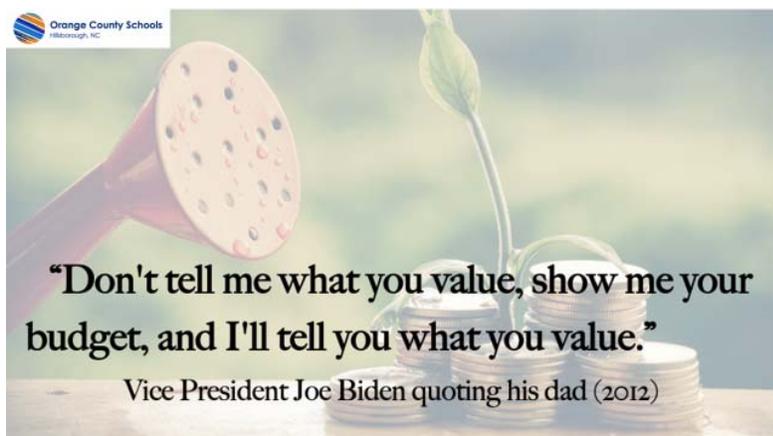
5 Based on the North Carolina Department of Public Instruction's projected Average Daily
 6 Membership (ADM) enrollment for FY2021-22, Orange County Schools' enrollment would be
 7 7,299 students, while charter students would be 919, less Out-of-County tuition paid students of
 8 108, for a total of 8,110 budgeted students (a decrease of 46 students from FY 2020-21).
 9

10 Orange County Schools is requesting an increase of \$2,893,572 in continuation and expansion
 11 funding, with a \$357 per pupil increase, in FY 2021-22. This would provide a total current 2
 12 expense funding of \$38,309,942. This requested increase in the local per pupil allocation for
 13 current expenses would increase the per pupil allocation from \$4,367 to \$4,724.
 14

15 Dr. Monique Felder and Rhonda Rath gave the following PowerPoint
 16 presentation:
 17

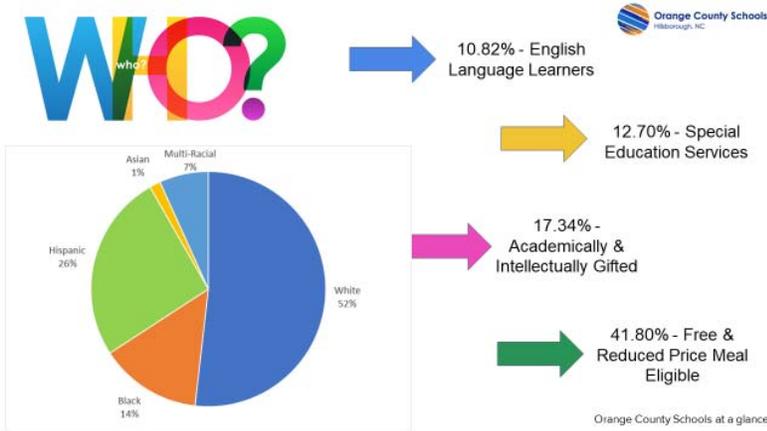


18 Dr. Felder said a good school district can greatly increase a student's chances of future
 19 success. She said investment in a student's future is an investment in the County, State and
 20 Nation's future. She resumed the PowerPoint presentation:
 21
 22



23 Dr. Felder said public education is the great equalizer, and OCS is bringing a budget
 24 that provides for the needs of all children. She said how resources are allocated is critical. She
 25 resumed the PowerPoint presentation:
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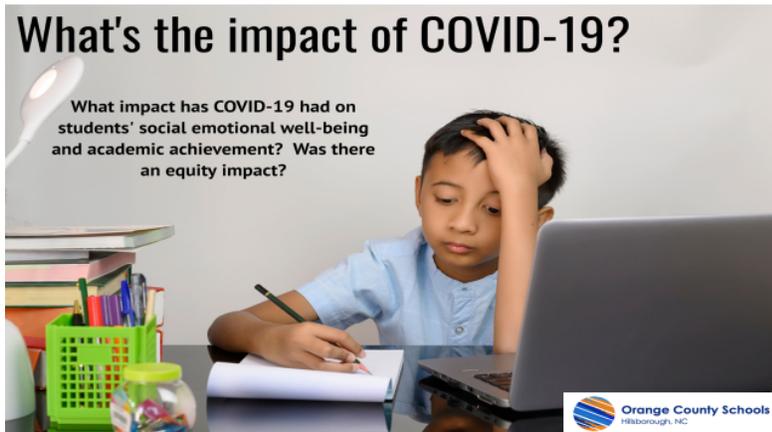
Dr. Felder said this slide is intended to provide clarity on the students who are served in OCS.

OUR 4 PRIORITIES



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Dr. Felder said OCS is currently developing the next 3-5 year strategic plan, but priorities remain the same, with a specific focus on equity for all students. She said literacy is a civil right, and remains a high priority.



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Student Social and Emotional Learning



Student Meals Provided

Pre-COVID	COVID
23,808/weekly	21,727/weekly

Supplemental Food Provided

	Pre-COVID	COVID
Elementary	320-360/weekly	500+back buddy bags a week
Middle	25-30/monthly	100+ a month
High	10-15/monthly	50+ a month
Total	355-405/monthly	700+ a month



Dr. Felder said some students have had to move due to pandemic, and there has also been a shift in the basic needs of the students, such as food. She said a hungry child does not, and cannot, learn. She said the number of meals served, even when school closed, did not significantly decrease. She said staff travelled into the community to provide supplemental food and instructional materials, all of which had to be individually packaged, which was labor intensive. She resumed the PowerPoint presentation:

Mental Health Reports

Race and Gender	Male	Female	Black	Hispanic/Latino	Multi-race	American Indian	Asian	Hawaiian/Pacific Islander	White	Total
2019/2020	145 (52.2%)	133 (47.8%)	75 (27%)	43 (15.5%)	8 (2.9%)	3 (1.1%)	2 (0.07)	0	144 (51.8%)	278
2020/2021	39 (34.2%)	75 (65.8%)	15 (13.2%)	25 (21.9%)	7 (6.1%)	11 (9.6%)	0	3 (2.6%)	50 (43.9%)	114



Dr. Felder said working directly with students, OCS is typically able to identify students with needs, but this ability has decreased in the virtual environment. She said as students come back, OCS will need to focus on mental health and social emotional wellbeing. She resumed the PowerPoint presentation:

Mental Health Reports

Types of Reports	Suicide	CPS	Police	Self-harm	Medical Emergency	Total
2019/2020	150 (54%)	88 (31.7%)	4 (1.4%)	17 (6.1%)	19 (6.8%)	278
2020/2021	63 (55.8%)	37 (32.7%)	2 (1.8%)	11 (9.7%)	0	113

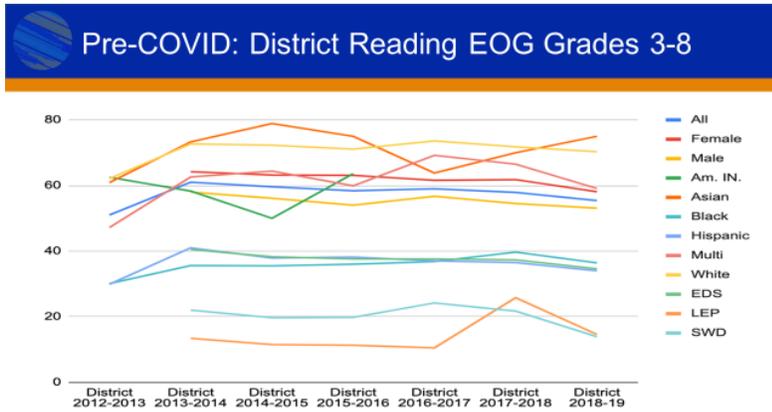


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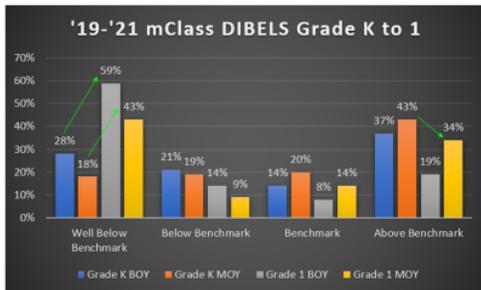
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Dr. Felder said even before the pandemic, literacy achievement has been stagnant across all demographics. She said a literacy achievement gap based on race, ethnicity, was and continues to be evident. She said these numbers are not acceptable. She said OCS needs to accelerate growth to close these gaps, and focus on equity to ensure all students have what they need to achieve. She said the pandemic has had a devastating effect on student achievement in OCS. She resumed the PowerPoint presentation:

2019-2021 OCS mClass Comparison



As kindergartners, only 28% started the year well below benchmark in 2019.

59% of this same cohort of students started their first grade year well below benchmark.

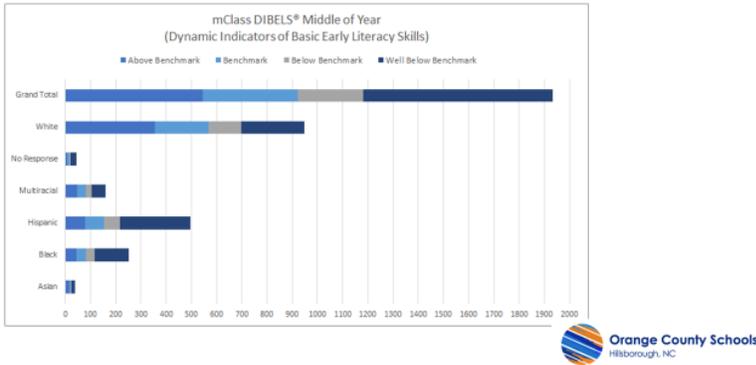
A difference of 31%

Follows last year kindergartners to first grade this year.

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Dr. Felder said this graph compares the beginning of year versus the middle of year for a cohort of students, current first graders, and compares their achievement to their performance during their kindergarten year. She resumed the PowerPoint presentation:

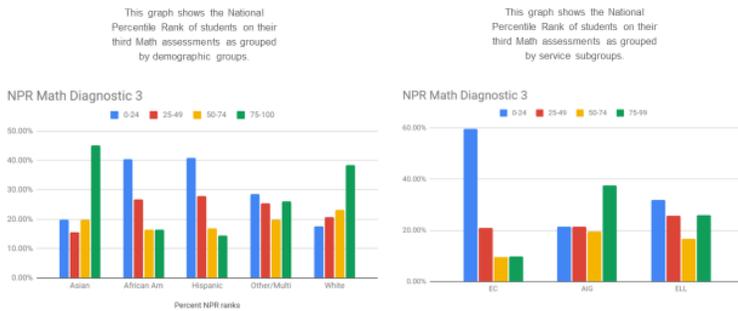
mClass DIBELS (Foundational Skills & Comprehension) by Subgroups



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Dr. Felder said the dark blue bar shows the percentage of students performing well below benchmark, and shows the disparities in achievement between white and non-white students. She resumed the PowerPoint presentation:



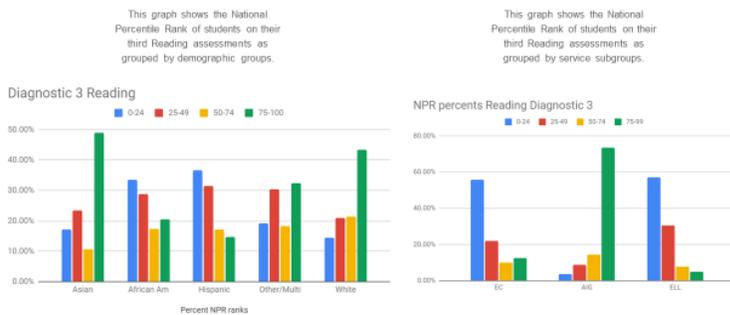
Exact Path Math Grades 6-8 by Subgroups



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Dr. Felder said achievement in math may have taken an even greater toll than achievement in literacy. She said more students of color and English language learners are scoring at the lowest percentile compared to their White, Asian and gifted peers. She resumed the PowerPoint presentation:

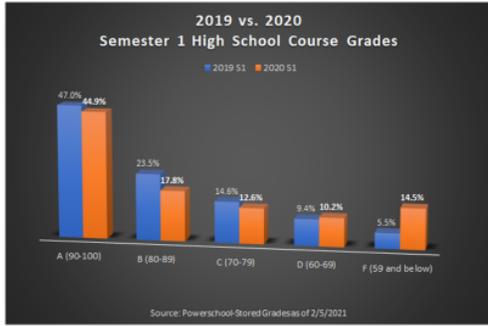


Exact Path Reading Grades 6-8 by Subgroups



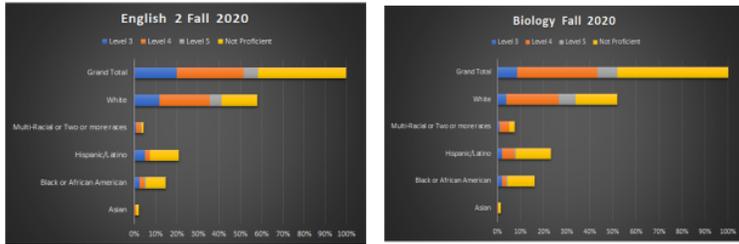
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High School Semester 1 Course Grades



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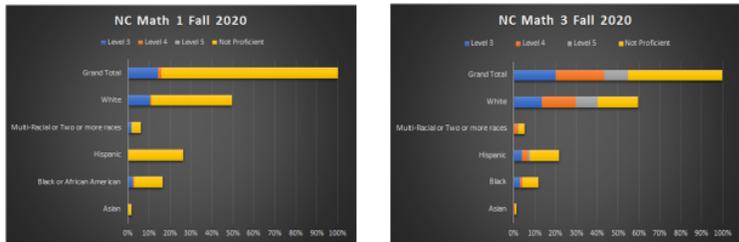
EOC Data by Subgroups



These graphs show the performance of the students in Grades 9-12 who participated in the January administration of the End-of-Course exams. The NCDPI considers this EOC data incomplete until all test windows have been completed for the 2020-21 school year (i.e. fall and spring).

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EOC Data by Subgroup



These graphs show the performance of the students in Grades 9-12 who participated in the January administration of the End-of-Course exams. The NCDPI considers this EOC data incomplete until all test windows have been completed for the 2020-21 school year (i.e. fall and spring).

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Student Membership

	FY 2021	FY 2022	Change
Projected ADM	7,381	7,299	(82)
Average Daily Membership			
Charter School	885	919	34
(Less) Out of District	110	108	(2)
Total Student Billing Base	8,156	8,110	(46)

Anticipated County Funding at FY 2021 per pupil \$4,367
\$ 35.4 Million



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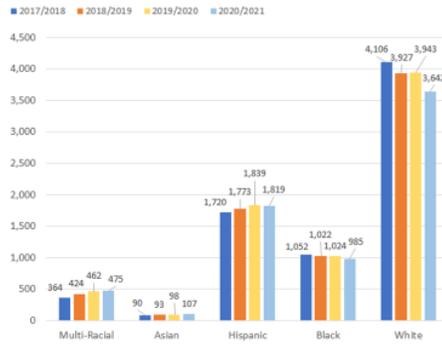
Rhonda Rath continued the presentation. She said the changes in student enrollment equate to a revenue loss of \$220,000. She resumed the PowerPoint presentation:



Student Enrollment by Ethnicity

When comparing enrollment data from 2017-18 to 2020-21, the proportions of Hispanic, Asian and multi-races have increased in Orange County Schools 5.8%, 18.9% and 30.5% respectively.

The proportions of black and white students enrolled has decreased 6.4% and 11.3% respectively.



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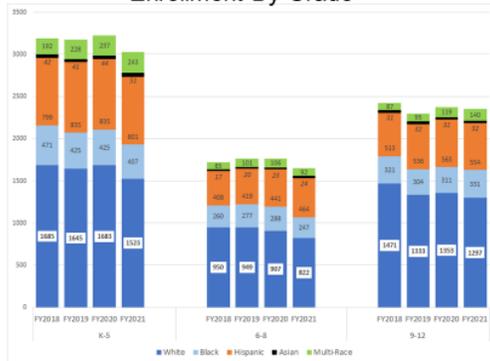


Enrollment By Grade

When reviewing the data by Grade and Ethnicity, the greatest loss of students is being seen in our black students, grades K-5.

When researching the demographics of the population Orange County Schools serves, it appears black families with elementary age children are not moving into the area.

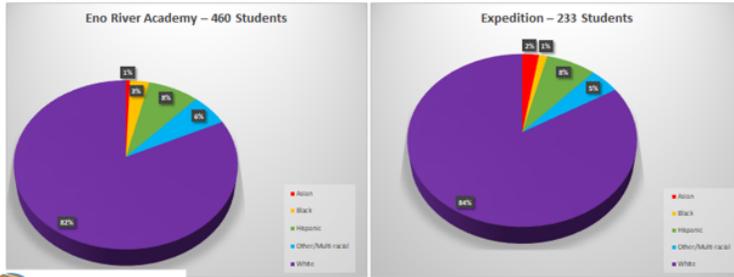
The second greatest loss is being seen in our white students, grades 6-8.



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Orange County Students attending Charter Schools
 Ethnicity of OCS students attending in County Charter Schools

The two charter schools in Orange County constitute 75% of total students attending charter schools



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Local Current Expense Budget Comparison

Total Budget Comparison		Total Budget
FY 2020-21 Total Budget (w/fund balance)		38,770,280
FY 2021-22 Total Requested Budget (w/o fund balance)		38,311,640
% Change		(1.18)%
Local Revenue Comparison		Total Budget
FY 2020-21 Local Revenue, Excluding Fund Balance		35,802,253
FY 2020-21 Fund Balance Appropriated		2,968,027
Total FY 2020-21 Local Operating Budget		38,770,280
FY 2021-22 Requested Budget		38,311,640
Requested Increase in Local Revenue, Excluding Fund Balance		7.00%

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ANTICIPATED EXPENSES

FY2022 Projected Appropriation	35,416,370
State Mandate Salary Increase <i>(locally funded employees)</i>	950,000
State Mandate Benefit Increase <i>(locally funded employees)</i>	290,890
Hold ADM harmless	220,882
Operation Cost increases	446,000
Total Continuation Request	37,324,142
FY2022 Per Pupil Need	\$4,602
FY2021 Per Pupil Funded	\$4,367
Per Pupil Increase need to fund Continuation Budget	\$ 235

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Rhonda Rath said the operation cost increases are due to hotspots to allow access to WiFi, and there are also service costs associated with the devices of \$25,000-\$30,000 a month. She resumed the PowerPoint presentation:



EXPANSION EXPENSES

Teacher Assistant Work Days Paid	82,500	\$ 10
Academically/Intellectually Gifted teachers	160,000	\$ 20
PreK Dual Language	40,000	\$ 5
Equity Facilitators	142,000	\$ 18
Part-time Karen/Burmese Family Liaison	40,000	\$ 10
Maintenance Technicians	192,000	\$ 24
Recruitment and Talent Management	81,000	\$ 10
MTSS Facilitator	72,800	\$ 9
English Learner Specialist (2)	110,000	\$ 14
Additional TIMS Coordinator	65,500	\$ 8
Total Expansion Budget Request	985,800	\$ 122

1 Rhonda Rath said the funding requests have to be rooted in research, in order to disrupt
 2 the crisis OCS is currently facing. She resumed the PowerPoint presentation:
 3
 4

Covid-19 Expenditure Impact

→ Below you will find OCS non-payroll related expenditures that reflect the greatest change when comparing fiscal years 2019-20 and 2020-21
 • Red indicates spending in the current fiscal year below the previous year
 • Green indicates spending in the current fiscal year higher than the previous year

OBJECT	Description	Activity Prior Year	YTD Activity	Change
321	Public Utilities - Electric Services	1,384,313.18	934,012.58	(430,301)
323	Public Utilities - Water and Sewer	443,109.43	172,237.95	(270,871)
211	Contracted Services	2,636,842.85	2,424,838.21	(212,005)
422	Repair Parts, Materials & Labor	285,977.40	181,932.86	(104,145)
451	Food Purchases	98,483.31	270.40	(98,213)
411	Supplies & Materials	454,102.22	369,370.62	(84,732)
315	Reproduction Costs	243,965.94	171,265.39	(72,701)
312	Workshop Expenses	74,467.81	13,160.95	(61,307)
327	Rentals/Leases	0.00	84,000.00	84,000
413	Other Textbooks	36,702.32	124,695.68	87,993
344	Mobile Communications	33,504.53	221,969.95	188,465
401	Furniture/Equipment - Inventoried	2,968.25	334,630.30	331,662
418	Computer Software/Supplies	46,463.14	522,299.09	475,836



5 Rhonda Rath said a lot of the non-payroll expenditures are in line with the same trends
 6 in CHCCS. She said there were savings related to students not being in buildings and using
 7 busses, however, those savings were offset by expenditures related to students working in a
 8 virtual environment, and preparation for students to return to campuses. She resumed the
 9 PowerPoint presentation:
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 11



Covid-19 Expenditure Impact

→ Below you will find OCS payroll related expenditures that reflect the greatest change when comparing fiscal years 2019-20 and 2020-21
 • Red indicates spending in the current fiscal year below the previous year
 • Green indicates spending in the current fiscal year higher than the previous year

OBJECT	Description	Activity Prior Year	YTD Activity	Change
231	Employer's Hospitalization	5,210,230	4,824,321	(385,909)
171	Bus Driver	738,022	362,563	(375,459)
162	Substitute Teacher	432,811	157,570	(275,240)
135	Instructional Facilitators	1,470,244	1,324,305	(145,939)
192	Add'l Responsibility Stipend	598,127	454,248	(143,879)
165	Non-Teaching Substitute	106,423	15,911	(90,511)
163	Staff Dev'l Substitute	82,901	212	(82,689)
199	Overtime	94,187	18,816	(75,371)
167	TA Salary when Substituting	34,284	79,347	45,062
121	Classroom Teacher	20,030,267	20,214,887	178,820
191	Curriculum Dev'l Pay	83,458	267,622	184,164
180	Bonus Pay	243,493	803,975	560,482
221	Employer's Retirement	8,124,369	8,771,423	647,054



PRC	PRC Description	Funding Source	Fund	Allotment	Spent To Date
121	Summer Learning Program	CARES-Act-CRF	State	361,260	201,412
122	School Health Support	CARES-Act-CRF	State	47,259	13,590
123	Non-Digital Resources	CARES-Act-CRF	State	14,273	13,375
124	Student Computers/Devices	CARES-Act-CRF	State	115,673	-
125	School Nutrition	CARES-Act-CRF	State	201,815	201,815
126	Personnel Computers/Devices	CARES-Act-CRF	State	23,787	190,273
128	Home & Community WiFi	CARES-Act-CRF	State	41,476	117,029
132	Exceptional Children	CARES-Act-CRF	State	183,557	166,648
135	Cybersecurity	CARES-Act-CRF	State	12,664	-
137	Personal Protective Equipment	CARES-Act-CRF	State	67,342	234,098
163	Emergency Relief Fund	CARES-Act-ESSER I	Federal	942,810	571,332
165	Digital Curricula	CARES-Act-ESSER I	Federal	52,667	6,988
167	Exceptional Children	CARES-Act-ESSER I	Federal	26,180	-
169	Student Health Support	GEER	Federal	204,104	-
170	Supplemental Instructional Services	GEER	Federal	77,209	-
Total				2,414,283	1,696,603

 Orange County Schools
Hillsborough, NC

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Rhonda Rath said all state funds have been spent and there were more restrictive as to what these funds could be spent on. She said OCS is still receiving federal funds now. She resumed the PowerPoint presentation:

Elementary & Secondary School Emergency Relief Fund (ESSER)

ESSER II - \$3,695,756	ESSER III - \$8,270,200(**)
Expected Release May 2021	Expected Release June/July 2021
Expires September 2023	Expires September 2024
Planned Spending: <ul style="list-style-type: none"> *K-12 Summer Scholars Academy K-12 Saturday School Virtual Academy Science of Reading/Literacy Curriculum School Level Mini Grants Short-term School Level Enhanced staffing 	Planned Spending: <ul style="list-style-type: none"> *K-12 Summer Scholars Academy K-12 Saturday School Virtual Academy Science of Reading/Literacy Curriculum School Level Mini Grants Short-term School Level Enhanced staffing
*Legislated	** - DPI Planning allotment recently published

 Orange County Schools
Hillsborough, NC

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SUMMARY

FY 2021 Approved Per Pupil	\$4,367.00
FY 2022 Continuation Per Pupil	\$ 235.00
FY 2022 Expansion Per Pupil	\$ 122.00
FY 2022 Total Per Pupil Need	\$4,724.00



 Orange County Schools
Hillsborough, NC

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“The whole people must take upon themselves the education of the whole people and be willing to bear the expenses of it.”

President of the U.S. John Adams (1791-1801)



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Commissioner Dorosin said some expenses were one time in nature, and asked if any of the COVID money coming in can reimburse those one-time expenses spent from the general fund.

Rhonda Rath said OCS does not envision being able to reimburse any of the fund balance, and will have to use those funds to address the learning losses reflected in the data shared this evening. She said OCS has to provide summer program, with a certain amount of hours. She said she envisions this programming will expend the funds received from federal resources.

Commissioner Dorosin said it is somewhat counterintuitive. He said the things needed to address learning loss are not one time in nature, but rather are recurring. He said if there is not an absolute prohibition on it, OCS should look into using the funding to reimburse those one-time expenses.

Commissioner Fowler asked if both districts received a hold harmless payment for charter school students.

Rhonda Rath said she believes that is correct, and the Board fully funds both districts' charter school students.

Commissioner Fowler asked if the schools get reimbursed, in addition to passing funding to charter schools

Rhonda Rath said no, the money passes straight through the public schools directly to the charter schools. She said the public schools do not receive any money for students who live in Orange County and attend charter schools.

Commissioner Bedford asked for a list of position allotments besides classroom teachers at each school level, and the rest of the additional information Commissioners previously

27

1 requested from CHCCS. She asked if OCS staff could clarify about the \$2.7-\$3.7 million ending
2 fund balance.

3 Rhonda Rath said based on what is currently known, OCS projects being revenue
4 neutral at the end of the fiscal year, which would bring the unassigned balance to that range of
5 \$2.7-\$3.7 million, or 2.5-3.5% of budgeted expenditures.

6 Commissioner Bedford said OCS has much less of a cushion than CHCCS.

7 Chair Price thanked both school districts for the presentations.

8 Commissioner McKee clarified that a penny tax increase generates \$2.1 million, and the
9 debt service the County will already have to cover this year is over a 4-cent increase. He said if
10 the Board moves forward with the CHCCS request of around \$8 million, it would require around
11 an 8 or 9-cent tax increase, instead of 4. He said such a proposition does not seem
12 doable.

13 Will Atherton said he hopes this Board can address, and fix, the Pre-K SAPFO issues.
14

15 **3. General Questions**

16

17 **a. School Resource Officers (SROs) Review**

18

19 Due to the time, Chair Price said this discussion would be revisited at a future meeting.
20

21 A motion was made by Commissioner McKee, seconded by Commissioner Fowler to
22 adjourn the meeting at 11:07 p.m.

23

24 **Roll call ensued.**

25

26 **VOTE: UNANIMOUS**

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Renee Price, Chair

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30 Recorded by Tara May, Deputy Clerk to the Board

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

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MINUTES
ORANGE COUNTY
BOARD OF COMMISSIONERS
VIRTUAL BUSINESS MEETING
May 4, 2021
7:00 p.m.

8 The Orange County Board of Commissioners met for a Virtual Business Meeting on Tuesday,
9 May 4, 2021 at 7:00 p.m.

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

14 **COUNTY COMMISSIONERS ABSENT:** None.

15 **COUNTY ATTORNEYS PRESENT:** John Roberts

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

19
20 Chair Price called the meeting to order at 7:00 p.m.

21
22 A roll call was called. All Commissioners were present, except for Commissioner McKee.

23
24 Due to current public health concerns, the Board of Commissioners is conducting a Virtual
25 Business Meeting on Tuesday, May 4, 2021. Members of the Board of Commissioners
26 participated in the meeting remotely. As in prior meetings, members of the public were able to
27 view and listen to the meeting via live streaming video at
28 <http://www.orangecountync.gov/967/Meeting-Videos> and on Orange County Gov-TV on
29 channels 1301 or 97.6 (Spectrum Cable).

30
31 In this new virtual process, there are two methods for public comment.

- 32
- 33 • Written submittals by email
 - 34 • Speaking during the virtual meeting

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

37
38 **1. Additions or Changes to the Agenda**

39 No changes.

40 Chair Price dispensed with reading the public charge.

41
42 **Public Charge:** The Board of Commissioners pledges its respect to all present. The Board asks
43 those attending this meeting to conduct themselves in a respectful, courteous manner toward
44 each other, county staff and the commissioners. At any time should a member of the Board or
45 the public fail to observe this charge, the Chair will take steps to restore order and decorum.
46 Should it become impossible to restore order and continue the meeting, the Chair will recess
47 the meeting until such time that a genuine commitment to this public charge is observed. The
48 BOCC asks that all electronic devices such as cell phones, pagers, and computers should
49 please be turned off or set to silent/vibrate. Please be kind to everyone.
50

1 **Arts Moment** – No Arts Moment was available for this meeting.

2 *Commissioner Dorosin left the meeting at 7:02 p.m.*

3
4 **2. Public Comments**

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

6
7 Margo Lakin said she lives in Hillsborough. She said she has followed many proposals
8 and zoning issues over the last year: RTLP, Medline, Buc-ee's, Buckhorn Area Plan, and has
9 seen one common thread: a glaring lack of an inclusive process to notify and include the public.
10 She said public notice signs are written in 9-point font, and placed in locations that residents
11 have to risk their lives to access. She said a person living within 1000 feet of a proposed
12 location project will get a notification letter, while his or her neighbor will not. She said rural
13 Orange County seems to be at the epicenter for proposed development, yet so many residents
14 lack access to broadband. She said this is not equitable. She said people were shocked when
15 the slab was poured for Medline, as they had no idea of the magnitude of the footprint. She
16 said residents do need to be responsible to stay abreast of County matters, but that does not
17 mean Orange County is without onus. She said other counties encourage robust public
18 participation, and asked if there is a reason that progressive Orange County is not doing better.
19 She said the Board of County Commissioners (BOCC) is under an incredible amount of
20 pressure to move quickly to develop, in order to increase jobs and tax revenue, but it is
21 important to understand that the sense of urgency signals to residents that decisions are being
22 made without input, but yet with which the public will be forced to live. She urged the BOCC to
23 insure that all Orange County residents have a seat at the table.

24
25 *Commissioner Dorosin rejoined the meeting at 7:03 p.m.*

26
27 **b. Matters on the Printed Agenda**

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

30
31 **3. Announcements, Petitions and Comments by Board Members**

32 Commissioner Greene said there was an opioid litigation settlement agreement reached,
33 and major distributors will pay out \$850 million dollars over 18 years. She said it will be
34 distributed proportionately, based on where the impact was most severe, based on number of
35 pills distributed, number of deaths, and number of people still suffering. She said 15% of funds
36 will go to the State for opioid remediation; 80% will go directly to counties and 17 qualifying
37 municipalities; and the remaining 5% will go to all counties who sign up all of the municipalities
38 within their county. She said she was one of five commissioners statewide who was involved,
39 along with attorneys and managers, but the North Carolina Association of County
40 Commissioners (NCACC) did heavy lifting.

41 Commissioner Greene discussed a petition, sent earlier in the day, regarding a standing
42 fund that the County would use to subsidize tax bills for low-income taxpayers. She said this
43 fund would help people with appeals. She said the County and the Town of Chapel Hill have
44 not invested in the Northside community. She said people have been unable to gain equity, and
45 investors have secured properties at bargain prices. She said the fault for this situation lies with
46 local government.

47 Commissioner Fowler agreed with Commissioner Greene's proposal to create a fund.
48 She said she has read the articles about how Charlotte and Durham did something similar,
49 based on means testing, length of occupancy, age of residents, etc. She said she would like to
50 look at the details to insure the goal is being served as intended. She said she also supported

1 the Manager's recommendation to review tax practices to insure inequities do not exist, and are
2 addressed if they do exist.

3 Commissioner Hamilton said she attended the Board of Health meeting on April 28,
4 2021, which included excellent presentations on the criminal justice diversion program. She
5 said there was also an update on the formerly incarcerated transitions program. She said there
6 was also a presentation by graduate student Kojo Minta on the Gaines/Chapel Road study. She
7 said he looked at this neighborhood in Efland, which is dependent on well and septic systems,
8 and found inequities, due to lack of sewer access. She said he found the two thirds were
9 interested in municipal sewer, and cost may be a barrier. She said there are also wells that
10 have been abandoned. She petitioned staff to look into this issue, and report back to the Board,
11 specifically on the cost and process for getting sewer.

12 Commissioner Bedford said she and Commissioner Greene attended the
13 groundbreaking for Club Nova, an organization that serves residents with mental health needs.
14 She said this facility will be an improved asset for the County.

15 Commissioner Dorosin agreed with Commissioner Greene and Commissioner Fowler's
16 points about tax equity.

17 Commissioner Dorosin reminded the Board about its legislative priorities regarding the
18 anti-trans bills in the General Assembly. He said the bills will not proceed.

19 Chair Price also expressed support for aid in the tax equity issue. She said the County
20 is working with the Jackson Center and EmPOWERment on appeals. She said this will afford
21 the opportunity to look more closely at these communities. She said the official appeals window
22 has closed. She said all involved are looking to preserve these traditional African American
23 communities.

24
25 *Commissioner McKee arrived at 7:15 p.m.*

26
27 Chair Price thanked Commissioner Greene for her work on the opioid settlement. She
28 said on May 18th there will be a presentation to sign the resolution to move forward on the
29 lawsuit.

30 Chair Price said she attended an announcement at Durham Tech about KBI pharma,
31 which is expanding and bringing more jobs to the area. She said there will also be an
32 apprenticeship program. She said President Buxton showed that he is trying to work with both
33 Durham and Orange counties by inviting both to the event today. She said this is an exciting
34 time, and Orange County is in the midst of it all.

35 Chair Price said the press release came out about the Greene Tract. She said
36 information is available online, and there will also be printed materials for people to review.

37 Commissioner McKee said he had no comments.

38 39 **4. Proclamations/ Resolutions/ Special Presentations**

40 41 **a. Proclamation Recognizing Coach Roy Williams Upon His Retirement**

42 The Board considered voting to approve a proclamation recognizing UNC men's
43 basketball Coach Roy Williams upon his retirement.

44 45 **BACKGROUND:**

46 Roy Williams became UNC's men's basketball head coach in 2003, and continued serving in
47 this capacity for the next 18 seasons, defining UNC men's basketball for a generation of Tar
48 Heels.

49
50 Under Coach Williams' leadership, UNC earned three men's basketball national championships
51 in 2005, 2009, and 2017. Coach Williams is recognized as one of the most accomplished

1 basketball coaches of all time with 903 career wins and recognition in the Naismith Hall of Fame
2 in 2007.

3
4 Coach Williams is widely known as a mentor, role model, and Tar Heel through and through by
5 colleagues, students, student athletes, and fans alike. His compassion, loyalty, toughness, and
6 dedication to the UNC community completes his legacy as legendary Coach, and man.

7
8 Coach Williams has given his all to UNC men's basketball over the past 18 years and
9 announced his retirement on April 1, 2021. The attached proclamation recognizes and
10 expresses sincere gratitude to Coach Roy Williams for his exemplary service, and congratulates
11 Coach Williams on his retirement.

12
13 Chair Price introduced former Commissioner Barry Jacobs, and invited Commissioner
14 Dorosin to read the proclamation:

15
16 **ORANGE COUNTY BOARD OF COMMISSIONERS**

17
18 **PROCLAMATION**
19 **RECOGNIZING COACH ROY WILLIAMS**
20

21 **WHEREAS**, Roy Williams was born and raised in North Carolina, attended and graduated from
22 UNC in 1972; and

23 **WHEREAS**, Roy Williams returned to his alma mater, UNC, in 2003 to become UNC men's
24 basketball head coach; and

25 **WHEREAS**, Roy Williams has defined UNC men's basketball as head coach for the past 18
26 seasons; and

27 **WHEREAS**, Roy Williams led UNC to national championships in 2005, 2009, and 2017; and

28 **WHEREAS**, Roy Williams, one of the most accomplished basketball coaches of all time, was
29 inducted into the Naismith Hall of Fame in 2007, and tallied 903 career wins; and

30 **WHEREAS**, the floor in the Dean E. Smith Center was renamed Roy Williams Court in August
31 2018; and

32 **WHEREAS**, Roy Williams has mentored and nurtured and served as role model for many
33 student athletes and has embraced student and community fans; and

34 **WHEREAS**, Roy Williams has been described as caring, loyal, tough, dedicated, "dadgum"
35 plain spoken, and a family man; and

36 **WHEREAS**, Roy and Wanda Williams donated \$3 million to UNC in scholarships to help
37 students afford an education at their alma mater; and

38 **WHEREAS**, Roy Williams announced his retirement on April 1, 2021, and walked away with his
39 wife of 47 years into a Carolina blue sunset;

40 **NOW THEREFORE BE IT PROCLAIMED** that the Orange County Board of County
41 Commissioners, on behalf of the people of Orange County, hereby recognizes and expresses

1 sincere gratitude to Coach Roy Williams for being an exemplary citizen of the UNC, Chapel Hill,
2 Orange County, and North Carolina community.

3 **BE IT FURTHER PROCLAIMED** that the Orange County Board of County Commissioners, on
4 behalf of the people of Orange County, congratulates Roy Williams on his retirement, and hopes
5 that his life journey henceforth will abound with joy and excitement and increased time for family
6 and friends.

7 This the 4th day of May, 2021.
8
9

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

15 A motion was made by Commissioner Dorosin, seconded by Commissioner Fowler, to
16 approve and authorize the Chair to sign the proclamation.
17

18 **Roll call ensued**
19

20 **VOTE: UNANIMOUS**
21

22 Chair Price said Coach Williams is an example to the community.

23 Commissioner Fowler said she thinks the world of Coach Williams, and wishes him all
24 the best.

25 Former Commissioner Barry Jacobs said he been professional friends with Roy Williams
26 for 40 years, and he is an exceptional Coach and person. He said he has always been able to
27 talk openly with Coach Williams, who is a caring person and a political progressive. He said
28 Coach Williams had Barack Obama at a practice, and managed to side step going to the White
29 House in 2017, while Donald Trump was in office. He said Coach Williams is enamored with
30 the game of golf. He said Coach Williams has chosen to come to Chapel Hill 3 different times in
31 his life: as a student, an assistant coach and as head coach. He said he is a part of a tradition
32 from Frank MacGuire to Dean Smith to Bill Gutheridge to Roy Williams to Hubert Davis, none of
33 whom were ever a head coach before coming to UNC. He said sports often lack decorum, and
34 he recalled a game in 2007 when a Duke player hit a UNC player in the nose and made him
35 bleed. He said Coach Williams stood at the court with the Duke coach, and had a civil
36 conversation. He said he set a good example of how adults can act in stressful times. He said
37 he greatly appreciates Coach Williams' decorum.

38 Roy Williams said he is flattered, and is just a little boy from the mountains of North
39 Carolina. He said he is the luckiest person he has ever known, and while he loved coaching at
40 Kansas, he always wanted to come home. He said these experiences were wonderful. He said
41 it was the neatest thing to see Carolina Blue everywhere on the court, and he was honored to
42 be at UNC. He said he will always be a part of Chapel Hill, and he appreciates the people of
43 Chapel Hill and Orange County. He thanked the Board for the proclamation.

44 Chair Price thanked everyone for working on the proclamation, and thanked the Williams
45 family for attending and contributing to Orange County.
46

47 **b. Mental Health Awareness Month Proclamation**
48

1 The Board considered voting to approve a proclamation recognizing May 2021 as
2 Mental Health Awareness Month in Orange County.

3
4
5 **BACKGROUND:**

6 Mental Health Awareness Month has been observed in the U.S. since 1949. Each year millions
7 of Americans face the reality of living with a mental illness. Even though mental health
8 conditions are common and treatable like physical health conditions, many people are still afraid
9 to talk about them due to the stigma associated with mental illness. In May, mental health
10 organizations and affiliates will raise awareness with community events and messages of hope
11 to highlight the importance of mental health.

12
13 The COVID-19 pandemic had a profound impact on the mental health of people of all ages. In
14 2020, area mental health partners saw fewer patients in-person, but experienced significantly
15 more telehealth appointments. As social distancing requirements relaxed in the first quarter of
16 2021, providers saw in-person mental health visits rise to pre-pandemic levels. Now, more than
17 ever, it is critical to reduce the stigma around mental health struggles and encourage people to
18 seek help.

19
20 The Board of Commissioners is asked to proclaim May 2021 as “Mental Health Awareness
21 Month” in Orange County to shine a light on mental illness and the need for long-term
22 improvements in our mental health care system and improved access to care so no one feels
23 alone.

24
25 Commissioner Fowler read the proclamation:

26
27
28 **ORANGE COUNTY BOARD OF COMMISSIONERS**
29 **PROCLAMATION**
30 **MENTAL HEALTH AWARENESS MONTH**

31
32 **WHEREAS**, mental health is part of everyone's overall health and well-being, and mental
33 illnesses are prevalent in our county, state, and nation, with one in five adults experiencing a
34 mental health issue every year; and

35
36 **WHEREAS**, mental health sustains an individual's thought processes, relationships,
37 productivity, and ability to adapt to change; and

38
39 **WHEREAS**, it is important to maintain mental health and to recognize the symptoms of mental
40 illness and seek help when it is needed; and

41
42 **WHEREAS**, early identification and treatment can make a difference in successful navigation
43 and management of mental illness and recovery; and

44
45 **WHEREAS**, stigma and the resulting discrimination is a primary obstacle to early identification
46 and effective treatment of individuals with mental illness and the ability to recover to lead full,
47 productive lives; and

48
49 **WHEREAS**, every person and community can help end the silence and stigma surrounding
50 mental illness that for too long has made people feel isolated, alone and discouraged people
51 from getting help; and

1
2 **WHEREAS**, Orange County remains engaged in the promise to address the challenges facing
3 people with mental illness; and
4

5 **WHEREAS**, people with lived experience of mental illness and/or substance use disorders get
6 better, live in recovery, and provide invaluable knowledge of how to improve and transform
7 systems of care, and
8

9 **WHEREAS**, the COVID-19 pandemic has increased the number of people experiencing feelings
10 of anxiety and depression; and
11

12 **WHEREAS**, through public education and working together to raise awareness, we can help
13 improve the lives of individuals and families affected by mental illness, and
14

15 **WHEREAS**, Mental Health Awareness Month is an opportunity to increase public understanding
16 of the importance of mental health and to promote the identification and treatment of mental
17 illness;
18

19 **NOW THEREFORE**, we, the Orange County Board of Commissioners, do hereby recognize
20 May 2021 as MENTAL HEALTH AWARENESS MONTH in Orange County and shine a light on
21 mental health and the need for long-term improvements in our mental health care system and
22 improved access to care so no one feels alone.
23

24 This the 4th day of May, 2021.
25
26
27

28 _____
29 Renee Price, Chair
30 Orange County Board of Commissioners

31 A motion was made by Commissioner Fowler, seconded by Commissioner McKee, to
32 approve and authorize the Chair to sign the proclamation.
33

34 **Roll call ensued**
35

36 **VOTE: UNANIMOUS**
37

38 *Commissioner Dorosin left the meeting at 7:35 p.m.*
39

40 Commissioner Hamilton said she is a social worker and a mental health provider, and
41 mental health issues do not discriminate. She said all families are impacted, and external
42 factors impact mental health. She said it is important to pay attention to how institutions create
43 stress. She said science that informs treatment options has advanced in this area, and she
44 hopes people recognize that there are appropriate treatments available.

45 Commissioner Fowler said mental health is an integral part of overall health, and can
46 negatively impact physical health. She said people suffer needlessly due to stigma, and lack of
47 access. She said there is effective treatment, and if you need help, you are not alone.
48

49 *Commissioner Dorosin rejoined the meeting at 7:36 p.m.*
50

1 Commissioner Dorosin said it is important to approach the issue from the vantage point
2 of and how it intersects with the other issues on which the Board works: education, criminal
3 justice, policing, etc. He said issues of care, treatment and access do not exist by themselves,
4 and an intersectional perspective should be kept in mind.

5 Chair Price thanked Commissioner Fowler for bringing this item forward. She said there
6 are many people suffering from isolation, with both the young and old being suicidal. She said
7 people sometimes turn to opioids and narcotics, instead of seeking out help.
8

9 **c. Older Americans Month Proclamation**

10
11 The Board considered voting to approve a proclamation joining Federal and State
12 governments in designating the month of May 2021 as Older Americans Month and a time to
13 honor older adults for their contributions to the community.
14

15 **BACKGROUND:**

16 May is Older Americans Month, a tradition dating back to 1963. For many years the Orange
17 County Board of Commissioners has issued a proclamation for Older Americans Month. This
18 year's national theme is *Communities of Strength* recognizing the important role older adults
19 play in fostering the connection and engagement that build strong, resilient communities.
20

21 In tough times, communities find strength in people – and people find strength in their
22 communities. In the past year, this has occurred time and again in Orange County as friends,
23 neighbors, and businesses have found new ways to support each other.
24

25 In the community, older adults are a key source of this strength. Through their experiences,
26 successes, and difficulties, these residents have built resilience that helps them to face new
27 challenges. When communities tap into this, they become stronger, too.
28

29 Strength is built and shown not only by bold acts, but also small ones of day-to-day life – a
30 conversation shared with a friend, working in the garden, trying a new recipe, or taking time for
31 a cup of tea on a busy day. And when people share these activities with others – even virtually
32 or by telling about the experience later – it helps them build resilience too.
33

34 This year, Orange County celebrates Older Americans Month by encouraging community
35 members to share their experiences. Together, everyone can find strength – and create a
36 stronger future. The County also celebrates the many ways in which older adults make a
37 difference in the communities. It encompasses the idea that getting older does not mean what it
38 used to. For many aging Americans, it is a phase of life where interests, goals and dreams can
39 get a new and second start. Today, aging is about eliminating outdated perceptions and
40 redefining the way you want to age.
41

42 President Lyndon B. Johnson signed the Older Americans Act into law in July 1965. Since that
43 time, the Act has provided a nationwide aging services network and funding that helps older
44 adults live with dignity in the communities of their choice for as long as possible. These services
45 include senior centers, daily lunch programs, caregiver support, community-based assistance,
46 preventive health services, elder abuse prevention, and much more.
47

48 While the Department on Aging offers outstanding programs and services to older adults year-
49 round, Older Americans Month offers an opportunity to emphasize how older adults can access
50 the home- and community-based services they need to live independently in their communities.

1 It is also an occasion to highlight how older adults are engaging with and making a difference in
2 their communities.

3
4 In this era of COVID-19, there are shining examples of how older adults are contributing to the
5 strength of the community. The Project EngAGE Senior Leaders are connecting with older
6 adults in their communities to make sure their needs are being met during these difficult times.
7 Leaders are making phone calls, picking up food, delivering senior center lunches, sewing facial
8 coverings, and pitching in wherever there is an unmet need.

9
10 The End of Life Choices Senior Resource team saw an unmet need and created a document to
11 aid in emergency planning during this COVID-19 health crisis. This new document is not
12 intended to replace persons' advanced directives, but is to be used as a tool to provide
13 additional information should you be diagnosed with COVID-19.

14
15 Tech volunteers at the Seymour Center put their skills and creativity to work and transitioned
16 very quickly into offering our computer classes in a virtual environment. This was critical in
17 helping many older adults learn how to use their computers to connect to virtual center
18 programs and to their family and friends. Volunteers have also helped make it possible for the
19 County to serve almost a 1,000 curbside meals weekly helping the many older adults in the
20 community that are food insecure.

21
22 And lastly, with COVID-19 occurring during tax season, VITA (Volunteer Income Tax
23 Assistance) volunteers should be congratulated for developing a secure process for assisting
24 persons with tax preparation that does not involve a face to face appointment. Last year this
25 program was recognized by the IRS for its innovative work during the pandemic.

26
27 Today there are over 30,000 Orange County residents who are 60+ and of that group over
28 1,900 who are over age 85. As large numbers of baby boomers reach retirement age, it is the
29 goal to keep them physically and socially active through their 80s and beyond. Lifelong
30 participation in community, social, creative and physical activities have proven health benefits,
31 including retaining mobility, muscle mass and cognitive abilities. But older adults are not the
32 only ones who benefit from their engagement in community life. Studies show their interactions
33 with family, friends, and neighbors across generations enrich the lives of everyone involved.

34
35 With COVID-19, the celebrations and activities honoring Older Americans Month are being
36 curtailed, but the County still encourages older adults to celebrate "Community of Strength."
37 With social distancing and the Seymour and Passmore Centers not being open to group
38 activities, the County challenges everyone to stay connected through phone calls, virtual
39 gatherings, and participate in virtual and parking lot programs. This is a time for everyone to
40 celebrate the strength of the community by remaining resilient; calling neighbors; saying thank
41 you to frontline workers; and demonstrating a willingness to help the community recover from
42 this pandemic and prepare for whatever the new normal is.

43
44 Commissioner McKee introduced the item. He said there are over 30,000 people in
45 Orange County over the age of 65. He said over 1,900 are over 85. He said his mother and
46 mother-in-law are in that group, and do not see themselves as older. He said this month has
47 been acknowledged since the 1960s.

48 Commissioner McKee read the proclamation:

49
50 **ORANGE COUNTY BOARD OF COMMISSIONERS**
51 **PROCLAMATION**

**Older Americans Month – May 2021
Theme – “Communities of Strength”**

Whereas, Orange County includes over 30,000 persons aged 60 and older who have built resilience and strength over their lives through successes and difficulties; and

Whereas, Orange County benefits when people of all ages, abilities, and backgrounds are included and encouraged to share their successes and stories of resilience; and

Whereas, Orange County recognizes our need to nurture ourselves, reinforce our strength, and continue to thrive in times of both joy and difficulty; and

Whereas, Orange County can foster communities of strength by:

- creating opportunities to share stories and learn from each other;
- engaging older adults through education, recreation, and service; and
- encouraging people of all ages to celebrate connections and resilience.

Now, therefore, we, the Orange County Board of Commissioners, do hereby proclaim May 2021 to be Older Americans Month, and urge every resident to recognize older adults and the people who support them as essential contributors to the strength of our community.

The 4th day of May, 2021.

Renee Price, Chair
Orange County Board of Commissioners

A motion was made by Commissioner McKee, seconded by Commissioner Fowler, to approve and authorize the Chair to sign the proclamation.

Roll call ensued

VOTE: UNANIMOUS

Janice Tyler, Department of Aging Director, thanked the Board, staff, and volunteers who supported the Department of Aging during the pandemic, including the provision of meals, delivery of medication, phone calls to the isolated, etc. She said programs were converted into the virtual environment during the pandemic, and this year has brought the community together and made it stronger.

Heather Altman, Advisory Board on Aging Chair, said Orange County is a strong community, and the older adults contribute a great deal, including Roy Williams. She recognized Janice Tyler for her work in the department, and the tireless efforts to provide a comprehensive range of support to 30,000 people and their families. She said the Department on Aging never stopped working during the pandemic, and meals were provided, programming continued, Tax preparation was offered, etc. She said she is thrilled to publically praise Janice Tyler, and express her heartfelt gratitude. She said she took her mother to the Seymour Center in March 2020 for exercise class and lunch, and they sat next to Reverend Seymour. She said her mother died a few months ago, and her last social activity was at the Seymour Center. She

1 said it is important to take time to recognize the contributions of the community towards the well
2 being of older adults. She thanked the BOCC for its support, on behalf of the board and her
3 mother.

4 Commissioner Bedford said Janice Tyler's department exemplifies how County
5 departments did not miss a beat in providing services during the pandemic.

6 Commissioner Greene thanked Janice Tyler and her department. She said 10,000 baby
7 boomers turn 65 every day.

8 Commissioner Hamilton thanked Janice Tyler. She said it is important to support
9 institutions you will need in the future.

10 Chair Price said she misses going to the Department of Aging and seeing people.

11
12 **d. Asian American and Pacific Islander Heritage Month Proclamation**

13
14 The Board considered voting to approve a proclamation recognizing May 2021 as Asian
15 American and Pacific Islander Heritage Month in Orange County, North Carolina.

16
17 **BACKGROUND:**

18 May 2021 will mark the 29th anniversary of the enactment of Public Law 102-450 by Congress in
19 1992 proclaiming the month of May as Asian American and Pacific Islander Heritage Month.

20
21 The month of May was chosen to commemorate Asian Americans and Pacific Islanders in part
22 because the first immigration of Japanese to the United States. was in May of 1843. It also
23 marks the completion of the Trans-Continental Railroad in May 1869 where most of the workers
24 were of Asian descent.

25
26 The importance of this month is unfortunately highlighted by the many attacks on people of
27 Asian descent, including elders. According to a report from the organization Stop Asian
28 American Pacific Islander Hate, there were nearly 3,000 reported incidents of racism and
29 discrimination targeting Asian Americans nationwide. Between March and December of 2020,
30 twenty four (24) of those accounts occurred in North Carolina.

31
32 There is a long history of discrimination that people of Asian and Pacific Islander heritage have
33 faced even at the hands of the U.S. Federal Government. In 1882 Congress passed the
34 Chinese Exclusion Act, which was the first and only law that specifically prohibited the
35 immigration of a group of people based on race and geographical origin. It also prevented the
36 Chinese from becoming U.S. Citizens. Later the United States would carry out the forced
37 internment of 120,000 Japanese under Executive Order 9066 issued on February 19, 1942.

38
39 However, the story of Asian American Pacific Islanders in the United States is not just one of
40 discrimination but also one of contributions to American History and Culture. We find this in the
41 brave acts of the 110th/442 Infantry Regiment, composed mostly of second generation
42 Japanese Americans (Nesei) who fought in the European Theater during World War II while
43 their families were held in internment camps. The 110th/442 would go on to become the most
44 decorated military unit in U.S. History. There are numerous contributions to the arts such as
45 Charles Yu who won the most recent 2020 National Book Award for *Interior Chinatown*, cellist
46 Yo Yo Ma, actress Sondra Oh, and comedian Awkwafina to name but a few. UNC is home to
47 many accomplished scholars of Asian descent such as Professor Kihyun "Kelly" Ryoo in the
48 School of Education and Hedi Kim, Director of the UNC Asian American Center, and Associate
49 Professor in the Department of English and Comparative Literature.

50

1 It is important for the Orange County Board of Commissioners to recognize Asian American and
2 Pacific Islander Heritage Month to emphasize the contributions of this community to Orange
3 County’s diversity.

4
5 To celebrate Asian American and Pacific Islander Heritage Month, the Human Relations
6 Commission will host the following event:

7
8 **A Community Conversation**
9 **Ally, Advocate, Activist, Accomplice: What’s the Difference?**
10 **Sunday, May 23, 2021 3:00 pm – 4:30 pm**

11
12 Commissioner Greene read the proclamation:

13
14 **ORANGE COUNTY BOARD OF COMMISSIONERS**
15 **PROCLAMATION**
16 **Asian American and Pacific Islander Heritage Month**

17
18 **WHEREAS**, Asian Americans and Pacific Islanders are the fastest growing racial group in the
19 United States, growing four times the rate of the rest of the populations of the Country; and

20
21 **WHEREAS**, the Asian American and Pacific Islander community, as one of the most culturally
22 and linguistically diverse groups in America, reminds us that although we all have distinct
23 backgrounds and origins, we are bound by a common purpose, by shared values and our
24 shared hopes and dreams for ourselves and our children; and

25
26 **WHEREAS**, the Asian American and Pacific Islander community has a long and deeply-rooted
27 legacy in the United States from the grueling and perilous working condition of thousands of
28 Chinese laborers on the transcontinental railroad to Japanese Americans troops fighting to
29 defend our freedom during World War II; and

30
31 **WHEREAS**, we also must remember that this Country carries the stain that while Japanese
32 Americans soldiers fought in World War II, their families at home were interned in camps by the
33 government simply based on their Japanese origin; and

34
35 **WHEREAS**, the Asian American and Pacific Islander community throughout this country’s
36 history has faced harassment, senseless violence and discrimination, all of this has grown
37 exponentially over the past year due to negative stereotypes perpetrated about the pandemic,
38 which has led to a sharp rise in anti-Asian hate crimes and hate incidents; and

39
40 **WHEREAS**, we honor the Asian American and Pacific Islander community, their rich heritage
41 and the enhancements they bring to this community through their culture and as artist, activist,
42 educators, elected officials, service men and women, business owners, friends and neighbors;

43
44 **NOW, THEREFORE**, we, the Board of County Commissioners of Orange County, North
45 Carolina, do proclaim May 2021 as **ASIAN AMERICAN AND PACIFIC ISLANDER HERITAGE**
46 **MONTH** and commend this observance to all Orange County residents.

47
48 The 4th day of May, 2021.

Renee Price, Chair
Orange County Board of Commissioners

A motion was made by Commissioner Greene, seconded by Commissioner Hamilton, to approve and authorize the Chair to sign the proclamation.

Roll call ensued

VOTE: UNANIMOUS

Annette Moore, Human Rights and Relations Director, reviewed the information in the agenda background, and highlighted the Community Conversation event, taking place on May 23, 2021 from 3:00 pm to 4:30 p.m.

e. Proclamation Commemorating the 60th Anniversary of the Freedom Rides

The Board considered voting to approve a proclamation commemorating the 60th anniversary of the Freedom Rides.

BACKGROUND: On May 4, 1961, thirteen black and white civil rights advocates boarded buses in Washington, DC, to begin a journey on interstate highways through Virginia, North Carolina, South Carolina, Georgia, Mississippi, and Louisiana. The Freedom Riders sought to challenge the enforcement of the United States Supreme Court decisions in *Morgan v. Virginia* [1946] and *Boynton v. Virginia* [1960], which ruled that segregation in bathrooms, waiting rooms, lunch counters, and in interstate transportation facilities, including bus terminals, was unconstitutional.

The Freedom Rides occurred during a time when the Civil Rights movement was gathering momentum, when African American in the South were routinely harassed and subjected to segregation by Jim Crow laws. The Congress of Racial Equality (“CORE”) organized the Freedom Rides under the leadership of James Farmer. CORE sought application from diverse men and women of various ages from across the United States. Among the first thirteen selected was Reverend Benjamin Elton Cox, a retired minister at Pilgrim Congregation Church in High Point, North Carolina. The Honorable John Lewis, then 21, represented the Nashville Branch of CORE and was a member of the original thirteen Freedom Riders. The original froup of Freedom Riders prepared by completing a few days of training on role-playing, preparing how to respond to nonviolent ways to harassment.

- May 4, 1961 - Greyhound and Trailways buses leave Washington, DC for New Orleans. John Lewis and another rider beaten in Rock Hill, South Carolina.
- May 8, 1961 - Joseph Perkins is the first Freedom Rider to be arrested after sitting at a whites only shoe-shine stand in Charlotte, NC. John Lewis is assaulted in the Greyhound bus terminal of Rock Hill, SC, after attempting to enter the white waiting room with fellow Freedom Rider Al Bigelow.
- May 12, 1961 – Freedom Riders warned of violence ahead by Martin Luther King.

- 1 • May 14, 1961 - Anniston officials give Klu Klux Klan permission to attack riders
2 without consequences. The Greyhound bus door was held closed outside
3 Anniston, Alabama while the Freedom Riders were inside and the mob fire
4 bombed the bus. The mob then attacked the Riders as they fled the bus.
5
- 6 • When the Trailways bus reached Anniston, eight Klansman boarded the bus,
7 attacked and beat the Freedom Riders. In Birmingham, Alabama, the riders were
8 attacked as police and local officials watched as the mob beat the non-violent
9 Freedom Riders with baseball bats, iron pipes and bicycle chains.
10
- 11 • May 20, 1961 - Police escort abandons Freedom Riders. The Riders attacked
12 again in Montgomery, Alabama leaving Congressman Lewis unconscious in a
13 pool of blood outside the Greyhound bus terminal. Compounding all of this was
14 a lack of medical assistance that Black bus riders could receive for injuries
15 received.
16
- 17 • May 23, 1961 - The Riders board buses from Montgomery to Jackson, MS under
18 National Guard escort. They are jailed upon arrival under the formal charges of
19 incitement to riot, breach of the peace, and failure to obey a police officer.
20
- 21 • June 1961 - Freedom Riders are transferred to Mississippi's notorious Parchman
22 State Prison Farm. Segregationist authorities attempt to break their spirits by
23 removing mattresses from the cells. New Freedom Riders continue to arrive in
24 Jackson, MS and be jailed throughout summer.
25

26 Approximately 450 women and men, from May 4 through December 10, 1961, participated in
27 the Freedom Rides. The Freedom Riders persisted in their fight for justice, and eventually their
28 activism influenced and changed the landscape of race relations, civil rights, and human rights
29 in the United States. The success of the Freedom Rides showed that nonviolent direct action
30 could do more than simply claim the moral high ground; in many situations, it could deliver
31 better tactical results than either violent confrontation or gradual change through established
32 legal mechanisms.
33

34 Chair Price read the proclamation:
35

36 **ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS**
37 **A PROCLAMATION**
38 **COMMEMORATING THE 60TH ANNIVERSARY OF THE FREEDOM RIDES**
39

40 WHEREAS, on May 4, 1961, thirteen Black and white civil rights advocates boarded Greyhound
41 and Trailways buses in Washington, DC, to begin a journey to New Orleans, Louisiana, riding
42 side by side, on interstate highways through the Jim Crow South – through Virginia, North
43 Carolina, South Carolina Georgia, Mississippi, and Louisiana; and
44

45 WHEREAS, the Freedom Rides involved approximately 450 women and men, from May 4
46 through December 10, 1961, who sought to challenge the non-enforcement of the United States
47 Supreme Court decisions in Morgan v. Virginia [1946] and Boynton v. Virginia [1960] which
48 ruled that segregation in interstate transportation facilities, including bus terminals, was
49 unconstitutional; and
50

1 WHEREAS, the Southern states had ignored the rulings and the federal government had done
2 nothing to enforce the rulings; and
3

4 WHEREAS, the Congress of Racial Equality [CORE] and the Student Nonviolent Coordinating
5 Committee [SNCC] sponsored the Freedom Rides and worked in collaboration with the
6 Nashville Student Movement and the National Association for the Advancement of Colored
7 People; and
8

9 WHEREAS, the Freedom Riders were inspired by the 1947 Journey of Reconciliation led by
10 Bayard Rustin and George Houser and co-sponsored by the Fellowship of Reconciliation and
11 the then-fledgling CORE, and like the Freedom Rides of 1961, the Journey of Reconciliation
12 was intended to test an earlier Supreme Court ruling that banned racial discrimination in
13 interstate travel; and
14

15 WHEREAS, the Freedom Riders encountered mob violence, fire bombings, and police brutality,
16 and arrest and incarceration for trespassing, unlawful assembly, violating state and local Jim
17 Crow laws and other alleged offenses; and
18

19 WHEREAS, President John F. Kennedy and Attorney General Robert F. Kennedy called for a
20 "cooling off period" and condemned the Freedom Rides as unpatriotic because they
21 embarrassed the nation on the world stage at the height of the Cold War, to which James
22 Farmer responded, "We have been cooling off for 350 years, and if we cooled off any more,
23 we'd be in a deep freeze"; and
24

25 WHEREAS, the Freedom Riders persisted in their fight for justice, and eventually their activism,
26 influenced and changed the landscape of race relations, civil rights and human rights in the
27 United States;
28

29 NOW THEREFORE, the Orange County Board of County Commissioners, on behalf of the
30 people of Orange County, hereby proclaims May 2021 as Freedom Riders Month in **Orange**
31 **County in Commemoration of this 60th Anniversary of the Freedom Rides** and in tribute to
32 the **Freedom Riders**, the women and men who fought for justice in the United States of
33 America.
34

35 The 4th day of May, 2021.
36
37
38

39 Renee Price, Chair
40 Orange County Board of Commissioners
41

42 A motion was made by Chair Price, seconded by Commissioner Bedford, to approve and
43 authorize the Chair to sign the proclamation.
44

45 **Roll call ensued**
46

47 **VOTE: UNANIMOUS**
48

49 Chair Price said there is a virtual event on May 5, 2021 commemorating the Freedom
50 Rides. She said there was also an interview on WCHL yesterday.

1 Chair Price asked if the Board should research if an apology, pardon or something else
2 would be appropriate for Bayard Rustin, who served on the chain gang in Roxboro.

3 Commissioner Dorosin said it is important to remember Orange County and Chapel Hill's
4 history with the Freedom Rides. He supported finding out more about what the County could
5 do to rectify this.

6 Chair Price said the gentlemen were arrested in Chapel Hill and held in Hillsborough,
7 before serving on the chain gang.

8 Commissioner Greene said she worked on getting the historical marker on Columbia
9 Street. She said the Reverend Jones' name is not on the plaque, due to state requirements that
10 a person must be deceased for twenty-five years before their name can be put on a plaque.

11 Annette Moore said the BOCC is so well informed. She said Bayard Rustin spent 22
12 days on the chain gang, and he sent a letter to the New York Times about prison reform, as a
13 result of his time in Orange County. She said she would look into whether the Orange County
14 Board of Commissioners could pardon Bayard Rustin, and others. She said he has been
15 pardoned for other Jim Crow law crimes.

16 Annette Moore said there were 4 buses involved in the Freedom Rides, but 2 buses
17 never arrived. She said the original 13 riders were stopped, and after that 300 riders followed in
18 their path, but were jailed in Mississippi.

19 Chair Price said in the abstract, there is a brief timeline of the Freedom Rides during
20 1961, which eventually reached Louisiana, but it was difficult.

21 Chair Price thanked the Freedom Riders for their strength and determination.
22

23 **f. 2027 World University Games Update**

24
25 The Board received information and an update on North Carolina's progress in the bid
26 process for the 2027 World University Games, an event of the International University Sports
27 Federation (FISU).
28

29 **BACKGROUND:**

30 The North Carolina Bid Committee (NCBC) is working to bring the world's largest event for
31 student-athletes to North Carolina and specifically the Triangle area. In recent months, the
32 NCBC has received requests for presentations to local groups interested in the bid and
33 prospects for the Games. The NCBC has presented to the Durham Sports Commission (DSC)
34 Board of Directors, the North Carolina Travel and Tourism Board, the Planning and Legislative
35 Committee of GoTriangle, and the Cary Chamber of Commerce Board of Directors.
36

37 Bonnie Hammersley introduced Hill Carrow, the CEO of the North Carolina Bid
38 Committee.
39

40 *Commissioner Fowler left the meeting at 8:10 p.m.*
41

42 Hill Carrow gave a brief description of the World University Games. He said the bid
43 committee is working to bring the games to the area in 2027. He said he is presenting to local
44 organizations because the Triangle has been designated the United States' "candidate city" in
45 the competition to be awarded the 2027 World University Games.
46

47 *Commissioner Fowler rejoined the meeting at 8:11 p.m.*
48

49 Hill Carrow said the formal process for awarding the games begins in September, and all
50 are working to put together the information and resources needed for the proposal. He said the
51 award process will take a year. He said the awarding committee is based in Lausanne,

1 Switzerland, and the main competition is coming from South Korea. He said there are many
2 steps in the process.

3 Hill Carrow said both Roy Williams and Mike Krzyzewski coached in the World University
4 Games, and Hubert Davis also played. He said more athletes and coaches from UNC-Chapel
5 Hill have participated in the World University Games than any other university in the state.

6 Hill Carrow said this event celebrates college and university sports, but also includes an
7 educational component. He said it will have a huge economic impact of ~\$150 million. He said
8 facilities at UNC would house delegations of athletes, coaches, and staff. He said this is the
9 second largest Olympic sports event in the world, and is the largest event for student athletes.

10 Hill Carrow said the region has experience in hosting these types of events. He said the
11 US Olympic Festival was successfully hosted in 1987, and the Special Olympics were
12 successfully hosted in 1999. He said there has been a lot of growth since 1999, and he has full
13 confidence in region's ability to host.

14 Hill Carrow said there are two games held every other year in the odd years, and the
15 winter games will be held in December in Lausanne, Switzerland. He said this is a long-
16 standing event, with a 60-year history.

17 Hill Carrow said at the time of the event, support services like EMS and the Sheriff's
18 department would be needed. He said the area already has everything in place like dormitories,
19 sports facilities, etc. He said it takes 60 venues to handle everything.

20 Hill Carrow said VIPs and Olympic athletes will attend, and the Chancellor of UNC is
21 involved and supportive. He said the goal is to have an event that is bigger than all of us, and
22 everyone is working towards a common cause. He said Duke and Durham Technical
23 Community College are also involved, and cultural activities will be held at the community
24 college.

25 Chair Price said it is exciting bringing so many partners together. She said it will have a
26 significant impact on everyone's lives if it is awarded.

27 Commissioner Fowler said she would be happy to help present the proposal in
28 Lausanne, Switzerland.

29 Hill Carrow said they do plan to take a delegation to Switzerland in December to speak
30 with officials there. He said he is very familiar with the event, but it will be helpful for others to
31 see it in action. He said there is a modest fundraising effort already underway, and there are
32 several corporate sponsors involved.

34 **g. Presentation of Manager's Recommended Fiscal Year 2021-22 Annual Operating** 35 **Budget**

36
37 The Board received a presentation on the County Manager's Recommended FY 2021-
38 22 Annual Operating Budget.

39 **BACKGROUND:**

40 Each year during the month of May, the County Manager presents the Board of County
41 Commissioners with a recommended spending plan for the next fiscal year. During the
42 meeting, the Manager will provide a brief presentation of the Recommended FY 2021-22 Annual
43 Operating Budget.
44

45
46 The Board of County Commissioners will conduct two Virtual Budget Public Hearings – the first
47 at 7:00 p.m. on Tuesday, May 11, 2021, and the second on Thursday, June 3, 2021. In
48 addition, the Board has scheduled the following Virtual Budget Work Sessions:
49

- 1 • May 13, 2021 – Virtual Budget Work Session with Chapel Hill-Carrboro City Schools,
2 Orange County Schools, Durham Technical Community College – Orange County
3 Campus, and Outside Agencies.
- 4 • May 20, 2021 – Virtual Budget Work Session with Fire Districts, and County
5 Departments within the following **Functional Leadership Teams: Public Safety**
6 (Courts, Criminal Justice Resource Department, Emergency Services, and Sheriff);
7 **Support Services** (Asset Management Services, Community Relations, Finance and
8 Administrative Services, Human Resources, and Information Technology); **General**
9 **Government** (Board of County Commissioners, Board of Elections, County Attorney,
10 County Manager, Register of Deeds, and Tax Administration); including Non-
11 Departmental items.
- 12 • May 27, 2021 – Virtual Budget Work Session with County Departments within the
13 following **Functional Leadership Teams: Human Services** (Child Support,
14 Department of Social Services, Department on Aging, Health, Housing and Community
15 Development, Human Rights and Relations, Library Services, and Cardinal Innovations);
16 **Community Services** (Animal Services, Cooperative Extension, DEAPR, Economic
17 Development, Orange Public Transportation, Planning and Inspections, Solid Waste,
18 and Sportsplex), including Non-Departmental items.
- 19 • June 8, 2021 – Virtual Budget Work Session for Board to review budget amendments
20 and finalize decisions (Resolution of Intent to Adopt) on the FY 2021-22 Annual
21 Operating Budget and the FY 2021-26 Capital Investment Plan.
- 22 • June 15, 2021 – Virtual Regular Business Meeting for the Adoption of the FY 2021-22
23 Annual Operating Budget and the FY 2021-26 Capital Investment Plan.

24
25 All meetings start at 7:00 p.m.

26
27 Bonnie Hammersley made the following presentation:
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29

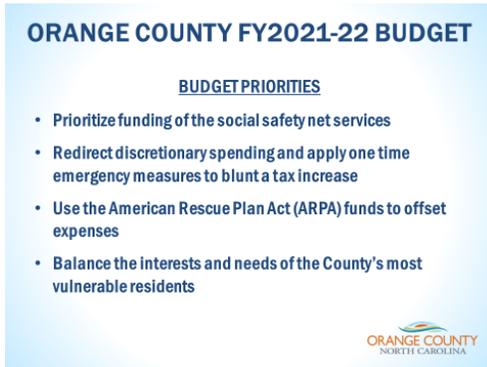
1 Slide #1



2
3 Bonnie Hammersley said under state law the Manager is required to present a balanced
4 budget to the Board of County Commissioners.

5 Bonnie Hammersley said the previous budget was passed during the beginning of the
6 stay at home order due to the COVID-19 pandemic. She said the FY22 budget is being
7 presented during a period of cautious optimism. She resumed the PowerPoint presentation:

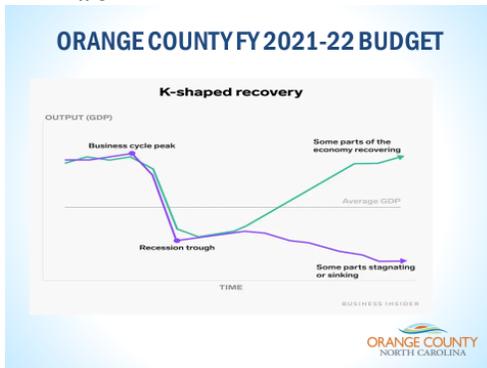
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11
12 Bonnie Hammersley said the FY21-22 budget strives to balance the continuation of
13 social safety nets with the property tax responsibilities placed on taxpayers.

14 Bonnie Hammersley said the use of one-time emergency measures is not sustainable in
15 the long-term. She resumed the PowerPoint presentation:

16
17 Slide #3

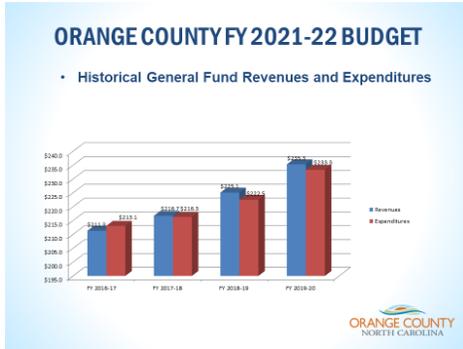


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20 Bonnie Hammersley said recovery will not be evenly distributed. She said the federal
21 government is offering some financial support through stimulus payments, emergency financial
22 relief, and enhanced unemployment relief. She said these measures are temporary and

1 residents will need the County government to meet basic needs. She resumed the PowerPoint
 2 presentation:

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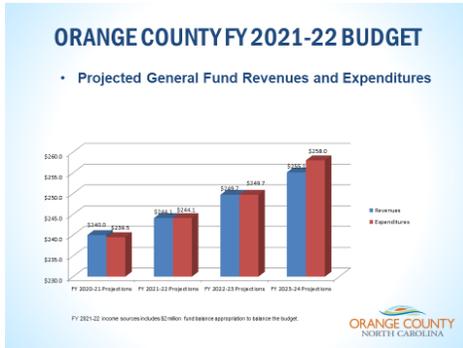
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Bonnie Hammersley said County revenues exceeded expenditures the three of the last four fiscal years. She said FY 2019-20 are the audited results showing revenues above expenditures. She said General Fund revenues were 8% less than the amended budgeted amount. She said the final budget reflects the addition of Round 1 of CARES Act Funding, which the GASB requires to remain as unearned revenue until spent—\$1.3 million was deferred revenue. She said expenditures for many functional areas were less than budget by \$10.1million (4.3%) from the operating budget. She said several departments came in under budget due to personnel vacancies and efforts to spend conservatively. She resumed the PowerPoint presentation:

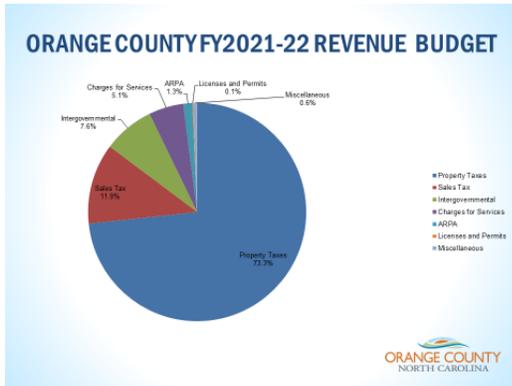
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Bonnie Hammersley said the FY 2020-21 is projected to end with breakeven results. She said the adherence to cost containment measures, including required hiring freezes and an improving sales tax forecast as COVID restrictions are lifted, will contribute our ending position. She said the future year projections reflect an improved post COVID economy; 4% sales tax growth in future years and 2% property tax growth. She resumed the PowerPoint presentation:

1 Slide #6



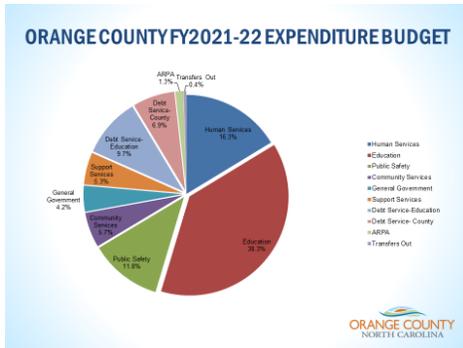
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Bonnie Hammersley said the total recommended operating budget, including the general, enterprise, proprietary, and special revenue funds, total \$279.2 million. She said, of this amount, \$244.1 million is the general fund. She said the total represents an increase of \$5 million over the FY21 budget.

Bonnie Hammersley said sales tax collection represents a bright side of the revenue forecast. She said sales tax was expected to decrease by 4.5% compared to the FY19-20 budget, but this decrease did not materialize. She said current collection trends indicate a \$1-2 million increase over FY19-20 budgeted amount.

Bonnie Hammersley said other sources of revenue are miscellaneous, including inter-local agreements, donations, county facility rentals, and surplus items. She said Intergovernmental revenues include OPT, DSS, Health, ABC Revenues, Other State (Soil and Water, Child Support reimbursements, Safe Roads, and Juvenile Justice Program). She said Licenses and Permits revenues are for Franchise Fees distributed quarterly for State sales tax on video programming and telecommunication services. She said Charges for Services include Building and other Construction permits, EMS Charges, Sheriff Jail fees (housing State and Federal inmates), ROD Fees and Excise Stamps). She resumed the PowerPoint presentation:

Slide #7



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1 Slide #8

ORANGE COUNTY FY2021-22 BUDGET
FY 2021-22 REVENUE ASSUMPTIONS

- **Revaluation**
 - Revaluation results in 12.6% Real Property Assessed Value Growth
 - Revenue Neutral Rate = .7887 per \$100 of Assessed Value
 - Current Rate = .8679 per \$100 of Assessed Value
 - Value of One Penny=\$2,146.981
- **Property Tax Rate Increase**
 - Proposed rate increase 3.0 Cents = .8187 per \$100 of Assessed Value
- **Sales Tax**
 - 12% Budgetary Growth as economy recovers due to vaccine distribution and ease of Public Health restrictions
 - Lower Unemployment/Increased Consumer Spending from ARPA Stimulus and Online Sales
- **American Rescue Plan Act Funds - \$3.2M**



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Bonnie Hammersley explained the revaluation process. She said the State of North Carolina requires counties to publish revenue neutral rate, which is the rate that would produce the same amount of revenue should the revaluation not have occurred.

Bonnie Hammersley said sales tax collection has been strong, and is a 12% increase from FY20-21 budgeted amount. She resumed the PowerPoint presentation:

10 Slide #9

FY2021-22 RECOMMENDED BUDGET
ANNUAL DEBT SERVICE

Fiscal Year	Schools	%	County	%	Total
FY2020	\$17,770,542	58%	\$12,993,866	42%	\$30,764,429
FY2021	\$18,898,595	56%	\$15,027,079	44%	\$33,925,674
FY2022	\$23,536,293	59%	\$16,490,984	41%	\$40,027,277
FY2023	\$22,491,693	58%	\$16,590,451	42%	\$39,082,144
FY2024	\$23,389,542	56%	\$18,198,178	44%	\$41,587,718
FY2025	\$22,202,999	54%	\$18,629,994	46%	\$40,832,993
FY2026	\$22,200,360	56%	\$17,243,918	44%	\$39,444,278
FY2027	\$22,730,675	56%	\$17,924,778	44%	\$40,655,453

Note: \$10 million increase from FY2020 through FY2022



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Bonnie Hammersley said this table shows the increase in debt service is related to the 2016 education bonds for schools and affordable housing. She resumed the PowerPoint presentation:

Slide #10

FY2021-22 RECOMMENDED BUDGET

Debt Service Requirements for 2016
Bonds and CIP

	FY2018-19 Projected Tax Increases (in cents)	Rate Increase Projections based on Debt (in cents)	BOCC Approved (in cents)
FY 2018-19	1.42	1.27	1.27
FY 2019-20	1.40	.60	0.60
FY 2020-21	2.35	1.67	0.00
FY 2021-22	2.78	3.00	N/A
FY 2022-23	0	1.15	N/A
FY 2023-24	0	0	N/A
Total	7.95	6.02	1.87

1- FY2020-21 one-time revenues were used to avoid tax rate increase



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Commissioner Dorosin asked if it is possible to spread the tax rate increases out over the next three fiscal years.

1 Bonnie Hammersley said originally, she expected to raise the tax rate to 4.22 cents, but
 2 one-time revenues were used to offset the increases. She said in FY20-21, taxes were not
 3 raised to pay for debt, but that cannot be done again.

4 Commissioner Dorosin said it seems like the Board did in FY21 what he was proposing
 5 for FY22.

6 Bonnie Hammersley said in future years there may be other revenues that help keep tax
 7 rate increases low. She said the County has to pay the debt, and it must balance economics
 8 versus what the residents need.

9
 10 Slide #11

FY2021-22 RECOMMENDED BUDGET EDUCATION			
Chapel Hill Carrboro City Schools (CHCCS)			
Orange County Schools (OCS)			
Average Daily Membership (ADM)			
	CHCCS	OCS	TOTAL
Students (under roof)	12,448	7,299	19,747
Out of District	(253)	(108)	(361)
Charter Students	156	919	1,075
Total	12,351	8,110	20,461
%ADM	60.36%	39.64%	100%

11
 12
 13 Bonnie Hammersley said Chapel Hill Carrboro City Schools (CHCCS) saw an increase
 14 of 136 students, while Orange County Schools saw a decrease of 82 students for FY22.

15 Commissioner McKee asked if the student population figures for the two school systems
 16 were projections from the state, or were actually based on how many are attending right now.

17 Paul Laughton, Finance and Administration, said these numbers are from the
 18 Department of Public Instruction (DPI), and are projected for next year. He said this is typically
 19 the number staff uses to create the budget.

20 Commissioner McKee said he would like to know how many students are attending the
 21 school systems as of May 1, 2021.

22 County Manager said she would bring that information to the May 13 budget work
 23 session. She resumed the PowerPoint presentation:

24
 25 Slide #12

FY2021-22 RECOMMENDED BUDGET EDUCATION			
CHCCS - OPERATIONS	Request	Recommended	Recommended Increase
Allocation	61.72%	60.36%	-.37%
Current Expense	\$60,981,490	\$53,255,565	\$585,178
Charter Students	\$782,713	\$681,252	-\$43,670
Health & Safety Contracts	\$2,108,796	\$2,108,796	\$0
Total	\$63,872,999	\$56,045,013	\$541,508
Per Pupil	\$5,017.39	\$4,367	\$0

OCS - OPERATIONS	Requested	Recommended	Recommended Increase
Allocation	38.28%	39.64%	-.37%
Current Expense	\$33,968,586	\$31,403,097	-\$349,360
Charter Students	\$4,341,356	\$4,013,273	\$148,478
Health & Safety Contracts	\$1,520,801	\$1,520,801	\$0
Total	\$39,830,743	\$36,937,171	-\$200,882
Per Pupil	\$4,724	\$4,367	\$0

26
 27
 28 Bonnie Hammersley said this was the second time a Manager has not recommended an
 29 increase in the per pupil rate; the last time was during the recession in 2009-2010. She
 30 resumed the PowerPoint presentation:

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2 Slide #13

**FY2021-22 RECOMMENDED BUDGET
EDUCATION**

CHCCS – CAPITAL	Requested Increase	Recommended Increase	Recommended Appropriation
Recurring Capital	\$11,100	\$11,100	\$1,810,800
Long Range Capital	\$64,544	\$64,544	\$2,519,560
Supplemental Deferred Maintenance Plan	\$0	\$0	\$0
Total	\$75,644	\$75,644	\$4,330,360

OCS - CAPITAL	Requested Increase	Recommended Increase	Recommended Appropriation
Recurring Capital	(\$11,100)	(\$11,100)	\$1,189,200
Long Range Capital	\$17,303	\$17,303	\$1,654,662
Supplemental Deferred Maintenance Plan	\$0	\$0	\$3,800,000
Total	\$6,203	\$6,203	\$6,443,862

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5 Slide #14

**FY2021-22 RECOMMENDED BUDGET
EDUCATION**

YEAR	County Appropriation		% of General Fund Revenue
	Per Pupil	\$ Increase	
FY2015-16	\$3,697.50	\$126.50	49.7%
FY2016-17	\$3,868.00	\$170.50	50.6%
FY2017-18	\$3,991.00	\$123.00	49.7%
FY2018-19	\$4,165.00	\$174.00	50.1%
FY2019-20	\$4,352.25	\$187.25	49.5%
FY2020-21	\$4,367.00	\$14.75	49.4%
FY2021-22	\$4,367.00	\$0.00	48.7%

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8 Slide #15

**FY2021-22 RECOMMENDED BUDGET
EDUCATION**

DURHAM TECHNICAL COMMUNITY COLLEGE		
	Requested	Recommended
Current Expense*	\$868,967	\$777,092
Durham Tech Promise**	\$250,000	\$250,000
Capital Outlay	\$75,000	\$75,000

* Includes County match for increases in Salary, Benefits, and Insurance, as well as additional operating related expenses
** Durham Tech Promise Scholarships funded by Article 46 Sales Tax; Includes an additional \$50,000 in FY 2021-22 for their Back to Work initiative

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16 Slide #16

**FY2021-22 RECOMMENDED BUDGET
OUTSIDE AGENCIES**

□ A permissible use of the American Rescue Plan Act (ARPA) funds is support of non-profit agencies. The outside agencies are 100% funded with ARPA.

Budget Status	#Agencies	Total
Base	51	\$1,568,179
Supplemental	18	\$259,774
Total		\$1,821,593

□ The Board of County Commissioners established a target of 1.2% of general fund expenses to outside agencies, FY2021-22 allocates 1.44% to outside agencies.



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Slide #17

**FY2021-22 RECOMMENDED BUDGET
FIRE DISTRICTS**

FIRE DISTRICT	REVENUE NEUTRAL TAX RATE	REQUESTED TAX RATE INCREASE	RECOMMENDED TAX RATE
Cedar Grove	\$0.0763	\$0.00	\$0.0763
Chapel Hill	\$0.1387	\$0.00	\$0.1387
Damascus	\$0.1010	\$0.70	\$0.1080
Elford	\$0.0628	\$1.00	\$0.0728
Eno	\$0.0898	\$0.00	\$0.0898
Little River	\$0.0539	\$1.00	\$0.0639
New Hope	\$0.1012	\$0.00	\$0.1012
Orange Grove	\$0.0627	\$0.00	\$0.0627
Orange Rural	\$0.0879	\$0.70	\$0.0949
South Orange	\$0.0909	\$0.00	\$0.0909
Southern Triangle	\$0.1010	\$0.70	\$0.1080
White Cross	\$0.1134	\$1.00	\$0.1234



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Slide #18

**FY2021-22 RECOMMENDED BUDGET
EXPENDITURE REDUCTION INITIATIVES**

- Departments complied with a mandated 5% reduction in operations; seven (7) departments were exempt (\$500,000)
- No across the board wage increase for County Employees – (\$1,200,000)
- Maintain Travel and Training funds restrictions – (\$455,000)
- Library Services – close McDouglass Branch and expand Cybrary hours, decrease hours at Hillsborough branch from 68 hours/week to 54 hours/week (\$148,083)
- DEAPR – reduce seasonal staff at Blackwood Farm Park during construction, as well as other seasonal staff reductions (\$92,251)
- Solid Waste – Hire 3 FTE to replace the contract for residential recycling to municipalities (\$486,000)



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Commissioner Dorosin asked if the departments exempt from 5% reductions could be identified.

Bonnie Hammersley said Sheriff, Department of Social Services, Health, Child Support, Criminal Justice Resource, Housing, and Public Safety. She resumed the PowerPoint presentation:

1 Slide #19

**FY2021-22 RECOMMENDED BUDGET
COUNTY POSITIONS**

Department	Position	FTE Status	Net County GF Cost	Funding Source
Child Support Services	Child support Officers	(2) .375 FTE	\$10,974	Federal/Local
County Attorney	Staff Attorney	(1) 1.00 FTE	\$55,178	Federal/Local
Criminal Justice Resource	Admin Assistant	(1) 0.50 FTE	\$0.00	ARPA
Emergency Services	Assistant Fire Marshall	(1) 1.00 FTE	\$0.00	Town of Hillsborough
Human Rights and Relations	Eviction Diversion Expeditor	(1) 1.00 FTE	\$0.00	ARPA
Solid Waste Department	Solid Waste Drivers	(3) 1.00 FTE	\$0.00	Solid Waste Fund

1- The staff attorney will be responsible for general legal work on a half time basis and will serve as the primary Child Support Attorney for the other half time.



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Bonnie Hammersley said the Staff attorney position is increased to full time, and is supported by Federal and Local funds.

Commissioner McKee asked where the Criminal Justice employee will work.

Bonnie Hammersley said the Criminal Justice Resource Department. She resumed the PowerPoint presentation:

10 Slide #20

FY2021-22 RECOMMENDED BUDGET

EMPLOYEE COMPENSATION PACKAGE

	%	County Cost	Total
Merit Increase ¹	-	\$425,000	\$425,000
Retirement Increase	1.20%	\$650,000	\$650,000
Living Wage ²	3%	\$23,000	\$23,000
Health and Dental	0%	-	-
Wage Increase	0%	-	-
Total		\$1,098,000	\$1,098,000

1- Merit Increase effective January 1, 2022
2- Living Wage Increase living wage for permanent and temporary employees from \$14.95 per hour to \$15.40 per hour on October 1, 2021



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Bonnie Hammersley said merit increases will be budgeted, but effective in January 2022.

Chair Price said she wants to research a cost of living increase for employees, and asked if could be done in tiers.

Bonnie Hammersley said a cost of living increase would be \$1.2 million.

Chair Price asked if that includes department heads.

Bonnie Hammersley said yes. She said merit increases are applied to the base salary, and there are three tiers to performance increases. She said it benefits lower paid employees, as it is a higher percentage for them.

Chair Price said merit increases are dependent on the relationship between staff and supervisors.

Bonnie Hammersley said there is a new performance evaluation tool, which is more objective. She resumed the PowerPoint presentation:

FY2021-22 RECOMMENDED BUDGET

AMERICAN RESCUE PLAN USE

Recommended ARPA Funds in FY 2021-22 Budget	Amount
Outside Agency Award	\$ 1,729,953
Transfer to Visitor's Bureau	\$ 150,000
Transfer to Affordable Housing-EHA Temporary Support	\$ 746,357
CJRD - Admin Assistant/ Grant Compliance	\$ 38,751
IT - Zoom Contract	\$ 54,000
Aging - Lunch Program	\$ 119,229
HRR - Eviction Diversion, GARE Youth and Language Access	\$ 228,586
Planning - Online Transaction Fees for Permitting	\$ 7,600
Child Support Services - telephone exps due to teleworking	\$ 7,010
DSS - Emergency Assistance award to IFC/OCIM	\$ 186,000
TOTAL	\$ 3,267,486



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Slide #22

ORANGE COUNTY FY2021-22 BUDGET

BUDGET PUBLIC HEARINGS	DATE
Budget and Capital Investment Plan (CIP)	May 11 & June 3
BUDGET WORK SESSION SCHEDULE	DATE
Schools and Outside Agencies	May 13
Fire District, Public Safety, Support Services and General Government	May 20
Human Services and Community Services	May 27
Budget Amendments and Resolution of Intent to Adopt	June 8
BOCC REGULAR MEETING	DATE
FY2021-22 Operating and CIP Budget Adoption	June 15



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Slide #23

FY2021-22 RECOMMENDED BUDGET

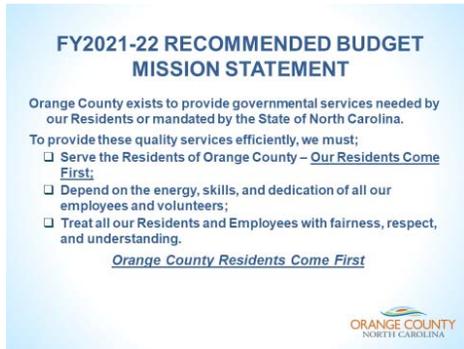
BUDGET DOCUMENT AVAILABILITY

- Clerk to Board of Commissioners
- County Finance & Administrative Services Office
- Orange County Library
- Chapel Hill Public Library
- Carrboro/McDougle Branch Library
- Orange County Website - <http://orangecountync.gov>



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1 Slide #22



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4 Bonnie Hammersley thanked the Board for their support.

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7 **RECESS**

8

9 A motion was made by Commissioner Greene, seconded by Commissioner Fowler, to
10 recess the meeting.

11

12 Roll call ensued

13

14 **VOTE: UNANIMOUS**

15

16 **RECONVENE THE MEETING**

17

18 Commissioner Fowler was not yet present, but due to a quorum of board members being
19 present, Chair Price asked for a motion to reconvene the meeting.

20

21 A motion was made by Commissioner Hamilton, seconded by Commissioner Dorosin, to
22 reconvene at 9:16 p.m.

23

24 Roll call ensued.

25

26 **VOTE: UNANIMOUS**

27

28 **5. Public Hearings**

29

30 **a. Public Hearing on the Financing of Various Capital Investment Plan Projects**

31 The Board conducted a public hearing on borrowing approximately \$18,700,000 to
32 finance capital investment projects and equipment for the fiscal year; and up to approximately
33 \$18,070,000 to refinance existing County loans and approve a related resolution supporting the
34 County's application to the Local Government Commission (LGC) for its approval of the
35 financing arrangements. The amount for refinancing may vary as staff further refines the
36 analysis, and the financing and transaction costs are included in the loan amount.

37

38 **BACKGROUND:**

39 County staff estimates that the total amount to be financed for capital investment projects and
40 equipment will be approximately \$18,700,000 consistent with the County's Capital Improvement

1 Program. The statutes require that the County conduct a public hearing on the proposed
 2 financing. A copy of the published notice of this hearing is provided (Attachment 1).
 3

4 The notice of public hearing was advertised in *The Herald Sun* and the *News of Orange*.
 5

6 After conducting the public hearing and receiving public input, staff proposes that the Board
 7 consider adoption of the resolution (Attachment 2). This resolution formally requests the
 8 required approval from the North Carolina Local Government Commission (LGC) for the
 9 County's financing, and makes certain finding of fact as required under the LGC's guidelines.
 10 County staff has been in contact with the LGC staff, and staff expects no issues in receiving
 11 LGC approval.
 12

13 If the Board adopts the resolution indicating its intent to continue with the financing plan, the
 14 Board will be asked to consider a resolution giving final approval to the financing plans at the
 15 May 18, 2021 Business meeting. Under the current schedule, County staff expects to set the
 16 final interest rates and close by the end of June.
 17

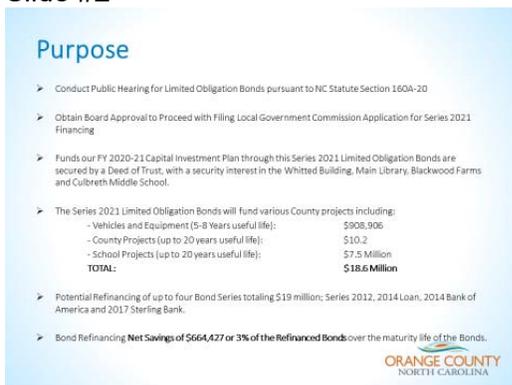
18 Gary Donaldson, Chief Financial Officer, made the following presentation:
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Slide #1



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Slide #2



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Commissioner Fowler rejoined the meeting at 9:18 p.m.

1 Slide #3

Spring Financing Projects

Court Street Annex Renovations	\$188,600
Criminal Justice Resource Department Expansion/Renovation	\$205,779
Accessibility & Security Improvements	\$194,643
Government Services Annex Stormwater & Renovations	\$375,000
HVAC Projects	\$714,203
Major Plumbing Repairs	\$185,343
Justice Facility Improvements	\$43,221
Parking Lot Improvements	\$57,280
Roofing & Building Façade Improvements	\$1,130,353
Whitted Building Stormwater & Renovations	\$942,372
Link Center Remediation	\$282,377
IT Fiber Connectivity	\$302,532
ITGC Initiatives & IT Infrastructure	\$372,097
Solid Waste – Improvements & Vehicle Replacement	\$319,952
Vehicle Replacements – Emergency Services	\$801,802
Vehicle Replacements – Sheriff	\$107,104
Communication System Improvements	\$150,000
Blackwood Farm Park Construction	\$2,935,000
Parks – Renovations & Easements	\$420,486
Sportsplex – Maintenance & Repairs	\$688,304
Orange County Schools – Recurring Capital Projects	\$1,200,300
Orange County Schools – Maintenance & Improvements	\$651,586
Chapel Hill-Carboro Schools – Recurring Capital Projects	\$1,799,700
Chapel Hill-Carboro Schools – IT Infrastructure	\$1,519,261
Chapel Hill-Carboro Schools – Supplemental Deferred Maintenance	\$631,740
Chapel Hill-Carboro Schools – Various Maintenance & Improvements	\$1,808,454
Affordable Housing Land Banking	\$628,313
Grand Total	\$18,675,802



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Slide #4

Refinancing Savings Analysis

	2014 IPC (Bank of America)		2014 Revolving Loan		2012 ORs		2017 IPC (Banking)		Grand Total
Refinancing Fee Status	Fee Exempt Current		Fee Exempt Current		Feeable Advance		Feeable Advance		
Summary of Bonds Refunded									
Maturity	5/1/2022 - 2/1/2029	5/1/2022 - 6/1/2034	10/1/2023 - 3/1/2034	6/1/2023 - 6/1/2037	5/1/2021 - 6/1/2037				
Refunded Bonds	\$ 8,886,000	\$ 1,764,997	\$ 3,800,000	\$ 8,888,000	\$ 18,004,997				
Refunded Bonds Call Date	6/1/2021	Call/01	10/1/2022	10/1/2032	Call/01				
Call Price	100.0%	100.0%	100.0%	100.0%	100.0%				
Average Coupon of Refunded Bonds	3.433%	3.666%	3.000%	3.483%	3.601%				
Interest									
Pre-Arrow	\$ 3,250,000	\$ 650,000	\$ 4,210,000	\$ 10,525,000	\$ 18,640,000				
Premium	432,894	117,483			950,377				
Total Interest	\$ 3,682,894	\$ 767,483	\$ 4,210,000	\$ 10,525,000	\$ 19,590,377				
Uses									
Refinancing Service Credits - Cash Credit	\$ 0.00	\$ 101,200	\$ 0.00	\$ 0.00	\$ 101,200				
Refunding Service Credits - SUG Purchase	3,633,383		4,181,521	10,373,072	18,187,976				
Cost of Issuance	30,807	6,121	38,899	99,120	175,947				
Underwriters Discount	18,230	3,750	21,679	57,625	103,284				
Additional Premium	(3,720)	862	(2,908)	182	(288)				
Total Uses	\$ 3,682,894	\$ 767,483	\$ 4,210,000	\$ 10,525,000	\$ 19,590,177				
Bond Statistics									
Total Interest Cost	0.888%	3.480%	0.500%	3.875%	1.621%				
Average Yield	1.264%	1.264%	1.264%	1.264%	1.264%				
First Maturity	11/18/2028	11/18/2033	11/18/2034	11/18/2036	11/18/2038				
Refinancing Statistics									
Gross Savings	\$ 274,879	\$ 39,113	\$ 393,991	\$ 231,364	\$ 869,427				
NPV Savings (\$M)	\$ 203,180	\$ 28,213	\$ 283,682	\$ 120,288	\$ 635,363				
NPV Savings (% of Refunded Par)	3.003%	4.396%	3.011%	3.268%	3.007%				



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1 Slide #5

Key Debt Model Metrics

Debt Ratios	10-year Payout	Debt to AV	DS to GF Revenues
2022	63.36%	1.63%	16.00%
2023	62.14%	1.69%	15.33%
2024	64.02%	1.61%	16.00%
2025	65.78%	1.51%	15.40%
2026	67.95%	1.41%	14.58%
2027	70.83%	1.27%	14.73%
2028	74.22%	1.13%	12.60%
2029	78.71%	1.01%	11.86%

Note: Includes the Spring 2020 Financing plus future 2021-2026 CIP projects.



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Commissioner Hamilton asked if “Debt to AV” could be explained.
Gary Donaldson said it was assessed value, or the tax based. He resumed the
PowerPoint presentation:

Slide #6

- ### Key Financing Terms
- Security Pledge- County assets and annual County appropriations
 - Maturity Term- 5- 20 Year maturities matches the useful life of the assets
 - Estimated Interest Rates- 2-3% subject to market conditions
 - Series 2021 Limited Obligation Bonds Maximum Annual Debt Service not exceeding \$1.9 Million (FY 2022-23)
 - Source of Repayment- Property Tax, Solid Waste Fees and Sportsplex Fees
 - Limited Obligation Bonds are Subordinate Lien to AAA General Obligation Bonds
 - Anticipated Limited Obligation Bonds- AA1/AA+/AA+ from Moody's, Standard & Poor's and Fitch Ratings
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1 Slide #7

Questions/Comments



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4 Commissioner Dorosin referred to the list of spring financing projects, and asked if the
5 list could be more clearly defined.

6 Gary Donaldson said the projects on the list are firm amounts, with bids in hand. He
7 said, for example, the bids are coming late on the Blackwood Farm project, and there may need
8 to be adjustments. He said bonds will not be issued without firm estimates.

9 Commissioner Dorosin asked if there is a firm date for cutoff.

10 Gary Donaldson said doing the issuing in May gives the County time to put a good list
11 together to go to the Local Government Commission.

12 Commissioner Dorosin asked if the County can only borrow once a year.

13 Gary Donaldson said the County can borrow any time of the year, but it has become
14 Orange County's practice to borrow once a year.

15 Commissioner Fowler asked if the County still has the highest bond rating.

16 Gary Donaldson said by going out for financing in spring, the rating agencies get used to
17 seeing the County. He said the County has a triple A rating from all three rating agencies. He
18 said the County has a strong credit story throughout the pandemic, and all the credit
19 characteristic are very strong for the County. He said the long term planning model has served
20 the County well.

21 Commissioner Fowler said the estimated interest rates are 2-3%, and asked if staff has
22 worked with a worst-case scenario model.

23 Gary Donaldson said 4% is built into the model.

24 Commissioner Fowler said it is conceivable that numbers could come in less than that.

25 Gary Donaldson said yes.

26 Commissioner McKee asked if there an estimated timeline for the Blackwood Farm bids.

27 Gary Donaldson said May 26, 2021.

28 Commissioner McKee asked if there is a plan if the bid comes in higher than expected.

29 Gary Donaldson said staff would go to the market to determine a financial solution to not
30 impede the project.

31 Commissioner McKee asked if it would be better to delay the project.

32 Donaldson said there would need to be a discussion. He said the project might be
33 removed from the financing, and this is a preliminary financing plan.

34 Commissioner McKee said material and labor costs have escalated.

35 Commissioner Hamilton asked if a project were to be delayed would the debt service
36 estimates change.

37 Gary Donaldson yes, there would be a reduction in the interest only payments.
38

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

3
4 **Roll call ensued**

5
6 **VOTE: UNANIMOUS**

7
8 **PUBLIC COMMENTS:**
9 None.

10
11 A motion was made by Commissioner McKee, seconded by Commissioner Hamilton, to
12 close the public hearing.

13
14 **Roll call ensued**

15
16 **VOTE: UNANIMOUS**

17
18 A motion was made by Commissioner Fowler, seconded by Commissioner McKee, to
19 adopt a resolution supporting an application to the LGC for approval of financing, and authorize
20 the acceptance of comments before 9 a.m. on May 6, 2021.

21
22 **Roll call ensued.**

23
24 **VOTE: UNANIMOUS**

25
26 **b. Unified Development Ordinance Text Amendments – “160D” Legislation**

27
28 The Board conducted a public hearing, receive the Planning Board/staff
29 recommendation and public comment, close the public hearing, and consider action on County-
30 initiated amendments to the Unified Development Ordinance (UDO) to conform County
31 regulations to a new chapter, 160D, of the North Carolina General Statues. As a result,
32 amendments to Appendix F of the Comprehensive Plan and to the Planning Board’s and Board
33 of Adjustment’s Rules of Procedure are also necessary.

34
35
36 **BACKGROUND:**

37 In July 2019, the North Carolina General Assembly adopted legislation that entailed the first
38 major recodification and modernization of city and county development regulations since 1905.
39 The effort was several years in the making, beginning in 2013 when the endeavor was initiated
40 by the Zoning and Land Use Section of the NC Bar Association. All local governments in North
41 Carolina are required to adopt conforming regulations by July 1, 2021 (pushed back from an
42 earlier date due to the COVID-19 pandemic). A blog post by staff at the School of Government
43 at UNC-Chapel Hill provides helpful background information on the legislation:

44 <https://canons.sog.unc.edu/chapter-160d-and-other-zoning-legislation/>

45
46 Planning and County Attorney staff prepared UDO amendments to comply with the new
47 legislation with the aim of leaving existing processes as unchanged as possible while also
48 conforming the UDO to statutes. There are a limited number of proposed revisions that are
49 more substantive in nature and are being proposed to conform the County’s UDO to State
50 requirements and best practices. These more substantive revisions include:

- 1 • Eliminating the option for a “Conditional Use District” (CUD) from the UDO. Processing
 2 CUD applications are reviewed using a mixture of legislative and quasi-judicial
 3 processes, which can result in much confusion. Eliminating this type of process was
 4 one of the impetuses for the modernization of the statutes. In the 2000’s, the NC
 5 General Assembly amended the statutes to allow for “Conditional Zoning Districts”
 6 which, arguably, negated the need for CUDs. (As a note, “conditional zoning districts”
 7 are now called “conditional districts” as a result of the terms used in NCGS Chapter
 8 160D.)
- 9 ○ Staff proposes to add two new Conditional Districts to the UDO to replace the
 10 CUD – a residential conditional district (R-CD) and a non-residential conditional
 11 district (NR-CD).
 - 12 ○ Elimination of the CUD will result in a reorganization of how major subdivisions
 13 are defined in Article 7 and the review process followed, but the review and
 14 approving staff/boards remain the same.
- 15 • Having just one class of Special Use Permit (SUP) and having SUPs heard and decided
 16 upon only by the Board of Adjustment (BOA) as the BOA is best suited to conduct
 17 quasi-judicial matters.
- 18 ○ There are currently Class A and Class B SUP uses. Class A uses are heard by
 19 the Board of County Commissioners (with a recommendation by the Planning
 20 Board) and Class B uses are heard by the BOA.
 - 21 ○ Instead of having the BOCC conducting quasi-judicial matters, uses that currently
 22 require a Class A SUP would instead be approved via new conditional districts,
 23 which are legislative decisions. The BOCC would still be the decision-maker
 24 for these uses, with review and recommendation by the Planning Board, only
 25 the review process is different.
 - 26 ▪ The one exception to this is for “Short Term Rental, Large – Host
 27 Occupied”
 - 28 • Current Class A SUP use in AR & R-1 proposed to remain a SUP
 29 use in these districts. These potential uses are defined as
 30 providing more than three guestrooms for up to one week of
 31 rental or lease. The host-occupied nature of the use does not
 32 seem to warrant discontinuation of an SUP option in the AR &
 33 R-1 districts. Review/decision would change from BOCC to
 34 BOA.
 - 35 • Additionally, could be reviewed via a conditional district which
 36 would be reviewed by the BOCC. (As a note, many uses have
 37 more than one way to be approved, as denoted in the Table of
 38 Permitted Uses [Section 5.2 of UDO]).
 - 39 ○ The draft PowerPoint presentation in Attachment 6 includes charts listing the
 40 uses that currently require Class A and Class B Special Use Permits.
 - 41 ○ Note: This is an aspect of the amendments that is not strictly required by Chapter
 42 160D but is a best practice in North Carolina and recommended by the
 43 County’s legal staff.

44
 45 As noted above, amendments to Appendix F of the Comprehensive Plan and to the Planning
 46 Board’s and Board of Adjustment’s Rules of Procedure are necessary as a result of the UDO
 47 amendments. The proposed amendments to the Comprehensive Plan are included in
 48 Attachment 2 while the Planning Board’s Rules of Procedure amendments are in Attachment 3.

49
 50 Joint Planning Area (JPA) Review: In accordance with the Joint Planning Agreement with the
 51 Towns of Chapel Hill and Carrboro, the amendment package was sent to Town staffs on

1 February 26. Town of Carrboro planning staff sent the letter in Attachment 5 in late March.
 2 Town staff found no inconsistency with the Joint Planning Land Use Plan. As of the writing of
 3 this abstract, no comments have been received from the Town of Chapel Hill.

4
 5 Planning Board Recommendation: The Planning Board reviewed this item at its April 7, 2021
 6 regular meeting and voted **unanimously** to recommend **approval** of the amendments. Draft
 7 minutes from the meeting and the signed statement of consistency are included in Attachment 4
 8 and meeting materials are available at: [http://orangecountync.gov/AgendaCenter/Planning-
 9 Board-26](http://orangecountync.gov/AgendaCenter/Planning-Board-26)

10
 11 Prior to making its recommendation, the Planning Board had reviewed the materials in an
 12 “Ordinance Review Committee” meeting on March 3, 2021 and had also received an overview
 13 of the topic at its September 2, 2020 meeting. Materials for these meetings are also available
 14 at: <http://orangecountync.gov/AgendaCenter/Planning-Board-26>

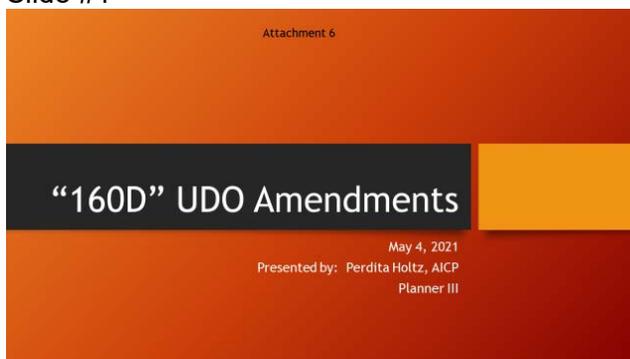
15
 16 Board of Adjustment Review of Rules of Procedure: The Board of Adjustment (BOA) began
 17 review of the revisions to its Rules of Procedure (ROP) at its April 12, 2021 meeting and will
 18 continue review at a subsequent meeting. Materials for these meetings are available at:
 19 <http://orangecountync.gov/AgendaCenter/Board-of-Adjustment-24> As a quasi-judicial board, the
 20 BOA has amendment authority over its ROP.

21
 22 Planning Director’s Recommendation: The Planning Director recommends **approval** of the:

- 23 1. Statement of Approval and Consistency indicating the text amendments are
- 24 reasonable and in the public interest as contained in Attachment 1.
- 25 2. Amendments to the Unified Development Ordinance (UDO) and 2030
- 26 Comprehensive Plan as contained in Attachment 2.
- 27 3. Amendments to the Planning Board’s Rules of Procedure as contained in
- 28 Attachment 3.

29
 30 Perdita Holtz, Planning Systems Coordinator, made the following presentation:
 31
 32

Slide #1



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 34
 35

1 Slide #2

Outline 2

- Overview
- Information on Decision Types
- Revisions that Modify Current Orange County Practices
 - Including uses that are currently reviewed via one of two Special Use Permit processes
- Revisions to Comprehensive Plan
- Revisions to Rules of Procedure for Planning Board and Board of Adjustment
- Notes for Future Review/Study
- Recommendations

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Slide #3

General Overview 3

- NC General Assembly adopted legislation in July 2019 that entailed the complete reorganization and modernization of the state's planning and development regulation statutes.
- Previously, planning and land development regulations were in Chapter 153A, Article 18 (for counties) and Chapter 160A, Article 19 (for cities).
 - Now standardized - same regulations for counties and cities, unless a specific difference is noted.
 - Previously scattered rules related to land use regulation also consolidated.
 - Codified in new Chapter 160D
- All local governments in NC must comply with the new legislation.
 - Originally, all local governments had to adopt revised codes by January 1, 2021.
 - Due to COVID the deadline date was extended to July 1, 2021.

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Slide #4

UDO Amendments 4

- Over 300 pages of the UDO have revisions.
 - Includes some corrections that are "housekeeping" in nature rather than directly related to 160D. (Spelling/grammar and Section reference corrections)
 - Proposed revisions are footnoted as necessary, as staff always does to better explain the reasons for revisions.
 - The large majority of proposed revisions are not modifiable since they must be adopted because of the State legislation.
- Limited number of revisions that modify current practices used by Orange County.

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1 Slide #5

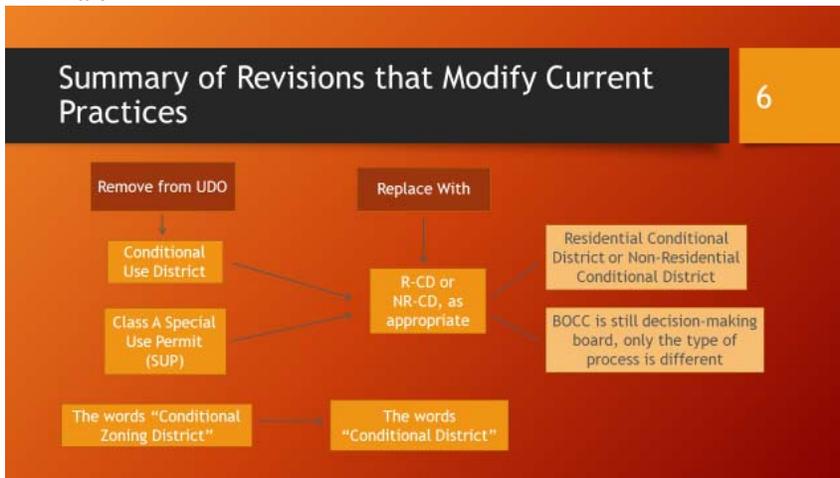
Information on Decision Types

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- **Legislative**
(Governing Board - BOCC)
 - Adopt, Amend, or Appeal an Ordinance
 - Unified Development Ordinance text amendments
 - Zoning Map (both conventional and conditional districts)
 - Public Hearing
 - General public opinion allowed
 - Decision makers make determination based on what they think is best for the County/all residents
 - Can talk about matters outside of hearing
- **Quasi-Judicial**
(Board of Adjustment)
 - Special Use Permits
 - Variances
 - Appeals from administrative decisions
 - **Evidentiary Hearing**
 - Sworn testimony
 - Competent, material, and substantial evidence
 - Hearsay cannot be basis of decision
 - testimony by experts necessary and limits on who has standing to participate
 - General public opinion is not sought
 - Decision makers apply standards that are already set
 - No contact outside of hearing - impartiality is critical
- **Administrative**
(Staff)
 - **Implementation, administration, or enforcement of development regulations**
 - Application of objective standards found in regulations (UDO)
 - Can include minor, defined modifications
 - No exercise of discretion - must apply standards

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Slide #6



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Slide #7

Revisions that Modify Current Practices

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- Eliminating the option for a “Conditional Use District” (CUD) from the UDO.
 - CUD applications are reviewed using a mixture of legislative and quasi-judicial processes, which can result in much confusion.
 - Eliminating this type of process was one of the impetuses for the 160D re-write.
 - In the '00s, the NC Legislature amended the statutes to allow for “Conditional Zoning Districts” (now called “conditional districts” in 160D) which, arguably, negated the need for CUDs.
 - Orange County has not processed a CUD in over a decade.

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1 Slide #8

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Revisions that Modify Current Practices (cont.)

- Having only one class of Special Use Permit (SUP) and having SUPs heard and decided upon only by the Board of Adjustment (BOA).
 - Currently have Class A SUP (decided by BOCC) and Class B SUP (decided by BOA)
 - The BOA is best suited to conduct quasi-judicial matters.
 - Current Class A SUP uses would be reviewed through the “conditional district” process, a legislative process as opposed to quasi-judicial process.
 - As a note, having the BOA be the only conductor of quasi-judicial matters is not strictly required by the 160D amendments; however, it is a best-practice throughout North Carolina, especially since conditional districts have been an option since the ‘00s, and is recommended by the County Attorney’s office.
 - In keeping with statutes and the restriction on general public participation in SUP cases (persons must have “standing “ to participate), SUP applications would continue to require posting of sign and mailed notices but a legal ad would no longer be run.
 - Mailing would still be 1,000 feet even though statutes require only “abutting” (touching) property owners be notified.

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Chair Price asked if there is recourse is for an applicant if they disagree with the Board of Adjustment. She asked if the criteria for selecting the Board of Adjustment would change.

Perdita Holtz said the Board of Adjustment currently hears Special Use Permits, and the Superior Court hears appeals. She said staff has not discussed changes to the selection of the Board of Adjustment.

Chair Price clarified that all appeals would go to Superior Court.

Perdita Holtz said yes. She said the uses that the BOCC currently reviews under class A are being converted to conditional district uses, and are not being given to the BOA. She said the BOCC will still hear these cases. She resumed the PowerPoint presentation:

Slide #9

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Current Class A SUP Uses that will change to conditional district review process (continued decision authority by BOCC)

Cold Storage Facility	Golf Course
Composting Operation	Airports, General Aviation, Heliports, S.T.O.L. [Short Take Off and Landing aircraft]
Equestrian Center	Junkyard/Salvage Yard
Meat Processing Facility, Regional	Telecommunication Tower 200-feet and higher
Schools: Preparatory	Public Utility Stations & Sub-station, Switching Stations, Telephone Exchanges, Water & Sewage Treatment Plants
Schools: Universities, Colleges	Solar Array - Public Utility
Extraction of Earth Products	Landfills

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1 Slide #10

Current Class B SUP Uses - Review by Board of Adjustment (to remain SUP uses)		10
Stables, Commercial	Cemetery	
Care Facility	Kenel, Class II	
Microbrewery (Production Only)	Taxidermy (in AR district)	
Winery (Production Only)	Telecommunication Tower (Over 75 feet to less than 200 feet in height)	
Veterinary Clinics (in AR district)	Elevated Water Storage Tanks	
Camp (in some districts)	Electric, Gas, and Liquid Fuel Transmission Lines	
Golf Driving and Practice Ranges (in AR district)	Solar Array - Large Facility	
Recreational Facility (in some districts)	Community Center (in some districts)	
Group Care Facility	Museum	
Group Home	Retreat Center (in some districts)	

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Commissioner Hamilton asked if there are criteria to determine Class A and Class B. Perdita Holtz said Orange County chose many years ago to have two types of special use permits. She said it appears that if a use was more intense, or had more of an impact, it would be reviewed by the BOCC. She said it is a long-standing tradition in the County.

Commissioner Hamilton asked if the Board of Commissioners has the power to change what is a Class A or a Class B.

Perdita Holtz said yes. She resumed the PowerPoint presentation:

12 Slide #11

Current Class A SUP Use that will change to Special Use Permit (BOA review/decision) OR conditional district review process (BOCC review/decision)	11
<ul style="list-style-type: none"> • Short Term Rental, Large - Host Occupied <ul style="list-style-type: none"> • Provides more than three guestrooms for up to one week of rental or lease. • Host-occupied nature of use does not seem to warrant discontinuation of an SUP option in AR & R-1 districts (which would be reviewed by BOA). <ul style="list-style-type: none"> • Added option to review via a conditional district (which is the case for many uses). 	

13 Slide #12

Revisions that Modify Current Practices (cont.)	12
<ul style="list-style-type: none"> • Two new "Conditional Districts" are proposed to be added to the UDO to replace both the CUD and Class A SUP process. <ul style="list-style-type: none"> • R-CD for residential projects and NR-CD for non-residential projects. • Elimination of the CUD results in a reorganization (and simplification) of how major subdivisions are defined in Article 7 and the review process used. <ul style="list-style-type: none"> • Currently: 5 categories of major subdivisions <ul style="list-style-type: none"> • Over 20 lots requires Class A SUP or Conditional Use District, depending on number of lots and urban/rural designation • Proposed: 2 categories of major subdivisions <ul style="list-style-type: none"> • Over 20 lots requires one of the new conditional districts • Amendments endeavored to keep existing approval boards and existing processes in place to the greatest extent feasible while conforming to statutory requirements and best practices. 	

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1 Slide #13

A presentation slide with a dark orange header and a dark red body. The header contains the title "Revisions that Modify Current Practices (cont.)" and the slide number "13". The body contains a bulleted list of revisions.

- Some proposed revisions are to allow for practices that have long been allowed by State Statutes but were never incorporated into Orange County practices.
 - The ability to elect to use an alternative to mailed notifications for large-scale map amendments (Comprehensive Plan & Zoning Atlas)
 - Minimum ½ page newspaper ad.
 - Property owners with mailing addresses outside the area of the newspaper's general circulation would still be sent mailed notifications.
 - Large scale: more than 50 properties owned by at least 50 different property owners.
 - County Attorney's office desires to conform Orange County's regulations to State statute requirements/allowances.

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Slide #14

A presentation slide with a dark orange header and a dark red body. The header contains the title "Revisions that Modify Current Practices (cont.)" and the slide number "14". The body contains a bulleted list of revisions.

- Automatic amendment to the Future Land Use Map of the Comprehensive Plan if a Zoning Atlas amendment is adopted and the action is deemed inconsistent with the adopted Comprehensive Plan.
 - In other words, a separate process cannot be required if the governing board (BOCC) adopts a rezoning that's contrary to the Future Land Use Map.
 - New statutory requirement

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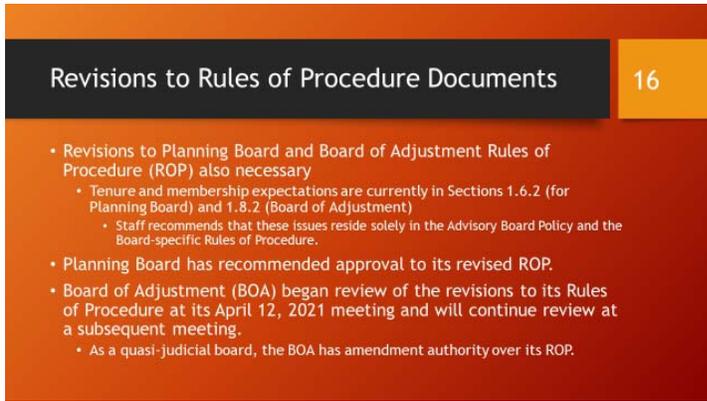
Slide #15

A presentation slide with a dark orange header and a dark red body. The header contains the title "Revisions to Comprehensive Plan (Appendix F)" and the slide number "15". The body contains a bulleted list of revisions.

- Necessary revisions to the "Land Use and Zoning Matrix" to add the two new conditional districts.

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1 Slide #16

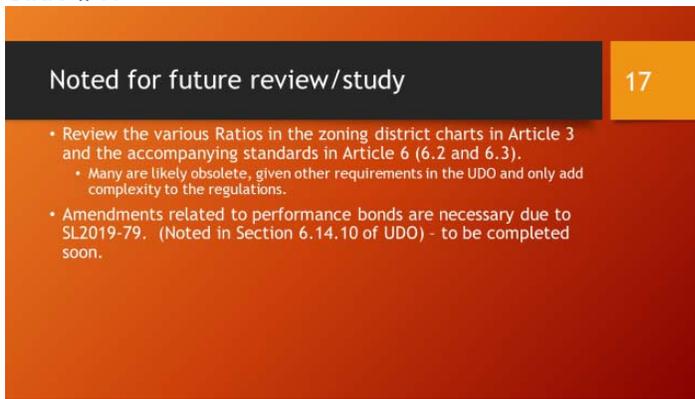


Revisions to Rules of Procedure Documents 16

- Revisions to Planning Board and Board of Adjustment Rules of Procedure (ROP) also necessary
 - Tenure and membership expectations are currently in Sections 1.6.2 (for Planning Board) and 1.8.2 (Board of Adjustment)
 - Staff recommends that these issues reside solely in the Advisory Board Policy and the Board-specific Rules of Procedure.
- Planning Board has recommended approval to its revised ROP.
- Board of Adjustment (BOA) began review of the revisions to its Rules of Procedure at its April 12, 2021 meeting and will continue review at a subsequent meeting.
 - As a quasi-judicial board, the BOA has amendment authority over its ROP.

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Slide #17

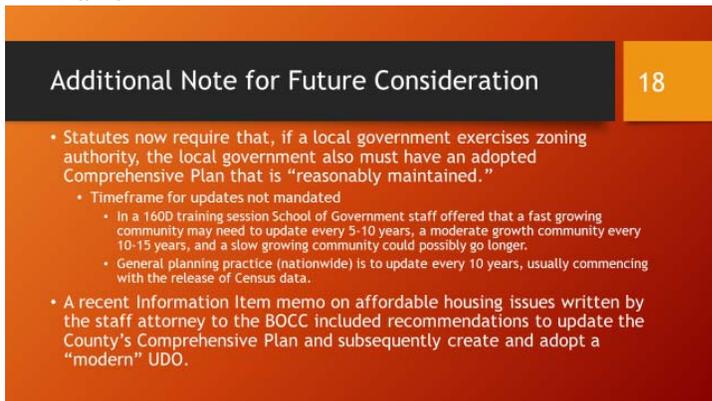


Noted for future review/study 17

- Review the various Ratios in the zoning district charts in Article 3 and the accompanying standards in Article 6 (6.2 and 6.3).
 - Many are likely obsolete, given other requirements in the UDO and only add complexity to the regulations.
- Amendments related to performance bonds are necessary due to SL2019-79. (Noted in Section 6.14.10 of UDO) - to be completed soon.

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Slide #18



Additional Note for Future Consideration 18

- Statutes now require that, if a local government exercises zoning authority, the local government also must have an adopted Comprehensive Plan that is "reasonably maintained."
 - Timeframe for updates not mandated
 - In a 160D training session School of Government staff offered that a fast growing community may need to update every 5-10 years, a moderate growth community every 10-15 years, and a slow growing community could possibly go longer.
 - General planning practice (nationwide) is to update every 10 years, usually commencing with the release of Census data.
- A recent Information Item memo on affordable housing issues written by the staff attorney to the BOCC included recommendations to update the County's Comprehensive Plan and subsequently create and adopt a "modern" UDO.

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Holtz said a comprehensive plan is not a regulatory document. She resumed the PowerPoint presentation:

1 Slide #19

Planning Board and Planning Director Recommendations 19

- Planning Board unanimously voted to approve all of the amendments at its April 4, 2021 meeting.
 - UDO and Comprehensive Plan text.
 - Planning Board Rules of Procedure document.
- Planning Director has recommended approval of all of the amendments.

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Slide #20

Recommendation for Tonight 20

1. Conduct the public hearing and accept the Planning Board recommendation and staff/public comment(s).
2. Close the public hearing.
3. Authorize the acceptance of written comment(s) via e-mail to the Board or by delivery to the Planning Department's office until 9:00 a.m. on Thursday, May 6, 2021 (addresses in abstract).
4. Schedule a vote to approve the:
 - a. Statement of Consistency (Attachment 1),
 - b. UDO and Comprehensive Plan Amendments (Attachment 2), and
 - c. Amendments to the Rules of Procedure for the Planning Board and Board of Adjustment (Attachment 3)
 at the Board's May 18, 2021 business meeting. No additional public comments shall be received on this item at the May 18, 2021 business meeting.

5
6

7 Commissioner Hamilton asked who determines how notification occurs for projects.

8 Perdita Holtz said the Planning staff would bring it to the attention of the County
9 Manager, and ask what the best notification method would be. She said the Manager would
10 bring it the BOCC.

11 Commissioner Hamilton said there have been many comments recently about
12 notifications. She said the impact of a development can be larger than 1000 feet, and perhaps
13 the County should consider widening the circle and making the signage more visible.

14 Perdita Holtz said the signs notify a passerby that there is something going on. She said
15 in other communities there is a yellow sign with a Z and a telephone number for residents to call
16 the Planning department. She said Orange County puts more information on the sign to offer
17 greater information, but there are concerns that there is too much information that is difficult to
18 read. She said Orange County's 1000 notification boundary is far wider than what is required
19 (only abutting properties), and is wider than most North Carolina communities. She said
20 Orange County mails notifications for Planning Board meetings, which is unusual. She said
21 Orange County also requires neighborhood information meetings, which are noticed and sign
22 posted. She said a lot of processes happen before the public hearing stage, and Orange
23 County goes far above other counties.

24 Commissioner Hamilton said it is important to step back and consider the effectiveness
25 of anything the County does. She said things change all the time, and it is harder to
26 communicate than it used to be.

27 Chair Price asked if the County should standardize its process of notifications.

28 Perdita Holtz said newspaper notification would only be used for large scale zoning
29 changes.

30 Chair Price said the process should be standardized.

1 Commissioner Dorosin asked for some context on why the state legislature made these
2 changes. He asked if the changes will expedite the process. He said there seems to be
3 tension between what the legislature wants versus the local governments.

4 John Roberts said his perception is that the state legislature has wanted to make it more
5 difficult for local governments to regulate land use.

6 James Bryan, Staff Attorney, said the notice requirements are older statutory changes
7 than 160D, and are seeking to accommodate local governments with cost effectiveness. He
8 said smaller communities were struggling with putting notice in newspapers and mailing
9 notifications, due to the associated costs. He said the newspaper industry fought back, and
10 said the notices are an important revenue source. He said this is a procedural minimum, and
11 the County is able to do more, and has historically done so.

12 Commissioner Dorosin said there is much to consider, including costs. He said a
13 boundary has to be drawn at some point, but notification can have broader impacts. He said he
14 would like to get creative in how notice is provided: notices posted in libraries, schools,
15 community centers; use QR codes; print larger signs with just a phone number to call, etc.

16 Commissioner Dorosin said there was a letter from the Town of Carrboro with questions,
17 but he did not see a response. He said there was a question about treating single-family
18 development differently than multi-family development.

19 Perdita Holtz said she has spoken with Carrboro staff. She said the performance bond
20 issue will come back later in the year.

21 Perdita Holtz said staff will need to revisit the single family versus multi-family issues.
22 She said, over the years, the State legislature has put restrictions on how much local
23 governments can regulate single-family housing, and a future amendment may be necessary.

24 Commissioner Dorosin said he does not want the County to do anything to encourage
25 distinction between single family and multi-family.

26 Commissioner Dorosin clarified that the class A and B distinctions are going away, with
27 all SUPs going to the BOA, but the items that previously came to the BOCC will still continue to
28 do so, just under a different name. He said this is a change in the nomenclature, and is not
29 divesting the BOCC of its role in hearing more serious matters.

30 Perdita Holtz said yes, that is correct.

31 Commissioner Bedford is concerned about the practice of no longer mailing notifications.
32 She said getting something in the mail is a good way to connect with people who may not pay
33 attention to other forms of notification.

34 Commissioner Dorosin asked if post cards could be sent.

35 Perdita Holtz said yes, and staff sometimes already does so.

36 Perdita Holtz asked if Commissioner Bedford is suggesting the removal of the alternative
37 to even do the newspaper add in lieu of mailing notifications.

38 Commissioner Bedford said yes.

39 Perdita Holtz said large scale notifications could number tens of thousands, and a large
40 comprehensive plan update would involve a great deal of public input during the process, and,
41 as such, a newspaper notification may be more appropriate.

42 Commissioner Bedford said she has never been through a comprehensive plan
43 development, but thinks notification needs to be more than just newspapers. She said she has
44 only ever seen true public engagement over issues of gun control and school mergers.

45 Commissioner Greene asked if the law says the County has to use the newspaper.

46 Perdita Holtz said it does not, and the County can choose to.

47 Commissioner Greene said she would support putting notices in newspapers, in addition
48 to other ways of getting information out.

49 Chair Price said she was on the Planning board when the 1000 feet notification radius
50 was decided. She said in rural areas, one's closest neighbor may be 1000 feet away, which is

1 still considered close in the such areas. She said the road signs need to be changed, as there
2 is no way one can read them in a safe way.

3 Craig Benedict, Planning Director, said there is a large-scale amendment coming up.
4 He said the City of Durham is moving its water supply intake 1500 feet upstream, which impacts
5 Orange County zoning. He said the County will notify 1500-2000 people who are affected by
6 the zoning change, as well as those properties within 1000 feet of the actual area where the
7 change will occur. He said there will be public meetings as well.

8
9 A motion was made by Commissioner Hamilton, seconded by Commissioner McKee to
10 open the public hearing.

11
12 **Roll call ensued**

13
14 **VOTE: UNANIMOUS**

15
16 **PUBLIC COMMENTS:**

17 Janine Zanin said the UDO reduces the notice from 15 days to 10 days, justified by state
18 law. She said State law sets a basement level, and Orange County traditionally operates above
19 the level. She said 10 days does not allow for enough time for a resident to read about, and
20 plan for attending the meeting. She said the County should move in the opposite direction. She
21 said the UDO gives a lot of discretion, and she would like to be consistent and predictable. She
22 said the discretion was not well used for the Buckhorn Area Plan. She said Commissioner
23 Greene and Chair Price commented recently on the need for more notice, and it is not clear why
24 Planning staff would want to provide less notice. She said 1000 feet does not go very far in
25 rural areas. She said neighbors at the top of her road recently received a notice, but she did
26 not. She said she will be impacted by the same projects as her neighbors, but did not receive
27 notice. She said Orange County's mission statement says Orange County residents come first,
28 and this issue is an easy way to stand behind the mission statement.

29
30 A motion was made by Commissioner McKee, seconded by Commissioner Hamilton to
31 close the public hearing.

32
33 **Roll call ensued**

34
35 **VOTE: UNANIMOUS**

36
37 A motion was made by Commissioner McKee, seconded by Commissioner Greene, to
38 authorize the acceptance of written comments by 9 a.m. on May 6, 2021 and to schedule a vote
39 on May 18 to approve a statement of consistency, UDO, and Comprehensive Plan
40 amendments, and amendments to the Rules of Procedure for the Planning Board.

41
42 Commissioner Dorosin asked if there is a process for making changes.

43 Perdita Holtz requested that any changes be communicated to staff now, in order for
44 staff to have the amendment packet ready on May 18th.

45 Commissioner Dorosin requested that the 10 days of notification be changed to 15 days.

46 Commissioner Greene requested more time to consider changes.

47 Commissioner Hamilton agreed with Commissioner Greene and asked for more time to
48 consider changes.

49 Commissioner McKee agreed, and said a lot of time was spent on proclamations and
50 special presentations, and it is too late to spend time to parse through the item.

1 Chair Price said she would like more time to digest this. She asked if the Board could
2 still authorize acceptance of written comment and schedule a vote for May 18. She asked if the
3 Board could discuss it on May 18th as well.

4 John Roberts said yes.

5 Commissioner Bedford said she supports changing the 10 days of notifications to 15
6 days.

7 Commissioner Bedford asked if staff would help with setting parameters on large-scale
8 map amendments, and when and how there will be mailings and associated costs.

9 Chair Price asked who seconded the motion.

10 Deputy Clerk to the Board said it was Commissioner Greene.

11 Laura Jensen reminded the Commissioners of the motion that was on the floor.
12

13 **Roll call ensued.**

14
15 **VOTE: UNANIMOUS**

16
17 Chair Price asked how Perdita Holtz would like to receive changes.

18 Perdita Holtz said she would bring the original packet to the Board on May 18th, and all
19 changes could be discussed at that time.
20

21 **c. Public Hearing on Renaming Braxton Bragg Court to Hydrangea Court**

22 The Board conducted a public hearing on a petition to rename Braxton Bragg Court
23 (State Road 2212) to Hydrangea Court (see attached "Petition to Rename a Public Road Known
24 as Braxton Bragg Court to Hydrangea Court" and "Map of the Road to be Renamed").
25

26 **BACKGROUND:**

27 North Carolina General Statute § 153A-239.1 (NCGS §153A-239.1) grants a county the
28 authority to rename any road within a county as provided by the statute and by a County
29 Ordinance after the Board of County Commissioners has held a public hearing. The public
30 hearing must be held at least ten days prior to the renaming the road and a notice of the time,
31 place and subject matter of the hearing prominently posted at the courthouse, in at least two
32 public places in the township where the road is located, and the notice of the hearing must be
33 published in a newspaper of general circulation published in the County. The County may not
34 change the name given a road by the North Carolina Board of Transportation unless the Board
35 of Transportation agrees.
36

37 The Orange County Board of Commissioners adopted an Ordinance entitled "An Ordinance to
38 Assign and Regulate Road Names, House and Building Numbers in Orange County" (the
39 "Addressing Ordinance") on December 13, 2011. The Addressing Ordinance § 6-34(b)(2)(b)
40 allows property owners to request to rename a public road for personal reasons. In order to do
41 so, the property owners must provide a petition including the existing road name, the proposed
42 road name, the reason why the person(s) are requesting the name change, and the
43 signatures of seventy-five percent (75%) of those persons owning property addressed on the
44 road in question. The proposed road name must conform to the requirements of Addressing
45 Ordinance § 6-34(b) and the name change may only be approved after a public hearing is
46 held on the matter as provided in Addressing Ordinance § 6-36 and the Board of County
47 Commissioners have approved the petition for a road name change.
48

49 Property owners have provided a petition requesting a road name change of Braxton Bragg
50 Court (State Road 2212) to Hydrangea Court. There are four parcels on Braxton Bragg Court,
51 each with different owners. Three of the four parcel owners have provided signatures agreeing

1 to the proposed renaming. Therefore, the petition includes the requisite signatures of seventy-
2 five percent (75%) of those persons owning property on the road in question. The fourth
3 property owner did not respond to the request for signatures. (see attached "Petition" and
4 "Map")
5

6 The Address Administrator contacted the North Carolina Department of Transportation
7 (NCDOT) and determined that State Board of Transportation approval is required to rename this
8 road in accordance with GS §153A-239.1 (see attached "Response from NCDOT")
9

10 As required by North Carolina law, a Notice of this Public Hearing was published in the *News of*
11 *Orange* on Wednesday, April 14, 2021 and *The Herald Sun* on Sunday, April 18, 2021, and
12 posted at the following locations:
13

- 14 • Orange County Courthouse
- 15 • Piedmont Feed & Garden Center on Hwy 54
- 16 • At the intersection of Braxton Bragg Court and Wade Hampton Road
17

18 GS §153A-239.1 requires that after renaming a road, the County shall notify the local
19 postmaster with jurisdiction over the road, the Board of Transportation, and to any city within
20 five miles of the road.
21

22 Ordinance § 6-34(b)(2)(b)(iii) requires the Petitioners to pay to Orange County the cost of
23 purchasing new signs and erecting them prior to the name change becoming effective.
24

25 Nancy Freeman, Tax Administrator, reviewed the background information in the agenda
26 packet.
27

28 A motion was made by Commissioner Dorosin, seconded by Commissioner Hamilton to
29 open the public hearing.
30

31 **Roll call ensued**
32

33 **VOTE: UNANIMOUS**
34

35 **PUBLIC COMMENTS:**
36

37 Joanne Filley said a committee of neighbors discussed changing the names of the roads
38 in their neighborhoods, which were all named after Confederate generals. She said the
39 neighbors' biggest concern is the cost of changing signs, licenses, registrations, etc. She said
40 the committee did a crowd sourcing fundraiser to pay for these costs. She said not all roads got
41 enough signatures.
42

43 A motion was made by Commissioner Dorosin, seconded by Commissioner Bedford to
44 close the public hearing.
45

46 **Roll call ensued**
47

48 **VOTE: UNANIMOUS**
49

50 A motion was made by Commissioner Dorosin, seconded by Commissioner Hamilton, to
authorize the acceptance of written comments by 9 a.m. on May 6, 2021 and to schedule a vote

1 on May 18 to approve resolution and authorize address administrator to submit resolution to the
2 NC Board of Transportation.

3
4 **Roll call ensued**

5
6 **VOTE: UNANIMOUS**

7
8 Chair Price praised the neighbors for taking on this issue.

9
10 **d. Public Hearing on Renaming Joseph Johnston Court to Water Oak Court**

11
12 The Board conducted a public hearing on a petition to rename Joseph Johnston Court
13 (State Road 2210) to Water Oak Court (see attached "Petition to Rename a Public Road Known
14 as Joseph Johnston Court to Water Oak Court" and "Map of the Road to be Renamed").

15
16 **BACKGROUND:**

17 North Carolina General Statute § 153A-239.1 (NCGS §153A-239.1) grants a county the
18 authority to rename any road within a county as provided by the statute and by a County
19 Ordinance after the Board of County Commissioners has held a public hearing. The public
20 hearing must be held at least ten days prior to the renaming the road and a notice of the time,
21 place and subject matter of the hearing prominently posted at the courthouse, in at least two
22 public places in the township where the road is located, and the notice of the hearing must be
23 published in a newspaper of general circulation published in the County. The County may not
24 change the name given a road by the North Carolina Board of Transportation unless the Board
25 of Transportation agrees.

26
27 The Orange County Board of Commissioners adopted an Ordinance entitled "An Ordinance to
28 Assign and Regulate Road Names, House and Building Numbers in Orange County" (the
29 "Addressing Ordinance") on December 13, 2011. The Addressing Ordinance § 6-34(b)(2)(b)
30 allows property owners to request to rename a public road for personal reasons. In order to do
31 so, the property owners must provide a petition including the existing road name, the proposed
32 road name, the reason why the person(s) are requesting the name change, and the
33 signatures of seventy-five percent (75%) of those persons owning property addressed on the
34 road in question. The proposed road name must conform to the requirements of Addressing
35 Ordinance § 6-34(b) and the name change may only be approved after a public hearing is
36 held on the matter as provided in Addressing Ordinance § 6-36 and the Board of County
37 Commissioners have approved the petition for a road name change.

38
39 Property owners have provided a petition requesting a road name change of Joseph Johnston
40 Court (State Road 2210) to Water Oak Court. There are eight parcels on Joseph Johnston
41 Court, each with different owners. Six of the eight parcel owners have provided signatures
42 agreeing to the proposed renaming. Therefore, the petition includes the requisite signatures of
43 seventy-five percent (75%) of those persons owning property on the road in question. The
44 remaining property owners did not respond to the request for signatures. (see attached
45 "Petition" and "Map")

46
47 The Address Administrator contacted the North Carolina Department of Transportation
48 (NCDOT) and determined that State Board of Transportation approval is required to rename this
49 road in accordance with GS §153A-239.1 (see attached "Response from NCDOT")
50

1 As required by North Carolina law, a Notice of this Public Hearing was published in the *News of*
2 *Orange* on Wednesday, April 14, 2021 and *The Herald Sun* on Sunday, April 18, 2021, and
3 posted at the following locations:
4

- 5 • Orange County Courthouse
 - 6 • Piedmont Feed & Garden Center on Hwy 54
 - 7 • At the intersection of Joseph Johnson Court and Wade Hampton Road
- 8

9 GS §153A-239.1 requires that after renaming a road, the County shall notify the local
10 postmaster with jurisdiction over the road, the Board of Transportation, and to any city within
11 five miles of the road.
12

13 Ordinance § 6-34(b)(2)(b)(iii) requires the Petitioners to pay to Orange County the cost of
14 purchasing new signs and erecting them prior to the name change becoming effective.
15

16 Nancy Freeman reviewed the background information in the agenda packet.
17

18 A motion was made by Commissioner Dorosin, seconded by Commissioner Hamilton to
19 open the public hearing.
20

21 **Roll call ensued**
22

23 **VOTE: UNANIMOUS**
24

25 **PUBLIC COMMENTS:**

26 Vivian Olsen said she is a new resident of the neighborhood, and is happy about the
27 prospect of renaming the road. She said she has noticed how dedicated the residents of
28 Orange County are to preserving the land, and native wildlife. She said more than 75% of the
29 residents are supportive of the name change.

30 Joanne Filley said some people objected to the name changes because it is not
31 honoring history. She said there is a big difference between remembering history and honoring
32 a cause. She said these streets currently honor men who fought for slavery. She said the
33 original intent of the neighborhood was to name the streets after trees, but one developer
34 overrode that and named all of the streets after Confederate generals. She said she hopes that
35 further street names will be changed, and the chosen names are all native plants in North
36 Carolina.
37

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

41 **Roll call ensued**
42

43 **VOTE: UNANIMOUS**
44

45 A motion was made by Commissioner Fowler, seconded by Commissioner Dorosin, to
46 authorize the acceptance of written comments by 9 a.m. on May 6, 2021 and to schedule a vote
47 on May 18 to approve resolution and authorize address administrator to submit resolution to the
48 NC Board of Transportation.
49

50 **Roll call ensued**
51

1 **VOTE: UNANIMOUS**

2
3 **e. Public Hearing on Renaming Service Road SR1223 to Diversity Drive**

4
5 The Board conducted a public hearing on the renaming of Service Road SR1223 to
6 Diversity Drive (see attached "Renaming of a Public Road Known as Service Road SR1223 to
7 Diversity Drive - Attachment A").

8
9 **BACKGROUND:**

10 North Carolina General Statute § 153A-239.1 (NCGS §153A-239.1) grants a county the
11 authority to rename any road within a county as provided by the statute and by a County
12 Ordinance after the Board of County Commissioners has held a public hearing. The Public
13 hearing must be held at least ten days prior to the renaming the road and a notice of the time,
14 place and subject matter of the hearing prominently posted at the courthouse, in at least two
15 public places in the township where the road is located, and the notice of the hearing must be
16 published in a newspaper of general circulation published in the County.

17
18 The Orange County Board of Commissioners adopted an Ordinance entitled "An Ordinance to
19 Assign and Regulate Road Names, House and Building Numbers in Orange County" (the
20 "Addressing Ordinance") on December 13, 2011. The Addressing Ordinance allows the
21 Addressing Administrator to rename a road according to § 6-34(b)(2)(a) which provides,

22
23 "Road names may be changed by the Address Administrator when the road name is a
24 duplicate of another road name within a designated postal area or within Orange County
25 and interferes with the accurate dispatch of emergency service or postal delivery. In
26 addition, a road name may be changed when one road has two commonly used names
27 or where portions of what appears to be the same road has two or more names."

28
29 The Addressing Administrator is considering a road name change of Service Road SR1223 to
30 Diversity Drive (see attached "Renaming of a Public Road Known as Service Road SR1223 to
31 Diversity Drive - Attachment A"). Orange County Emergency Services has requested that
32 Service Road SR1223 be renamed to Diversity Drive as to avoid the inaccurate dispatch of
33 emergency vehicles.

34
35 As required by North Carolina law, a Notice of this Public Hearing was published in the *News of*
36 *Orange* on Wednesday, April 14, 2021 and *The Herald Sun* on Sunday, April 18, 2021, and
37 posted at the following locations:

- 38
39
- 40 • Orange County Courthouse
 - 41 • Piedmont Feed & Garden Center on Hwy 54
 - 42 • Intersection of Service Road and Old NC 86

43 GS §153A-239.1 requires that after renaming a road, the County shall notify the local
44 postmaster with jurisdiction over the road, the Board of Transportation, and to any city within
45 five miles of the road.

46
47 Nancy Freeman reviewed the background information in the agenda packet.
48 Commissioner McKee asked if this was the road that services the RTLP project.
49 Nancy Freeman said yes.
50

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

3
4 **Roll call ensued**

5
6 **VOTE: UNANIMOUS**

7
8 **PUBLIC COMMENTS:**
9 None.

10
11 A motion was made by Commissioner Dorosin, seconded by Commissioner Hamilton, to
12 close the public hearing.

13
14 **Roll call ensued**

15
16 **VOTE: UNANIMOUS**

17
18 A motion was made by Commissioner Fowler, seconded by Commissioner McKee, to
19 authorize the acceptance of written comments by 9 a.m. on May 6, 2021.

20
21 **Roll call ensued**

22
23 **VOTE: UNANIMOUS**

24
25 **6. Regular Agenda**

26
27 **a. Authorization to Proceed with New Orange County Arts Commission Office and**
28 **Arts Space and Associated Lease Agreement with Hedgehog Holdings**

29
30 The Board received information on the proposed Eno Arts Mill Project and approve the
31 Orange County Arts Commission (OCAC) and staff to move forward by authorizing the Manager
32 to sign a lease agreement with Hedgehog Holdings for Suite 17 at the Eno River Mill in
33 Hillsborough.

34
35
36 **BACKGROUND:**

37 To address the identified needs of the arts community, the OCAC received BOCC approval in
38 October 2019 to enter into a lease agreement with Hedgehog Holdings, a family-run, historic
39 preservation development firm based in Raleigh and owner of the Eno River Mill in Hillsborough.
40 The partnership allowed the OCAC to offer eleven studio workspaces for local artists. The
41 spaces opened in February 2020, and proved successful and profitable in the first year,
42 exceeding projections even despite the pandemic.

43
44 In July 2020, the OCAC entered into "Phase 2" of the original plan and began renting Suite 29, a
45 large, open space for classes, exhibits, and events. Suite 29 is connected to the current OCAC
46 office. Due to the inability to host gatherings, the space was instead rented by three large-
47 format artists. In early 2021, two front-facing office suites (17 A&B) very close to the artist
48 studios became available. At the same time, owners of the Eno Mill were approached by a
49 tenant interested in renting Suite 29 and the OCAC office.

50

1 Hedgehog Holdings has offered 17 A&B to the OCAC at the extremely generous rate of \$1 per
2 square foot. The space, which is just under 7,000 square feet and ideally situated in an easily
3 accessible location, will allow the OCAC to expand its offerings to the community in ways that
4 will fundamentally change the arts landscape of Orange County and provide real solutions to the
5 identified challenges facing the arts. Suite 17 will offer class space, exhibits and event space, a
6 welcoming office for the OCAC, and affordably-priced offices for local cultural organizations.

7
8 Katie Murray, Arts Commission Director, played a video that described the Eno Arts Mill
9 space. She made the following PowerPoint presentation:

10
11 Slide #1



12
13
14 Slide #2



15
16
17

1 Slide #3

ENO ARTS MILL

Hedgehog Holdings

A family-owned, Raleigh-based historic property development and leasing company.

2
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Slide #4

ENO ARTS MILL

Artist Studios

- Opened February, 2020
- Eleven studios, 13 artists
- Artists represent variety of mediums, career levels, ages and ethnicities
- Proj. first year net: -\$2,400
- Actual first year net: \$6,250

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Slide #5

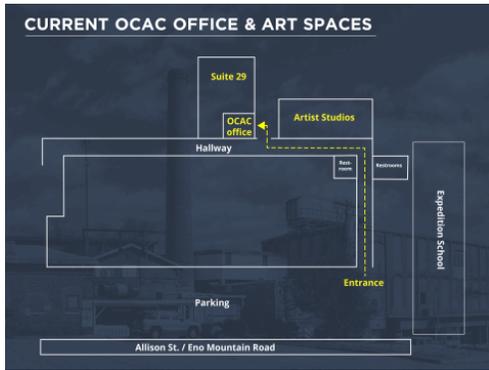
ENO ARTS MILL

Suite 29

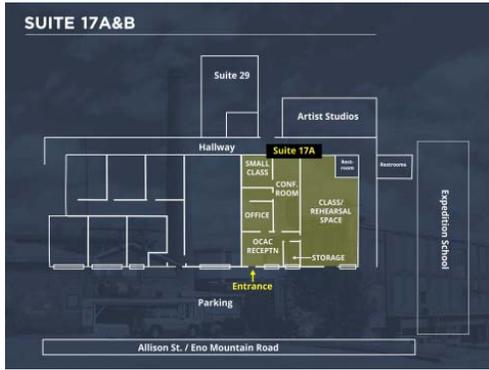
- Opened July, 2020
- Work space for three large-format artists
- Video shoot space for Music Maker Relief Foundation
- \$2,500 additional net revenue

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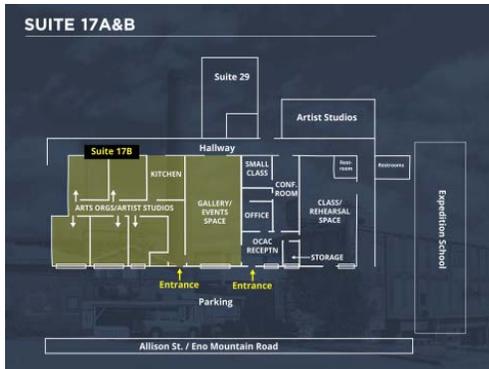
1 Slide #6



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3 Slide #7



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6 Slide #8



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9 Slide #9



1 Slide #10



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Slide #11

ENO ARTS MILL

Suite 17

7,000sf ideally situated in an easily accessible location.

Rent: **\$1 per square foot** + utilities

Will allow the OCAC to expand its offerings to the community in many ways:

- A large **class space** to be used by the OCAC, arts organizations, and artists

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Slide #12

ENO ARTS MILL

Suite 17

- A large **exhibits and events space** offering high-quality gallery space to display and sell work, plus a space for small events
- A **welcoming office** with a front-facing door, a conference room and small classroom
- Six affordably priced **studios or offices for local artists and organizations.**

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1 Slide #13



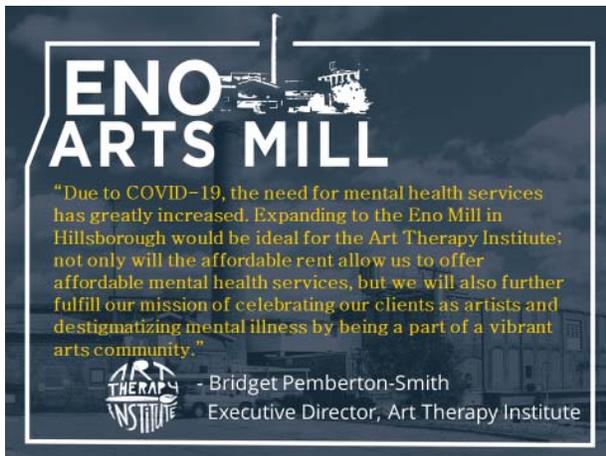
ENO ARTS MILL
Suite 17
 Current prospective tenants include:

- o Art Therapy Institute
- o Bull City Music School
- o Chamber Orchestra Triangle
- o Hillsborough Arts Council
- o Little Wings Art Program
- o NC Mosaics
- o Occaneechi Tribe
- o Orange County Artists Guild
- o Sisters' Voices Chorus

Leasing priority: BIPOC-led organizations → other cultural organizations → individual artists

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Slide #14



ENO ARTS MILL

"Due to COVID-19, the need for mental health services has greatly increased. Expanding to the Eno Mill in Hillsborough would be ideal for the Art Therapy Institute; not only will the affordable rent allow us to offer affordable mental health services, but we will also further fulfill our mission of celebrating our clients as artists and destigmatizing mental illness by being a part of a vibrant arts community."



- Bridget Pemberton-Smith
 Executive Director, Art Therapy Institute

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Slide #15



ENO ARTS MILL

Five-year Budget Forecast

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
INCOME	\$177,240	\$186,102	\$195,407	\$205,177	\$215,436
EXPENSE	\$162,240	\$168,252	\$174,512	\$181,031	\$187,821
NET	\$15,000	\$17,850	\$20,895	\$24,146	\$27,614

- Assumes full occupancy of office/studios
- Includes very conservative figures for classroom/event rentals
- Does not include upjfit expense

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9
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1 Slide #16

ENO ARTS MILL

OCAC:

- \$70,000* upfit: doors, kitchenette, utility sinks, gallery lighting
- \$45,000* seed funding; six months rent/utilities would allow time to secure tenants most in need of space

**Incorporated into OCAC's request for American Rescue Plan funding*

Hedgehog Holdings:

- Paint, ceiling repair, new lighting
- OCAC moving costs
- Upfit expense in excess of \$70,000

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Slide #17

ENO ARTS MILL

In the works...

SPARK Youth Theater

An accessible, high-quality, youth theater program providing transportation from Orange County Title 1 schools and sliding-scale tuition.

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Slide #18

ENO ARTS MILL

In the works...

Community Dark Room

A membership-based dark room and photography studio offering classes, processing and shooting space.

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1 Slide #19



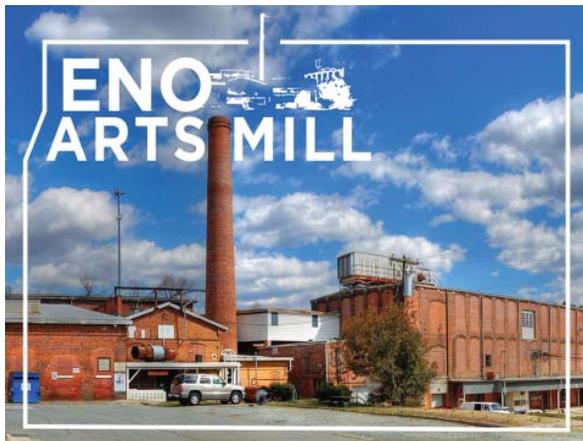
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Slide #20



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Slide #21



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10 Commissioner McKee asked for clarification of what the Board is being asked to do this
11 evening, and if a financial gain is still anticipated after all costs are accounted for.

12 Katie Murray said yes. She said the request this evening is for the BOCC to approve
13 entering into a new lease agreement, and voiding the current lease agreement.

14 Commissioner McKee reviewed the costs of the space, including the upfitting costs.

1 Katie Murray said the upfitting costs are not included in her FY21-22 budget request.
 2 She said she will speak with the Deputy County Manager about funding sources. She said
 3 costs can be incorporated into the sub-lease costs, if necessary, which would increase rents for
 4 the organizations.

5 Commissioner McKee asked if the tentative tenants are fully committed.

6 Katie Murray said she has a fairly strong commitment from the Art Therapy Institute and
 7 NC Mosaics, as well as a possible commitment from Bull City Music School and Chamber
 8 Orchestra of the Triangle. She said she also has a very long list of individual artists who are
 9 interested in tenancy.

10 Commissioner McKee asked if the risks could be identified, given the other financial
 11 pressures on the County. He said he has concerns about tenants' ability to pay lease payments
 12 given the economy.

13 Katie Murray said she feels confident that this space will generate revenue through
 14 programming and events. She said there is unlimited potential.

15 Commissioner McKee said he has only heard good things about the artists so far.

16 Commissioner Greene said she is excited about this possibility. She referred to the
 17 Youth Theater program, and asked if there is a third party sponsor.

18 Katie Murray said this would be an Arts Commission program, which means sliding scale
 19 tuition can be offered, which makes it accessible for many more people.

20 Commissioner Greene asked if this would be in a specific space in the mill.

21 Katie Murray said yes, and some seed money would be needed for upfitting costs.

22 Chair Price said she is excited by the proposal.
 23

24 A motion was made by Commissioner Greene, seconded by Commissioner Fowler to
 25 approve the proposed occupancy of Suite 17, and authorize the County Manager to sign a lease
 26 with Hedgehog Holdings and authorize the County Manager to sign sub-lease agreements with
 27 local cultural organizations and/or artists.
 28

29 **Roll call ensued**

30
 31 **VOTE: UNANMIOUS**

32
 33 **7. Reports**

34 None.
 35

36 **8. Consent Agenda**

37
 38 **• Removal of Any Items from Consent Agenda**

39 Commissioner Dorosin removed item 8-h
 40

41 **• Approval of Remaining Consent Agenda**
 42

43 A motion was made by Commissioner McKee, seconded by Commissioner Fowler, to
 44 approve the remaining consent agenda.
 45

46 **Roll call ensued.**

47
 48 **VOTE: UNANMIOUS**
 49

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

1
2 Commissioner Dorosin said he pulled item 8-h because he did not agree with the
3 decision in the previous work session to appoint to the OWASA board. He said plans to vote
4 against the item.

5
6 A motion was made by Commissioner McKee, seconded Commissioner Fowler to
7 approve item 8-h.
8

9 **Roll call ensued**

10
11 **VOTE: Ayes, 6 (Commissioner Bedford, Commissioner Fowler, Commissioner Greene,**
12 **Commissioner Hamilton, Commissioner McKee, Chair Price);**
13 **Nays, 1 (Commissioner Dorosin)**

14
15 **MOTION PASSES**

16
17 **a. Minutes**

18 The Board approved the draft minutes for the April 6, 2021, April 13, 2021, and April 19, 2021
19 Board of County Commissioners meetings.

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

21 The Board adopted a resolution, which is incorporated by reference, to release motor vehicle
22 property tax values for eight taxpayers with a total of eight bills that will result in a reduction of
23 revenue.

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

25 The Board adopted a resolution, which is incorporated by reference, to release property tax
26 values for twelve taxpayers with a total of sixteen bills that will result in a reduction of revenue.

27 **d. Fiscal Year 2020-21 Budget Amendment #12**

28 The Board approved budget, grant and capital ordinance amendments for fiscal year 2020-21 to
29 the Health Department; Health and Dental Insurance Fund; Lands Legacy Program; Emergency
30 Telephone System Fund; Emergency Recovery Fund; Animal Services; Cooperative Extension;
31 and Visitors Bureau Fund.

32 **e. Application for North Carolina Education Lottery Proceeds for Chapel Hill – Carrboro**
33 **City Schools (CHCCS) and Contingent Approval of Budget Amendment #12-A Related**
34 **to CHCCS Capital Project Ordinances**

35 The Board approved an application to the North Carolina Department of Public Instruction
36 (NCDPI) to release proceeds from the NC Education Lottery account related to FY 2020-21 debt
37 service payments for Chapel Hill – Carrboro City Schools (CHCCS), and to approve Budget
38 Amendment #12-A, contingent on the NCDPI's approval of the application.

39 **f. Application for North Carolina Education Lottery Proceeds for Orange County**
40 **Schools (OCS) and Contingent Approval of Budget Amendment #12-B Related to OCS**
41 **Capital Project Ordinances**

42 The Board approved an application to the North Carolina Department of Public Instruction
43 (NCDPI) to release proceeds from the NC Education Lottery account related to FY 2020-21 debt
44 service payments for Orange County Schools (OCS), and to approve Budget Amendment #12-
45 B, contingent on the NCDPI's approval of the application.

46 **g. Contract Award for Financial and Compliance Audit Services**

47 The Board awarded Request for Proposals (RFP) 367-OC 5314 Audit Services to Cherry
48 Bekaert, LLP to conduct auditing services for Orange County in the amount of \$83,000 (first
49 year), \$85,500 (second year), and \$88,000 (third year); and authorizing the Chair to sign the
50 Local Government Commission (LGC) contract on behalf of the BOCC pending staff and
51 attorney review.

1 **h. Advisory Boards and Commissions – Appointments**

2 The Board approved the Advisory Boards and Commissions appointments as reviewed and
3 discussed during the April 22, 2021 Work Session.

4 **i. Approval of a Resolution Authorizing a Revision in the Resolution Adopted May 5,**
5 **2016 Which Authorized the Orange County FY 2016-2017 HOME Program Design**

6 The Board approved a revision in the resolution adopted May 5, 2016 which authorized the
7 Orange County FY 2016-2017 HOME Program Design.

8 **j. Proposed Orange County FY 2021-2022 Annual Action Plan and HOME Activities**

9 The Board:

10 1) Adopted a Resolution, which is incorporated by reference, authorizing submission of the
11 FY 2021-2022 Annual Action Plan;

12 2) Adopted a Resolution, which is incorporated by reference, approving the proposed
13 HOME Program Activities for FY 2021-2022; and

14 3) Authorized the County Manager to implement the HOME Program as approved by the
15 BOCC, including the ability to execute agreements with partnering nonprofit organizations after
16 consultation with the County Attorney and based on the allocation received from HUD

17 **k. Refund Request – Lake Orange, Inc.**

18 The Board denied a refund request submitted by Attorney Steve Yuhasz on behalf of Lake
19 Orange, Inc.

20
21 **9. County Manager's Report**

22 Bonnie Hammersley said staff is working to reopen county buildings to the public. She
23 said the Deputy County Manager is assisting with developing a plan.

24
25 **10. County Attorney's Report**

26 John Roberts said this is the last week for filing bills in the legislature. He said he will
27 keep the Board informed.

28
29 **11. *Appointments**

30
31 **a. Arts Commission – Appointment Discussion**

32 The Board discussed an appointment to the Arts Commission.

33
34 **BACKGROUND:** The following appointment information is for Board consideration.

NAME	SPECIAL REPRESENTATIVE	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Sarah Shore	At-Large	First Full Term	03/31/2024

35
36
37 **NOTE - If the individual listed above is appointed, the following vacancies remain:**

- 38
39 • None

40
41 Tara May, Deputy Clerk, introduced the item, and updated the Commissioners on the
42 Applicant's desire to not be appointed to the Historic Preservation Commission. She said the
43 applicant would still like to be appointed to the Arts Commission.

44
45 A motion was made by Commissioner Bedford, seconded by Commissioner Greene, to
46 appoint Sarah Shore to the Arts Commission.

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Roll call ensued

VOTE: UNANMIOUS

12. Information Items

- April 20, 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 - Progress Report on Medline Industries, Inc.
- Memorandum - Financial Report - Third Quarter FY 2020-21

13. Closed Session

NONE

A motion was made by Commissioner McKee, seconded by Commissioner Hamilton, to adjourn the meeting at 11:34 p.m.

Roll call ensued

VOTE: UNANMIOUS

Renee Price, Chair

Laura Jensen
Clerk to the Board

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

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: June 1, 2021

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

SUBJECT: Motor Vehicle Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

ATTACHMENT(S):

Resolution
Releases/Refunds Data Spreadsheet
Reason for Adjustment Summary

INFORMATION CONTACT:

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

PURPOSE: To consider adoption of a resolution to release motor vehicle property tax values for six taxpayers with a total of ten 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 \$2,862.97 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2020-2021 is \$28,232.71.

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-2021-037

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
JUNE 1, 2021**

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	ADDITIONAL EXPLANATION
Arnold, William	60403042	2020	32,820	32,820	(194.95)	*Situs error (illegal tax)	
Capone, Walter	59285163	2019	7,990	-	(163.36)	County changed to Durham (illegal tax)	
Capone, Walter	60296908	2020	28,200	-	(500.69)	County changed to Durham (illegal tax)	
Capone, Walter	60296486	2020	6,900	-	(145.17)	County changed to Durham (illegal tax)	
Capone, Walter	58430362	2020	6,900	-	(145.17)	County changed to Durham (illegal tax)	
Ellis, Shawn	60690054	2020	16,066	16,066	(115.71)	*Situs error (illegal tax)	
NC United Methodist Camp & Retreat Ministries Inc.	60255521	2020	13,390	-	(125.33)	Exempt (illegal tax)	
Trix Utility Services LLC	59755875	2020	36,670	-	(642.06)	Assessed in error (illegal tax)	County Changed to Cumberland
Trix Utility Services LLC	59755891	2020	28,350	-	(503.19)	Assessed in error (illegal tax)	County Changed to Cumberland
Williamson, Michael	60358209	2020	22,500	500	(327.34)	Antique plate (property classification)	
					(2,862.97)	TOTAL	

Adjustment Descriptions
<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 o
refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount

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

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

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

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

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

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

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

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

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

Antique Vehicle: A motor vehicle manufactured in 1980 and prior

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

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

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

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

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: June 1, 2021

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

SUBJECT: Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

ATTACHMENT(S):

Resolution
Releases/Refunds Data Spreadsheet

INFORMATION CONTACT:

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

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

BACKGROUND: The Tax Administration Office has received two 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 \$248.01 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-2021-038

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
 JUNE 1, 2021**

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	ADDITIONAL INFORMATION
Clack, Neal Bradley	3192666	2020	3,580	100	(121.00)	Value adjustment (appraisal appeal)	Value adjusted at taxpayers request per previously appealed value
Rhonda Coleman DBA Moss Waxing and Beauty	1006983	2020	7,544	-	(127.01)	Assessed in error (illegal tax)	Business personal property reported in Durham County
				Total	(248.01)		
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: June 1, 2021

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

SUBJECT: Orange County ABC Board Travel Policy

DEPARTMENT: County Manager and Finance
and Administrative Services

ATTACHMENT(S):

1. ABC County Travel Policy

INFORMATION CONTACT:

Bonnie Hammersley, (919) 245-2300
Gary Donaldson, (919) 245-2453

PURPOSE: To approve the Orange County Alcoholic Beverage Control (ABC) Board's adoption and continued use of Orange County's travel policy.

BACKGROUND: The North Carolina Alcoholic Beverage Control Commission requires that each local ABC Board adopt a travel policy. A local ABC Board can adopt the State of North Carolina's travel policy or use the travel policy of the County in which the ABC Board is located.

In October 2016, the ABC Board made amendments to the policy pertaining to the required approval authority for overnight travel. Notice of overnight travel approved by the appropriate supervisory authority will be forwarded by the ABC General Manager and/or Board Chair to the County Manager. The Board of County Commissioners approved these amendments at its October 18, 2016 Board meeting. The ABC Board is now requesting approval for FY 2021-22.

In order for the ABC Board to use the County's travel policy, the Board of County Commissioners has to approve the Orange County ABC Board's use of the travel policy on an annual basis.

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 this item.

FINANCIAL IMPACT: There is no financial impact with approving the Orange County ABC Board's use of the County's travel policy.

RECOMMENDATION(S): The Manager recommends that the Board approve the Orange County ABC Board's use of the County's travel policy for FY 2021-22.

ATTACHMENT 1

ORANGE COUNTY TRAVEL POLICY

1. Purpose

To establish uniform procedures for authorization of travel by *ABC* employees and board members conducting *ABC system* business and to establish procedures for the reimbursement of the cost of authorized travel.

2. General

The *ABC system* is committed to managing travel costs while providing a reasonable balance between the needs of the *system* and needs of the traveler.

The policy of the *system* is to reimburse the employee/official traveling on authorized *ABC* business for all legitimate expenses incurred. The *General Manager* or his/her designee is responsible for monitoring the initial need for the travel and the availability of funds so that the cost of travel to the *ABC system* is reasonable and necessary.

All *ABC system* travel is subject to the availability of funds.

3. Policy Coverage

All employees and board members of the *ABC system*, full or part time, probationary, permanent, or temporary are covered by this policy.

4. Travel Authorization

a. Overnight and Out-of-State Travel

Prior to making an overnight or out-of-state trip, an employee or board member must obtain written authorization from the appropriate supervisor, as outlined below:

<u>Traveling Employee</u>	<u>Approval Required</u>
<i>ABC Staff</i>	<i>General Manager</i>
<i>General Manager</i>	<i>ABC Board Chair</i>
<i>ABC Board Member</i>	<i>ABC Board Chair</i>
<i>ABC Board Chair</i>	<i>ABC Board of Directors</i>

Overnight travel will be authorized only for employees and board members traveling to destinations of at least 60 miles from the employee's normal place of work. Exceptions may be made on a case-by-case basis when the employee needs to stay beyond the normal work day (Conference or workshop schedule starts before 8:00 or extends beyond 6:00 PM or employee or board member is responsible for organizing conferences, workshops and seminars). Overnight and out-of-state travel must be authorized using the Travel Authorization Form. If a workshop, seminar or conference is being attended, a copy of the agenda must be attached.

Notice of overnight travel approved by the appropriate supervisory authority will be forwarded by the General Manager and/or board chair to the County Manager.

b. Non-overnight Travel

Non-overnight travel may be authorized orally by the *General Manager* or Supervisor prior to making the trip. The Travel Authorization Form is not required for this travel.

5. Reimbursement after Travel

The traveler may elect to pay all expenses out of personal funds and request reimbursement from the Finance Department within 30 days of completed travel using the Travel and Expense Statement Form. Requests for less than \$10.00 may be deferred and combined with subsequent months' requests. Travel expenses properly documented and submitted to Finance within the prescribed time limit will be reimbursed on the next scheduled pay day.

Only expenses directly related to and appropriately classified as travel expenses will be reimbursed. Receipts are required and must be submitted for the following travel expenses:

- ◆ Hotel/Motel charges
- ◆ Common carrier tickets or stubs
- ◆ Parking charges
- ◆ Registration and workshop receipts
- ◆ Rental car receipts
- ◆ Gasoline, motor oil and repair service receipts

6. Travel Advances

A traveler may request an advance using the Travel Authorization Advance Form. Advances are authorized for overnight travel only, with the exception of registration fees.

a. A travel advance may include allowances for:

- ◆ Meals
- ◆ Lodging
- ◆ Registration
- ◆ Personal vehicle mileage

b. If a travel advance is requested, the requester shall prepare a Check Request Form for each check requested. After required signatures are obtained, the check request(s) shall be forwarded to the Finance Department no less than five working days prior to the next scheduled accounts payable date.

c. A travel advance must be cleared within 30 working days after returning from travel by completing a Travel and Expense Statement Report (For Travel Advance Receipts). Failure to do so may result in an amount equal to the advance being deducted from the traveler's next pay check.

7. P-Cards

Orange County Procurement cards can be used to pay for certain expenses both prior to and during the trip. Procurement cards must be activated on a case by case basis for travel. The employee's (or department designee's) P-Card will only be authorized for travel if the Financial Services Department has a fully executed Travel Authorization Form

a. Procurement Cards can be used to pay for:

- ◆ Airfare
- ◆ Lodging
- ◆ Registration

8. Use of County Vehicles

See Department of Public Works Vehicle Use Policy

9. Allowable Expenses

a. Overnight Travel

(1) Transportation

Personal Vehicle - Transportation shall be by the most direct route. A traveler may elect to use a personal vehicle in lieu of coach class air, though living expenses will be reimbursed only for the period required based on airplane travel time, unless the use of the employee's personal vehicle is for the convenience of the County. Reimbursement for use of a personal vehicle is at the prevailing non-taxable rate per mile allowed by the IRS, or air coach rate, whichever is less. The Financial Services Department shall adjust the mileage rate when it receives notification of a mileage rate change to be effective at the later of the beginning of the subsequent month or whenever the new rate is effective.

Air Travel - It is the traveler's responsibility to acquire the best air travel rate available. When a traveler can show a net savings on a airline ticket by extending travel (i.e. over a Saturday night) it is recommended that the traveler take advantage of this savings. However, the additional hotel room and meal costs should be taken into consideration when computing this net savings.

Requests for reimbursements should be made using the Travel and Expense Statement. All applicable paid receipts should be attached to ensure reimbursement.

Rental Car - With prior written authorization from the County Manager, the cost of renting an automobile will be allowed if it is determined that no other mode of transportation is as economical or practical. For reimbursement, a validated paid receipt must be attached to the traveler's Travel and Expense Statement. When renting vehicles, the traveler should not purchase any additional insurance (collision, theft, vandalism, etc.). Any accidents or damages to a rental car, other vehicles, persons or properties, caused by rental vehicle operated by a County traveler is covered under the County's insurance program.

Other Expenses - Bus, taxi and subway fares are additional allowable expenses.

Traffic Violations - Traffic violations such as, but not limited to, parking and speeding tickets are the responsibility of the traveler and will not be reimbursed.

(2) Lodging

Lodging expenses will be reimbursed at the actual cost of the room, provided:

- The lodging is reasonably priced in relation to the area.
- The traveler takes advantage of special convention or negotiated rates.

The Finance Department reviews in advance the requested lodging reimbursement rate. Any rate not in accordance with the above provisions requires the County Manager's advance approval.

For reimbursement, the paid bill for lodging must be attached to the traveler's Travel and Expense Statement.

A County traveler sharing a room with a non-county employee will be reimbursed at the single occupancy rate only.

(3) Meals

The daily allowance for meals for in-state travel will be in accordance with the meal portion of the second tier of M&IE (meals and incidental expense) rates established under IRS guidelines which are currently the total M&IE rate less \$3 per day. The daily allowance for meals for out of state travel will be paid in accordance with the meal portion of the M&IE rates established under IRS guidelines for the travel destination location. Meals for partial day travel will be reimbursed with the approval of the appropriate supervisor based on the meal breakdown in the per diem schedule. The Financial Services Department shall adjust the per diem rates when it receives notification of a per diem rate change to be effective at the later of the beginning of the subsequent month or whenever the new rate is effective.

(4) Registration Fees

Conference, convention or training registration fees may be paid in advance by the County or the traveler. Paid receipts are required for reimbursement when fees are paid by the traveler.

(5) Parking Fees

Paid receipts are required for reimbursement of parking fees. Tips to parking attendants will not be reimbursed.

(6) Telephone Charges

A personal "safe arrival" three minute telephone call is authorized. Business telephone calls will be reimbursed with sufficient justification using the Travel and Expense Statement.

(7) Non-reimbursable Items

- ◆Alcoholic Beverages
- ◆In Room Movies
- ◆Family or Other Traveling Companions' Expenses
- ◆Maid Services
- ◆Red Cap Services (except for those with a handicap or special needs)

(8) Cancellations

In the event of canceled travel plans, it is the traveler's responsibility to pursue all available refunds. The County will reimburse non-refundable costs if the cancellation is the result of a County action, an emergency, or any other situation deemed reasonable by the appropriate department head or supervisor. Non-refundable items must be reported to the Financial Services Department.

b. Non-overnight Travel**(1) Advances**

With the exception of registration fees, travel advances will **not** be made for non-overnight travel.

(2) Transportation

County employees are encouraged to use County-owned vehicles instead of personal vehicles when available. When travel is authorized by personal vehicle, reimbursement is allowed at the prevailing non-taxable rate per mile allowed by the Internal Revenue Service.

(3) Meals

An employee involved in one day or partial day travel shall be reimbursed for meals only when the destination is located at least 35 miles from the employee's normal place of work or such expenses are incurred as a result of attendance at a formal workshop, conference, or seminar. Meal reimbursements will be made in accordance with the established per diem rates.

(4) Registration Fees

Fees may be paid in advance by the County or employee. Paid receipts are required for reimbursement when registration fees are paid by the employee.

(5) Parking

A paid receipt is required for reimbursement of this expense.

10. Responsibilities

It is the responsibility of the Financial Services Department to manage this policy. Financial Services will review the requests for reimbursements and ensure all provisions of this policy have been followed. Once any travel discrepancies have been reconciled with the appropriate Department Head, Supervisor, or traveler, a Finance Department representative will ensure timely payment of the traveler's expenses. Once Financial Services receives a fully executed Travel Authorization Form, they will retain both the original copy and an electronic copy. Financial Services will send an electronic copy of the executed form via email to the employee and/or Department designee. It is the responsibility of the employee or department designee to work with the Purchasing Agent to authorize travel on the appropriate P-Card

Revisions and dissemination of this policy are the responsibility of the Financial Services Department.

Effective July 1, 2009 (revised 11-18-2014)

ORD-2021-016

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: June 1, 2021

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

SUBJECT: Fiscal Year 2020-21 Budget Amendment #13

DEPARTMENT: Finance and Administrative Services

ATTACHMENT(S):

Attachment 1. Budget As Amended
Spreadsheet

Attachment 2. Year-to-Date Budget
Summary

INFORMATION CONTACT:

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

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

BACKGROUND:

Orange County Schools

- Orange County Schools requests the reallocation of existing bond funds designated for Roofing abatement of \$284,250 to Classroom/Building Improvements abatement. The Roofing abatement in the district is complete and reallocation of the funds will allow for needed floor abatement. This budget amendment provides for the reallocation of existing funds, and amends the following School Capital Project Ordinances:

Roofing Projects – 2016 Bonds (-\$284,250) - Project # 51036

Revenues for this project:

	Current Budget FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised Budget
2016 Bonds	\$4,056,993	(\$284,250)	\$3,772,743
Total Project Funding	\$4,056,993	(\$284,250)	\$3,772,743

Appropriated for this project:

	Current Budget FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised Budget
Roofing Projects	\$4,056,993	(\$284,250)	\$3,772,743
Total Costs	\$4,056,993	(\$284,250)	\$3,772,743

Classroom/Building Improvements – 2016 Bonds (\$284,250) - Project # 51042

Revenues for this project:

	Current Budget FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised Budget
2016 Bonds	\$1,000,000	\$284,250	\$1,284,250
Total Project Funding	\$1,000,000	\$284,250	\$1,284,250

Appropriated for this project:

	Current Budget FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised Budget
Classroom/Building Improvements	\$1,000,000	\$284,250	\$1,284,250
Total Costs	\$1,000,000	\$284,250	\$1,284,250

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

Board of Elections

- The Orange County Board of Elections has received notification of a 2020 Help America Vote Act (HAVA) Grant totaling \$96,331. This is a reimbursement grant, and funds will be used to purchase Ballot on Demand hardware and software. The grant period ends on June 30, 2021. This budget amendment provides for the receipt of these reimbursement funds for the above stated purpose. (See Attachment 1, column #1)

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

Non-Major Funds Reconciliation

- The County has multiple Non-Major Funds, many of which have had minimal activity during any given fiscal year. These Non-Major Funds include: Parks Capital Reserve Fund, Orange-Person-Chatham (OPC) Retiree Health Fund, DSS Trust Fund, Communication Towers Trust Fund, Jail Inmate Trust Fund, Chapel Hill-Carrboro City Schools (CHCCS) District Tax Fund, Other Post-Employment Benefits (OPEB) Trust Fund, and the Community Giving Fund. The County's external auditors recommend that these Non-Major Funds have Board of Commissioners approved budget authorization for each respective fund. These Non-Major funds are used to account for assets the County holds in a trust capacity on behalf of others. Additional descriptions for some of these funds are as follows:
 - Parks Capital Reserve Fund accounts for payments received from local developers to assist in construction of recreation projects in and around County subdivisions;
 - Orange-Person-Chatham (OPC) Retiree Health Fund accounts for health insurance contributions and premiums of the OPC employees that have joined the County's health insurance plan;
 - DSS Trust Fund (Representative Payee Fund) accounts for funds held by the County for the subsistence needs of specific Social Services clients;
 - Communication Towers Trust Fund accounts for application fees paid to the County by telecommunication companies, with these fees being used to pay costs associated with determining tower location and construction;

- Jail Inmate Trust Fund accounts for the receipts from jail inmates who are incarcerated in the County jail; and
- Chapel Hill-Carrboro City Schools (CHCCS) District Tax Fund accounts for the collection and disbursement of taxes for the Chapel Hill-Carrboro City School District for which the County acts as an agent.
- Other Post-Employment Benefits (OPEB) Trust Fund accounts for funds set aside in a trust for post-retirement benefits; and
- Community Giving Fund accounts for donor specific contributions to target initiatives.

This budget amendment provides for the establishment of budgets in these Non-Major Funds (see table below), and these Funds will be included in the County's annual Budget Ordinance going forward. (See Attachment 1, column #2)

Revenues for these Funds:

	Current Budget FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised Budget
Parks Capital Reserve Fund	\$0	\$5,433	\$5,433
OPC Retiree Health Fund	\$0	\$4,454	\$4,454
DSS Trust Fund	\$0	\$232,401	\$232,401
Communication Towers Trust Fund	\$0	\$5,000	\$5,000
Jail Inmate Trust Fund	\$0	\$272,866	\$272,866
CHCCS District Tax Fund	\$0	\$24,800,000	\$24,800,000
OPEB Trust Fund	\$0	\$110,000	\$110,000
Community Giving Fund	\$0	\$307,000	\$307,000
Total Project Revenues	\$0	\$25,737,154	\$25,737,154

Appropriated for these Funds:

	Current Budget FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised Budget
Parks Capital Reserve Fund	\$0	\$5,433	\$5,433
OPC Retiree Health Fund	\$0	\$4,454	\$4,454
DSS Trust Fund	\$0	\$232,401	\$232,401
Communication Towers Trust Fund	\$0	\$5,000	\$5,000
Jail Inmate Trust Fund	\$0	\$272,866	\$272,866
CHCCS District Fund	\$0	\$24,800,000	\$24,800,000
OPEB Trust Fund	\$0	\$110,000	\$110,000
Community Giving Fund	\$0	\$307,000	\$307,000
Total Project Appropriations	\$0	\$25,737,154	\$25,737,154

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

County Capital Project - Skills Development Center (Europa Center)

4. At its January 21, 2020 meeting, the Board of County Commissioners approved funding of \$254,953 for renovations of office space at the Europa Center for use as the County's Skills Development Center. This amount was part of the approved Spring 2020 financing package, and financing proceeds were received in FY 2019-20. Of this amount, only

\$88,382 was spent or encumbered by fiscal year end. The remaining amount of \$166,571 rolled into fund balance in the General Fund. In order to re-appropriate these prior budgeted funds, a fund balance appropriation of \$166,571 from the General Fund needs to be approved. This budget amendment provides for the fund balance appropriation of \$166,571 from the General Fund to cover the costs of these renovations. (See Attachment 1, column #3)

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

County Capital Projects – Repurposing Funds

5. At its May 18, 2021 meeting, the Board of County Commissioners approved a construction contract with C.T. Wilson Construction Company, Inc. in the not to exceed amount of \$740,867. As noted in the agenda abstract at that meeting, budget ordinance amendments would be included as part of this Budget Amendment #13 abstract in order to re-purpose existing funds between the affected existing capital projects. This budget amendment provides for the re-purposing of funds, and amends the following Capital Project Ordinances:

Criminal Justice Resource Department Renovations (-\$67,881) - Project # 10063

Revenues for this project:

	Current Budget FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised Budget
Alternative Financing	\$291,300	(\$67,881)	\$223,419
Total Project Funding	\$291,300	(\$67,881)	\$223,419

Appropriated for this project:

	Current Budget FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised Budget
CJRD Renovations	\$291,300	(\$67,881)	\$223,419
Total Costs	\$291,300	(\$67,881)	\$223,419

Justice Facility Improvements (\$67,881) - Project # 10073

Revenues for this project:

	Current Budget FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised Budget
Alternative Financing	\$43,221	\$67,881	\$111,102
Total Project Funding	\$43,221	\$67,881	\$111,102

Appropriated for this project:

	Current Budget FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised Budget
Justice Facility Improvements	\$43,221	\$67,881	\$111,102
Total Costs	\$43,221	\$67,881	\$111,102

Government Services Annex (-\$115,924) - Project # 10008

Revenues for this project:

	Current Budget FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised Budget
Alternative Financing	\$1,604,160	(\$115,924)	\$1,488,236
Insurance Proceeds	\$118,490	\$0	\$118,490
Total Project Funding	\$1,722,650	(\$115,924)	\$1,606,726

Appropriated for this project:

	Current Budget FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised Budget
Government Service Annex	\$1,722,650	(\$115,924)	\$1,606,726
Total Costs	\$1,722,650	(\$115,924)	\$1,606,726

Court Street Annex (\$101,706) - Project # 10004

Revenues for this project:

	Current Budget FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised Budget
Alternative Financing	\$188,600	\$101,706	\$290,306
Total Project Funding	\$188,600	\$101,706	\$290,306

Appropriated for this project:

	Current Budget FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised Budget
Court Street Annex	\$188,600	\$101,706	\$290,306
Total Costs	\$188,600	\$101,706	\$290,306

Roofing and Building Façade Projects (\$14,218) - Project # 30002

Revenues for this project:

	Current Budget FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised Budget
Alternative Financing	\$2,895,954	\$14,218	\$2,910,172
From County Capital	\$100,000	\$0	\$100,000
From General Fund	\$1,171,000	\$0	\$1,171,000
Total Project Funding	\$4,267,054	\$14,218	\$4,281,272

Appropriated for this project:

	Current Budget FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised Budget
Roofing and Building Façade	\$4,267,054	\$14,218	\$4,281,272
Total Costs	\$4,267,054	\$14,218	\$4,281,272

Medicaid Maximization (-\$35,521) - Project # 30012

Revenues for this project:

	Current Budget FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised Budget
Medicaid Maximization Funds	\$11,843,049	(\$35,521)	\$11,807,528
Total Project Funding	\$11,843,049	(\$35,521)	\$11,807,528

Appropriated for this project:

	Current Budget FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised Budget
Health Dept. Renovations	\$11,843,049	(\$35,521)	\$11,807,528
Total Costs	\$11,843,049	(\$35,521)	\$11,807,528

Whitted Medical Clinic Renovations (\$35,521) Project # 10072

Revenues for this project:

	Current Budget FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised Budget
Medicaid Maximization Funds	\$68,200	\$35,521	\$103,721
Total Project Funding	\$68,200	\$35,521	\$103,721

Appropriated for this project:

	Current Budget FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised Budget
Whitted Medical Clinic Renovations	\$68,200	\$35,521	\$103,721
Total Costs	\$68,200	\$35,521	\$103,721

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

Emergency Recovery Fund - American Recovery Plan Act (ARPA) Funds

6. The County has received \$14,419,861 in American Recovery Plan Act (ARPA) funds from the U. S. Department of the Treasury in FY 2020-21. This budget amendment provides for the receipt of these funds in FY 2020-21 in a multi-year Emergency Recovery Fund, outside of the General Fund. (See Attachment 1, column #4)

These funds must be expended by December 31, 2024, and can be used to:

- Support urgent COVID-19 response efforts to continue to decrease spread of the virus and bring the pandemic under control;
- Replace lost public sector revenue to strengthen support for vital public services and help retain jobs;
- Support immediate economic stabilization for households and businesses, and;
- Address systemic public health and economic challenges that have contributed to the inequal impact of the pandemic on certain populations

County staff is compiling a list of permissible uses from all departments and will provide a compilation list for Board review at its June 3, 2021 meeting.

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

7. The Library Services Department has received \$2,000 in one time Library State Aid funds to purchase COVID-19 related department supplies. This budget amendment provides for the receipt and use of these 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: CREATE A SAFE COMMUNITY**

The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

Miscellaneous

8. The FY 2020-21 Board of Commissioners' Approved Budget included funds of \$650,000 to continue the County match of employees' 401k contributions of up to \$63.00 per pay period for all general (non-sworn law enforcement officer) employees. This budget amendment provides for the allocation of \$650,000 within departments to cover these expenditures. *(See Attachment 1, column #6)*

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 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 \$264,902; increases Non-Major Funds by a total of \$25,737,154; and increases the Emergency Recovery Fund by \$14,419,861.

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

Original Budget	Encumbrance Carry Forwards	Budget as Amended	Budget as Amended Through BOA #12-B	#1 Board of Elections - receipt of a \$96,331 2020 HAVA Reimbursement Grant to purchase Ballot on Demand hardware and software.	#2 Establishment of Revenue and Appropriation Budgets in several Non-Major Funds	#3 Appropriation of Fund Balance from the General Fund of \$166,571 to cover the cost of renovations of office space at the Europa Center for use as the County's Skills Development Center.	#4 Emergency Recovery Fund - budgets for the receipt of \$14,419,861 in American Recovery Plan Act (ARPA) funds from the U.S. Department of the Treasury	#5 Library Services - receipt of \$2,000 in one-time Library State Aid funds to purchase COVID-19 related department supplies.	#6 Miscellaneous - allocation of \$650,000 in budgeted funds within the Non-Departmental section of the budget to appropriate departments as it relates to the County match of employees' 401k contributions up to \$63.00 per pay period.	Budget as Amended Through BOA #13
General Fund										
Revenue										
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
Library	\$ 100,000	\$ -	\$ 100,000	\$ 137,130	\$ -	\$ -	\$ -	\$ 2,000	\$ -	\$ 139,130
Local	\$ 47,761	\$ -	\$ 47,761	\$ 4,470,481	\$ 96,331	\$ -	\$ -	\$ -	\$ -	\$ 4,566,812
Intergovernmental	\$ 17,710,005	\$ -	\$ 17,710,005	\$ 28,120,876	\$ 96,331	\$ -	\$ -	\$ 2,000	\$ -	\$ 28,219,207
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	\$ 3,320,970	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,320,970
Transfers from Other Funds	\$ 5,486,817	\$ -	\$ 5,486,817	\$ 7,701,817	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,701,817
Fund Balance	\$ 8,268,603	\$ 1,250,260	\$ 9,518,863	\$ 6,334,153	\$ -	\$ 166,571	\$ -	\$ -	\$ -	\$ 6,500,724
Total General Fund Revenues	\$ 239,046,307	\$ 1,250,260	\$ 240,296,567	\$ 250,434,689	\$ 96,331	\$ -	\$ 166,571	\$ -	\$ 2,000	\$ 250,699,591

Expenditures										
Community Relations	\$ 289,588	\$ 7,800	\$ 297,388	\$ 297,388	\$ -	\$ -	\$ -	\$ -	\$ 2,720	\$ 300,108
Finance and Administrative Services	\$ 1,606,253	\$ -	\$ 1,606,253	\$ 1,606,253	\$ -	\$ -	\$ -	\$ -	\$ 12,468	\$ 1,618,721
Asset Management Services	\$ 5,337,736	\$ 186,551	\$ 5,524,287	\$ 6,033,704	\$ -	\$ 163,561	\$ -	\$ -	\$ 24,255	\$ 6,221,520
Human Resources	\$ 1,006,264	\$ 7,500	\$ 1,013,764	\$ 1,145,743	\$ -	\$ -	\$ -	\$ -	\$ 12,939	\$ 1,158,682
Information Technologies	\$ 3,846,104	\$ 129,475	\$ 3,975,579	\$ 4,427,082	\$ -	\$ -	\$ -	\$ -	\$ 18,219	\$ 4,445,301
Non-Departmental	\$ 687,264	\$ 7,449	\$ 694,713	\$ 1,844,606	\$ -	\$ -	\$ -	\$ -	\$ (650,000)	\$ 1,194,606
Support Services	\$ 12,773,209	\$ 338,775	\$ 13,111,984	\$ 15,354,776	\$ -	\$ -	\$ 163,561	\$ -	\$ (579,399)	\$ 14,938,938
County Commissioners	\$ 975,122	\$ 10,640	\$ 985,762	\$ 985,762	\$ -	\$ -	\$ -	\$ -	\$ 7,306	\$ 993,068
County Attorney	\$ 666,764	\$ -	\$ 666,764	\$ 666,764	\$ -	\$ -	\$ -	\$ -	\$ 7,097	\$ 673,861
County Manager's Office	\$ 2,946,480	\$ 25,020	\$ 2,971,500	\$ 2,971,500	\$ -	\$ -	\$ -	\$ -	\$ 5,784	\$ 2,977,284
Board of Elections	\$ 843,363	\$ -	\$ 843,363	\$ 1,333,384	\$ 96,331	\$ -	\$ -	\$ -	\$ 6,209	\$ 1,435,924
Register of Deeds	\$ 1,093,958	\$ -	\$ 1,093,958	\$ 1,093,958	\$ -	\$ -	\$ -	\$ -	\$ 11,440	\$ 1,105,398
Tax Administration	\$ 3,895,052	\$ 66,637	\$ 3,961,689	\$ 4,001,689	\$ -	\$ -	\$ -	\$ -	\$ 38,279	\$ 4,039,968
General Government	\$ 25,639,107	\$ 102,297	\$ 25,741,404	\$ 26,271,425	\$ 96,331	\$ -	\$ -	\$ -	\$ 76,115	\$ 26,443,871
Animal Services	\$ 2,325,362	\$ 5,553	\$ 2,330,915	\$ 2,393,925	\$ -	\$ -	\$ -	\$ -	\$ 14,700	\$ 2,408,625
Transportation Services	\$ 3,257,048	\$ 9,312	\$ 3,266,360	\$ 3,577,159	\$ -	\$ -	\$ -	\$ -	\$ 19,538	\$ 3,596,697
Economic Development	\$ 516,212	\$ -	\$ 516,212	\$ 516,212	\$ -	\$ -	\$ -	\$ -	\$ 3,382	\$ 519,594
DEAPR	\$ 4,056,712	\$ 4,571	\$ 4,061,283	\$ 4,134,535	\$ -	\$ -	\$ -	\$ -	\$ 32,446	\$ 4,166,981
Planning and Inspections	\$ 3,174,530	\$ 12,256	\$ 3,186,786	\$ 3,186,786	\$ -	\$ -	\$ -	\$ -	\$ 36,373	\$ 3,223,159
Community Services	\$ 14,322,250	\$ 79,172	\$ 14,401,422	\$ 15,123,477	\$ -	\$ -	\$ -	\$ -	\$ 106,439	\$ 15,229,916
Department of Social Services	\$ 21,351,429	\$ 156,738	\$ 21,508,167	\$ 22,029,824	\$ -	\$ 3,010	\$ -	\$ -	\$ 130,783	\$ 22,163,617
Health	\$ 10,461,605	\$ 146,134	\$ 10,607,739	\$ 11,848,644	\$ -	\$ -	\$ -	\$ -	\$ 61,225	\$ 11,909,869
Department on Aging	\$ 2,192,238	\$ 8,504	\$ 2,200,742	\$ 2,467,809	\$ -	\$ -	\$ -	\$ -	\$ 22,613	\$ 2,490,422
Child Support Services	\$ 1,120,396	\$ -	\$ 1,120,396	\$ 1,120,396	\$ -	\$ -	\$ -	\$ -	\$ 13,190	\$ 1,133,586
Human Rights and Relations	\$ 479,427	\$ -	\$ 479,427	\$ 557,974	\$ -	\$ -	\$ -	\$ -	\$ 4,822	\$ 562,796
Housing and CD	\$ 418,275	\$ -	\$ 418,275	\$ 390,275	\$ -	\$ -	\$ -	\$ -	\$ 2,376	\$ 392,651
Library Services	\$ 2,483,318	\$ -	\$ 2,483,318	\$ 2,526,248	\$ -	\$ -	\$ -	\$ 2,000	\$ 21,124	\$ 2,549,372
Human Services	\$ 41,614,328	\$ 311,376	\$ 41,925,704	\$ 43,861,114	\$ -	\$ -	\$ 3,010	\$ -	\$ 256,133	\$ 44,122,257
Criminal Justice Resource Department	\$ 735,949	\$ -	\$ 735,949	\$ 789,165	\$ -	\$ -	\$ -	\$ -	\$ 10,847	\$ 800,012
Sheriff	\$ 14,803,705	\$ 22,503	\$ 14,826,208	\$ 14,878,708	\$ -	\$ -	\$ -	\$ -	\$ 33,563	\$ 14,912,271
Emergency Services	\$ 11,816,610	\$ 147,499	\$ 11,964,109	\$ 12,145,609	\$ -	\$ -	\$ -	\$ -	\$ 96,302	\$ 12,241,911
Public Safety	\$ 27,994,203	\$ 170,002	\$ 28,164,205	\$ 28,451,421	\$ -	\$ -	\$ -	\$ -	\$ 140,712	\$ 28,592,133
Education	\$ 111,737,971	\$ 248,638	\$ 111,986,609	\$ 112,106,609	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 112,106,609
Transfers Out	\$ 4,965,239	\$ -	\$ 4,965,239	\$ 9,265,867	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,265,867
Total General Fund Appropriation	\$ 239,046,307	\$ 1,250,260	\$ 240,296,567	\$ 250,434,689	\$ 96,331	\$ -	\$ 166,571	\$ -	\$ 2,000	\$ 250,699,591
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Attachment 1. Orange County Proposed FY 2020-21 Budget Amendment

The FY 2020-21 Orange County Budget Ordinance is amended as follows:

Original Budget	Encumbrance Carry Forwards	Budget as Amended	Budget as Amended Through BOA #12-B	#1 Board of Elections - receipt of a \$96,331 2020 HAVA Reimbursement Grant to purchase Ballot on Demand hardware and software.	#2 Establishment of Revenue and Appropriation Budgets in several Non-Major Funds	#3 Appropriation of Fund Balance from the General Fund of \$166,571 to cover the cost of renovations of office space at the Europa Center for use as the County's Skills Development Center.	#4 Emergency Recovery Fund - budgets for the receipt of \$14,419,861 in American Recovery Plan Act (ARPA) funds from the U.S. Department of the Treasury	#5 Library Services - receipt of \$2,000 in one-time Library State Aid funds to purchase COVID-19 related department supplies.	#6 Miscellaneous - allocation of \$650,000 in budgeted funds within the Non-Departmental section of the budget to appropriate departments as it relates to the County match of employees' 401k contributions up to \$63.00 per pay period.	Budget as Amended Through BOA #13
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Jail Inmate Fund

Revenues

Appropriated Fund Balance	\$	-	\$	-	\$	-	\$	272,866					\$	272,866
Total Revenues	\$	-	\$	-	\$	-	\$	272,866	\$	-	\$	-	\$	272,866

Expenditures

Transfer to General Fund	\$	-	\$	-	\$	-	\$	272,866					\$	272,866
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Community Giving Fund

Revenues

Donations	\$	-	\$	-	\$	16,470	\$	307,000					\$	323,470
Total Revenues	\$	-	\$	-	\$	16,470	\$	307,000	\$	-	\$	-	\$	323,470

Expenditures

Community Giving Projects	\$	-	\$	-	\$	16,470	\$	307,000					\$	323,470
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Emergency Recovery Fund

Revenues

Intergovernmental	\$	-	\$	-	\$	3,750,000			\$	14,419,861			\$	18,169,861
Total Revenues	\$	-	\$	-	\$	3,750,000	\$	-	\$	14,419,861	\$	-	\$	18,169,861

Expenditures

Emergency Recovery Fund	\$	-	\$	-	\$	3,750,000			\$	14,419,861			\$	18,169,861
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Parks Capital Reserve Fund

Revenues

General Government Revenue	\$	-	\$	-	\$	-	\$	5,433					\$	5,433
Total Revenues	\$	-	\$	-	\$	-	\$	5,433	\$	-	\$	-	\$	5,433

Expenditures

Park Districts Reserves	\$	-	\$	-	\$	-	\$	5,433					\$	5,433
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OPC Retiree Health Fund

Revenues

Interest on Investments	\$	-	\$	-	\$	-	\$	54					\$	54
OPC Contribution	\$	-	\$	-	\$	-	\$	4,400					\$	4,400
Total Revenues	\$	-	\$	-	\$	-	\$	4,454	\$	-	\$	-	\$	4,454

Expenditures

Misc Contract Services	\$	-	\$	-	\$	-	\$	4,454					\$	4,454
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DSS Trust Fund

Revenues

DSS Trust Fund	\$	-	\$	-	\$	-	\$	232,401					\$	232,401
Total Revenues	\$	-	\$	-	\$	-	\$	232,401	\$	-	\$	-	\$	232,401

Expenditures

DSS Trust Fund	\$	-	\$	-	\$	-	\$	232,401					\$	232,401
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Communications Towers Trust Fund

Revenues

Special Use Permit Fees	\$	-	\$	-	\$	-	\$	5,000					\$	5,000
Total Revenues	\$	-	\$	-	\$	-	\$	5,000	\$	-	\$	-	\$	5,000

Expenditures

Contract Services	\$	-	\$	-	\$	-	\$	5,000					\$	5,000
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Attachment 1. Orange County Proposed FY 2020-21 Budget Amendment

The FY 2020-21 Orange County Budget Ordinance is amended as follows:

Original Budget	Encumbrance Carry Forwards	Budget as Amended	Budget as Amended Through BOA #12-B	#1 Board of Elections - receipt of a \$96,331 2020 HAVA Reimbursement Grant to purchase Ballot on Demand hardware and software.	#2 Establishment of Revenue and Appropriation Budgets in several Non-Major Funds	#3 Appropriation of Fund Balance from the General Fund of \$166,571 to cover the cost of renovations of office space at the Europa Center for use as the County's Skills Development Center.	#4 Emergency Recovery Fund - budgets for the receipt of \$14,419,861 in American Recovery Plan Act (ARPA) funds from the U.S. Department of the Treasury	#5 Library Services - receipt of \$2,000 in one-time Library State Aid funds to purchase COVID-19 related department supplies.	#6 Miscellaneous - allocation of \$650,000 in budgeted funds within the Non-Departmental section of the budget to appropriate departments as it relates to the County match of employees' 401k contributions up to \$63.00 per pay period.	Budget as Amended Through BOA #13
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CHCCS District Tax Fund

Revenues

Property Taxes	\$	-	\$	-	\$	-	\$	24,800,000					\$	24,800,000
Total Revenues	\$	-	\$	-	\$	-	\$	24,800,000	\$	-	\$	-	\$	24,800,000

Expenditures

Remittance to CHCCS District	\$	-	\$	-	\$	-	\$	24,800,000					\$	24,800,000
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OPEB Trust Fund

Revenues

Interest on Investments	\$	-	\$	-	\$	-	\$	110,000					\$	110,000
Total Revenues	\$	-	\$	-	\$	-	\$	110,000	\$	-	\$	-	\$	110,000

Expenditures

OPEB Trust Fund	\$	-	\$	-	\$	-	\$	110,000					\$	110,000
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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 #13 (June 1, 2021)	
Grant Funds	\$3,966,060
Non Grant Funds	\$9,242,389
General Fund - Fund Balance for Anticipated Appropriations (i.e. Encumbrances)	\$1,250,260
General Fund - Fund Balance Appropriated to Cover Anticipated and Unanticipated Expenditures	(\$2,805,425)
Total Amended General Fund Budget	\$250,699,591
Dollar Change in 2020-21 Approved General Fund Budget	\$11,653,284
% Change in 2020-21 Approved General Fund Budget	4.87%

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
Total Approved Full-Time-Equivalent Positions for Fiscal Year 2020-21	1,042.930

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

Paul:
includes 1.0 FTE Rapid Rehousing Case Manager; 2.0 FTE Peer Support Specialists; .375 FTE increase of Programs Coordinator; 3.0 FTEs time-limited Social Work positions; and 1.0 FTE time-limited Harm Reduction Clinical Coordinator (BOA #1); 1.0 FTE time-limited Emergency Housing Administrator (BOA #5); 1.0 FTE time-limited Family Success Navigator (BOA #5); 1.0 FTE time-limited Emergency Housing Assistance Specialist (BOA #6); 1.0 FTE time-limited Housing Stability Case Manager, and a 0.5 FTE time-limited Coordinated Entry Housing Specialist (BOA #9)

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: June 1, 2021

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

SUBJECT: Resolution Regarding a Lease Purchase Agreement between Orange County Schools and Apple Financial Services to Provide iPads for Pre-K and Kindergarten Students

DEPARTMENT: Finance and Administrative Services

ATTACHMENT(S):
Attachment 1. Resolution

INFORMATION CONTACT:
Paul Laughton, (919) 245-2152
Gary Donaldson, (919) 245-2453
Todd Jones, Orange County
Schools, (919) 245-4100

PURPOSE: To adopt a resolution approving a lease purchase agreement between Orange County Schools (OCS) and Apple Financial Services for the purchase of iPads in support of Pre-K and Kindergarten students.

BACKGROUND: On February 22, 2021, the Orange County Schools Board of Education approved the district entering into a lease agreement with Apple Financial Services to lease 500 iPads for PreK and Kindergarten. The district needs to replace its fleet of Apple iPads that have been issued to Kindergartners. These devices have been critical in ensuring these students have access to remote learning materials and in classroom instruction. At 4 years of age, the fleet is now beyond its reasonable lifespan and needs to be upgraded to new devices. Funding includes a buffer for use as loaners during repairs.

OCS has chosen the lease option to ensure more timely refreshes in the future. The selected lease option offers a \$1.00 purchase that the district may exercise at the end of the lease. The devices can be purchased for \$1.00 or traded for credit toward new purchases. For trade in, Apple's Trade-In Program for education enables districts to build equity towards future purchases by ensuring top trade in values are passed on.

Included is three years of AppleCare+ warranty coverage that covers:

- The iPad
- Battery
- Apple Pencil
- Apple Keyboard
- USB cable and power adapter
- Up to two (2) incidents of accidental damage per device per year.

FINANCIAL IMPACT: The total lease purchase agreement is \$314,879.60, and will be leased over a 3-year period with a 0% interest rate. Annual lease payments are \$104,959.87 in FY 2020-21 and FY 2021-22, and \$104,959.86 in FY 2022-23, and will be covered utilizing available funds from the School district's local fund balance.

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.

The provision of computers for all students in OCS will help address inequities among students' and families' access to digital resources.

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

RECOMMENDATION(S): The Manager recommends the Board adopt and authorize the Chair to sign the resolution approving the lease purchase agreement between Orange County Schools and Apple Financial Services.

RESOLUTION**ORANGE COUNTY BOARD OF COMMISSIONERS
ORANGE COUNTY, NORTH CAROLINA**

WHEREAS, the Orange County Board of Education wishes to enter into a continuing contract for financing with Apple Financial Services pursuant to N.C. Gen. Stat. § 115C-528 for the purchase of certain computer hardware, software, and related equipment to be used for public school purposes; and

WHEREAS, the contract will require the Board of Education to pay Apple Financial Services up to \$314,879.60 over the 2020-21, 2021-22, and 2022-23 fiscal years; and

WHEREAS, the Board of Education will pay Apple Financial Services in approximate installments of \$104,959.87 in the 2020-21 fiscal year, \$104,959.87 in the 2021-22 fiscal year, and \$104,959.86 in the 2022-23 fiscal year; and

WHEREAS, the contract may be a continuing contract for capital outlay subject to the provisions of N.C. Gen. Stat. §§ 115C-441(c1) and 115C-528, including the approval of the Orange County Board of Commissioners;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Orange County Board of Commissioners approves the lease purchase agreement between Orange County Schools and Apple Financial Services, and understands that Orange County Schools will use available funds from the School district's local fund balance to meet the Apple Financial Services contract obligations, so long as the amount the Board of Education shall be obligated to pay under that contract shall be generally equal to the amounts noted above. Said funds obligated by this contract for fiscal years 2020-21, 2021-22, and 2022-23 shall be budgeted by the Board of Education for this purpose, and the Orange County Board of Commissioners shall not be obligated to increase its annual appropriation to the Orange County Board of Education by the amount due under the contract.

Adopted and resolved, this the ____ day of _____, 2021 by the Orange County Board of Commissioners.

Renee Price, Chair
Orange County Board of Commissioners

Laura Jensen
Clerk to the Board

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: June 1, 2021

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

SUBJECT: Amendment to the Code of Ordinances – Minimum Housing Standards Ordinance

DEPARTMENT: County Attorney

ATTACHMENT(S):

Draft Ordinance
Resolution

INFORMATION CONTACT:

John Roberts, County Attorney, 245-
2318

PURPOSE: To adopt a resolution amending the Code of Ordinances to bring the Minimum Housing Standards Ordinance (the “Ordinance”) into compliance with Chapter 160D of the North Carolina General Statutes.

BACKGROUND: In 2019 Chapter 160D of the North Carolina General Statutes was signed into law. In addition to combining the land use laws applicable to cities and counties into a single chapter, 160D modified the law as it relates to minimum housing ordinances. Soon thereafter staff with the Town of Hillsborough indicated an interest in having the Ordinance enforced within Town limits. These two things prompted a review of the Ordinance during which it was discovered to be in need of updating due to the fact it has not been updated since its original adoption in 1984.

Some of the more substantive changes to the Ordinance include:

- adding several definitions and removing the requirement that the enforcement official be a certified code enforcement official due to the fact that this requirement, at least for the last 15-20 years, has not been met by the County,
- adding structural and sanitary maintenance standards,
- adding minimum heating standards,
- adding minimum standards to basements used as living areas,
- clarifying the inspection and enforcement authority of the enforcement official, and
- authorizing civil citations and removing the criminal penalty for violations.

The Ordinance is currently enforceable within the County’s jurisdiction and the amendments will be effective upon adoption. Senior staff with the Town of Hillsborough indicate a desire to adopt the Ordinance for future enforcement within Town limits. The Board conducted the required public hearing on May 18, 2021 and kept open a written comment period for more than 24 hours thereafter. No additional comments were received.

FINANCIAL IMPACT: The financial impact associated with this action is unknown. Enforcement of this ordinance will lead to additional personnel hours in the department to which enforcement is assigned.

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

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.

RECOMMENDATION(S): The Manager recommends the Board approve the amendments to the Minimum Housing Standards Ordinance and adopt and authorize the Chair to sign the Resolution of Amendment.

ORD-2021-015

Chapter 20 - HOUSING^[1]

Footnotes:

--- (1) ---

Cross reference— Buildings and building regulations, ch. 6; businesses, ch. 8; unfair housing, § 12-146 et seq.; solid waste management, ch. 34; utilities, ch. 36; historic preservation.

ARTICLE I. - IN GENERAL

Secs. 20-1—20-30. - Reserved.

ARTICLE II. - MINIMUM HOUSING STANDARDS^[2]

Footnotes:

--- (2) ---

State Law reference— Building inspection, G.S. 153A-350 et seq.

Sec. 20-31. - Finding; purpose.

Pursuant to G.S. §§ 153A-121 (entitled general ordinance making power), 160D-1101 et seq. (Article 11, entitled Building Code Enforcement), and 160D-1201 et seq. (Article 12, entitled Minimum Housing Codes), it is hereby declared that, there exist in the County dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering the dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety, morals, or otherwise inimical to the welfare of the residents of the County, and that these conditions are more likely to be found in renter-occupied housing.

In order to protect the health, safety, and welfare of the residents of the County, it is the purpose of this Ordinance to establish minimum housing standards for the initial and continued occupancy of all renter-occupied dwellings. This Ordinance presently applies only to renter-occupied dwellings in order to conserve the enforcement resources of the County and to provide for greater efficiency in the operation of the inspection scheme hereinafter created.

(Ord. of 2-21-1984, art. 1, eff. 7-1-1984)

Sec. 20-32. - Definitions.

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

Alter, Repair, Bring into Compliance or Similar Words shall mean that the work is workmanlike and performed in a workmanlike manner.

Building shall mean that which is built or constructed, an edifice structure or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. The term "building" shall be construed as if followed by the words "or part thereof."

Basement shall mean a portion of a building or dwelling which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

Cellar shall mean a portion of a building or dwelling located partly or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

Deterioration shall mean that a dwelling can be repaired, altered, or improved to comply with all of the minimum standards established by this Ordinance at a cost not in excess of 50 percent of its fair market value, as determined by finding of the Public Officer.

Dilapidated shall mean that a dwelling cannot be repaired, altered or improved to comply with all of the minimum standards established by this Ordinance except at a cost in excess of 50 percent of its fair market value, as determined by finding of the Public Officer.

Dwelling shall mean any building, structure, manufactured home or mobile home, or part thereof which is wholly or partly used or intended to be used for living, sleeping or habitation by human occupants, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. Any manufactured home or mobile home used solely for a seasonal or vacation purpose shall not be regarded as a dwelling. Temporary housing hereinafter defined, shall not be regarded as a dwelling. The term shall include within its meaning the terms rooming house and rooming unit, as hereinafter defined.

Dwelling unit shall mean any room or group of rooms, including a bathroom with commode or urinal and tub or shower used exclusively in connection with the occupancy of the unit, located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping and cooking.

Enclosed room shall mean a floor space in a dwelling or dwelling unit which by the use of fixed partitioning walls and doors is wholly separated from any other floor space.

Extermination shall mean the control and elimination of insects, rodents or other pests by removing or making inaccessible materials that may serve as their food by poisoning, spraying, fumigating, or trapping or by any other recognized and legal pest elimination method approved by the Public Officer.

Garbage means animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food including the combustible and non-combustible waste material resulting therefrom including paper, rags, cartons, boxes, tin cans, glass, and dust and similar household waste.

Gender. Words having a masculine gender shall include the feminine and neuter genders.

Habitable room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers, or communicating corridors, closets and storage spaces.

Infestation shall mean the presence, within or around a dwelling, of any insects, rodents or other pests in such number as to constitute a menace to the health, safety, or welfare of the occupants or the public.

Let shall mean to rent to another for money or other valuable consideration.

Manufactured home or mobile home shall mean a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width. As used in this Ordinance, "mobile home" also means a double-wide mobile home which is two or more portable manufactured housing units designed for transportation on their own chassis, which connect on site for placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.

Multiple dwelling shall mean any dwelling containing two or more dwelling units.

Occupant shall mean any person living, sleeping, cooking or eating in or having actual possession of a dwelling, dwelling unit or rooming unit.

Operator shall mean any person who has charge, care or control of a building, or any part thereof, in which dwelling units or rooming units are let.

Owner shall mean any person who alone, jointly, or severally with others:

- (a) Shall have title to any dwelling, dwelling unit or rooming unit, with or without accompanying actual possession thereof;
- (b) Shall have charge, care or control of any, dwelling, dwelling unit or rooming unit, as owner or agent of the actual owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the actual owner. Any such person thus, representing the actual owner shall be bound to comply with the provisions of this Ordinance, and the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Party or Parties in interest shall mean all persons who have interests of record in a dwelling, dwelling unit or rooming unit and any persons who are in possession thereof.

Person shall mean any individual, corporation, firm, partnership, association, organization or other legal entity.

Plumbing shall mean and include all of the following facilities and equipment: gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinders), sewage disposal pipes, water closets, sinks, installed dishwashers, lavatories, commodes, urinals, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar fixtures, together with all connections to water, sewer or gas lines.

Premises shall mean the dwelling, its appurtenant structures, and so much of the adjoining and surrounding land as is used or is reasonable or necessary for its use as a habitation for human occupants.

Public authority shall mean the Orange County Housing Authority or any officer who is in charge of any department or branch of the government of Orange County or the State of North Carolina relating to health, fire, building regulations or other activities concerning dwellings in the County.

Public officer shall mean the officer or officers employed by the County and designated by the County Manager as the officer authorized to exercise the powers prescribed by this Ordinance.

Renter occupied shall mean occupied by a person other than the owner pursuant to an oral or written agreement between the owner and the occupant to let the premises.

Rooming house shall mean any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner operator to three or more persons who are not related by blood, adoption, or marriage to the owner or operator.

Rooming unit shall mean any room or group of rooms including or not including a private bath forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking and eating.

Rubbish shall mean combustible and non-combustible waste material, except garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible material, cartons and boxes, tree branches, yard trimmings and other large discarded articles.

Supplied shall mean paid for, furnished, or provided by, or under the control of, the owner or operator.

Temporary housing shall mean any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

Unfit for human habitation shall mean that conditions exist in a dwelling, dwelling unit, rooming house or rooming unit which violate or do not comply with one or more of the minimum housing standards established by this Ordinance.

Words having certain meaning. Whenever the words "dwelling, dwelling unit, rooming house, rooming unit, premises" are used in this Ordinance they shall be construed as though they were followed by the words "any part thereof."

(Ord. of 2-21-1984, art. 2, eff. 7-1-1984)

Cross reference— Definitions generally, § 1-2.

Sec. 20-33. - Minimum standards of fitness for dwellings and dwelling units.

- (a) Every renter-occupied dwelling and dwelling unit shall comply with all of the minimum housing standards established by this Ordinance.
- (b) No person shall let any dwelling or dwelling unit which does not comply with all of the minimum housing standards established by this Ordinance.

(Ord. of 2-21-1984, art. 3, eff. 7-1-1984)

Sec. 20-34. - Minimum standards for structural conditions and safe and sanitary maintenance.

The following standards shall constitute the minimum standards for condition of a dwelling or dwelling unit:

- (a) All foundations, foundation walls, piers or other foundation supports; all exterior walls, interior structural walls, joists, rafters, sills and other structural members shall be maintained in sound condition and good repair, free of decay, rot, deterioration, or damage, weathertight, rodent proof, capable of affording privacy, and capable of supporting the load which normal use would cause to be placed thereon.
- (b) All roofs, flashings, exterior walls, basement walls, foundation walls, floors, doors, basement doors, cellar doors, hatchways, windows and any other part of a dwelling exposed to the weather shall be constructed and maintained so as to be rodent proof, watertight, and weathertight. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.
- (c) The ground shall not be used as a floor nor shall any wood floors be placed on the ground.
- (d) Every outside and inside stair or steps, porches, landings, and other parts or appurtenances shall be kept in sound condition and good repair, free of holes, cracks, grooves, splinters, and other ramshackle and tumble-down conditions as may increase the hazards of collapse, tripping, falling, rodent or pest infestation, fire, or otherwise endanger the health or safety of the occupants, and shall be capable of supporting the load that normal use may cause to be placed thereon.
- (e) Every floor, interior wall or partition, and ceiling of all rooms, closets and hallways shall be finished and covered with suitable materials, maintained in good repair, maintained in a clean and sanitary condition free of dirt, grease, oil, and peeling and flaking paint, and capable of supporting the load which normal use may cause to be placed thereon..
- (f) All interior surfaces and all exterior surfaces which are accessible to children under the age of seven years shall be free of lead-based paint. The discovery of lead-based paint in a dwelling or dwelling unit shall be immediately reported to the North Carolina Department of Environmental Quality and the Orange County Health Department and as otherwise required by law.
- (g) Every dwelling shall be provided with exit facilities adequate for the safety of the occupants as provided in the North Carolina State Building Code.
- (h) Every exterior door, basement door, cellar door, and hatchway shall be capable of being locked on either side and every window shall be capable of being secured and shall be kept in sound working condition and good repair.
- (i) The premises of a dwelling shall be properly graded to prevent the accumulation of stagnant water and the yard and all exterior property areas shall be kept free of species of weeds or plant growth which are noxious or detrimental to health.

- (j) Bathtub and shower floors and walls above bathtubs with installed shower heads and in shower compartments shall be finished with a nonabsorbent surface. Such nonabsorbent surfaces must extend at least six feet (6') above the floor. Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained in good repair and so as to permit such floor to be easily kept in a clean and sanitary condition.
- (k) Every supplied facility, piece of equipment, or utility which is required under this Ordinance shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.
- (l) Every dwelling and dwelling unit shall have smoke alarms installed and maintained according to the NC State Residential Building Code.
- (m) Where interior alterations, repairs, fuel-fired appliance replacements, or additions requiring a permit occurs, or where one or more sleeping rooms are added or created, carbon monoxide alarms shall be provided in accordance with the NC State Residential Building Code.
- (n) Upon investigation should the Public Officer reasonably believe structural deficiencies exist in violation of this Section the Public Officer shall consult with an Orange County code enforcement official prior to making a final determination on such structural deficiencies. A code enforcement official is an official as defined in §143-151.8 et.seq.

(Ord. of 2-21-1984, art. 4, eff. 7-1-1984)

Sec. 20-35. - Minimum standards for basic plumbing.

- (a) Every dwelling unit shall be supplied with an adequate supply of both hot and cold potable water and have 24-hour a day access to a privy or commode connected to a public sewer or other sewage disposal system approved by the Environmental Health Division of the Orange County Health Department, or the North Carolina Department of Health and Human Services.
- (b) A commode or urinal and tub or shower shall be located in an enclosed room or rooms.
- (c) Any plumbing fixture shall be so constructed and installed that it will function safely and effectively and shall be maintained in good repair capable of performing the function for which it was originally intended.
- (d) Whenever all or any part of the existing plumbing system or fixtures shall be replaced, modified, altered or expanded, then such new installation shall be made in accordance with the North Carolina State Building Code.

(Ord. of 2-21-1984, art. 5, eff. 7-1-1984)

Sec. 20-36. - Minimum standards for heating.

- (a) Every dwelling or dwelling unit shall be supplied with a permanent central or electrical heating system or other safe heating facilities in proper operating condition and designed to be capable of heating all habitable rooms, bathrooms, and water closet compartments to a minimum temperature of 68 degrees Fahrenheit measured three feet above the center of the floor whenever the outdoor temperature is below 55 degrees Fahrenheit.
- (b) If a dwelling unit contains a heating system or heating appliances that meet the requirements of subsection (a) of this section, the owner of the dwelling unit shall not be required to install a new heating system or heating appliances, but the owner shall maintain the existing heating system or heating appliances in a good and safe working condition. Otherwise, the owner of the dwelling unit shall install a heating system or heating appliances that meet the requirements of subsection (a) of this section and shall maintain the heating system or heating appliances in a good and safe working condition.

- (c) Portable kerosene heaters are not acceptable as a permanent source of heat as required by subsection (a) of this section but may be used as a supplementary source in single-family dwellings and duplex units. An owner who has complied with subsection (a) of this section shall not be held in violation of this section where an occupant of a dwelling unit uses a kerosene heater as a primary source of heat.
- (d) Nothing in this section shall be construed to diminish the rights or remedies available to a tenant under a lease agreement, statute, or at common law.

(Ord. of 2-21-1984, art. 6, eff. 7-1-1984)

Sec. 20-37. - Minimum standards for electrical equipment and facilities.

Every dwelling and dwelling unit shall be wired for electrical lights and convenience receptacles as follows:

- (a) Every habitable room containing 70 square feet of floor area or less shall contain at least two floor or wall-type electrical convenience receptacles and every habitable room containing more than 70 square feet of floor area shall be provided with at least three receptacles but not less than one receptacle for every 50 square feet of floor space.
- (b) Every bathroom, water closet room, laundry room, and furnace room shall contain at least one supplied ceiling or wall type electric light fixture.
- (c) Every public hall and stairway in every multiple dwelling shall be adequately lighted by electrical lights from sunset to sunrise.
- (d) All electrical fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, free of fire or shocking hazards, and capable of performing the function for which it was originally intended.
- (e) Whenever all or any part of the existing electrical system, wiring, or fixtures shall be replaced, modified, altered, or expanded then such new installation shall be made in accordance with the North Carolina State Building Code.

(Ord. of 2-21-1984, art. 7, eff. 7-1-1984)

Sec. 20-38. - Minimum standards for lighting and ventilation.

- (a) Every dwelling unit shall be provided with natural light and ventilation by one or more windows, opening to the outdoors, as follows:
 - (1) In dwelling units containing fewer than five habitable rooms exclusive of kitchens, bathrooms; and water closets, a window or windows shall be provided in all habitable rooms.
 - (2) In dwelling units containing five or more habitable rooms exclusive of kitchens, bathrooms and water closets, a window or windows shall be provided in at least four habitable rooms.
- (b) The windows shall be glazed with glass or other translucent or transparent material. The aggregate area of glazing material in windows shall not be less than eight percent of the floor area of, the room served by them, but in no event shall the glazed area in a habitable room be less than ten square feet or in a bathroom, less than three square feet. Windows used for ventilation shall have an aggregate openable area of at least 50 percent of the glazed area required for lighting.
- (c) Every kitchen, bathroom, and water closet compartment shall comply with the light and ventilation requirements for habitable rooms except that no window shall be required in kitchens, bathrooms, and water closets, equipped with a ventilation system which meets the standards of the North Carolina State Building Code.

(Ord. of 2-21-1984, art. 8, eff. 7-1-1984)

Sec. 20-39. - Minimum standards for space, use and location.

- (a) Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the North Carolina State Building Code. This provision shall not apply to mobile homes which meet Federal or State construction and safety standards at the time of manufacture.
- (b) Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupant, at least 100 square feet of additional habitable area for each of the next three occupants and at least 75 square feet of additional habitable floor area for each additional occupant.
- (c) At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven feet and six inches.
- (d) Floor area shall be calculated on the basis of aggregate room area. However, closet area and wall area within the dwelling unit may count for not more than ten percent of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than four and one-half feet (4'6") shall not be considered as part of the floor area for the purpose of determining maximum permissible occupancy.
- (e) No cellar shall be used for living purposes.
- (f) No basement shall be used for living purposes unless:
 - (1) The floor and walls are substantially watertight and weathertight;
 - (2) The total window standards, total openable window area, and ceiling height are equal to those required for habitable rooms;
 - (3) The required minimum window standards of every habitable room are entirely above the grade adjoining such, window area, except where the window or windows face a stairwell, window well, or access way.

(Ord. of 2-21-1984, art. 9, eff. 7-1-1984)

Sec. 20-40. - Minimum standards for control of insects, rodents and infestations.

- (a) In every dwelling unit, for protection against mosquitoes, flies, and other insects, every door used or intended for use for ventilation opening directly from a dwelling unit to outdoor space shall have supplied and installed screens and a self-closing device; and every window or other device opening to outdoor space used or intended to be used for ventilation shall likewise be supplied with screens.
- (b) Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents shall be equipped with screens or such other device as will effectively prevent their entrance.
- (c) Subject to the terms of Section 20-42(f), every dwelling unit shall be kept free of any insects, rodents or other pests therein or on the premises.

(Ord. of 2-21-1984, art. 10, eff. 7-1-1984)

Sec. 20-41. - Minimum standards applicable to rooming houses; exceptions.

All of the provisions of this Ordinance, and all of the minimum standards and requirements of this Ordinance, shall be applicable to rooming houses, and to every person who operates a rooming house, or who occupies or lets to another for occupancy any rooming unit in any rooming house, except as provided in the following paragraphs:

- (a) At least one water closet or approved privy in good working condition shall be supplied for each four rooms within a rooming house wherever these facilities are shared.
- (b) Every room occupied for sleeping purposes by one occupant shall contain, at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.
- (c) The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the rooming house. He shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.
- (d) Every water closet, flush urinal, lavatory basin and bathtub shall be within an enclosed room or rooms, which are separate from the habitable rooms, are accessible from a common hall, and are accessible without going through any other rooming unit therein. If sanitary facilities are outside, they shall be accessible to occupants of each rooming unit without going through another rooming unit.
- (e) All rooming units shall have access to an exterior door and exit without going through another rooming unit.

(Ord. of 2-21-1984, art. 11, eff. 7-1-1984)

Sec. 20-42. - Responsibilities of owners and occupants.

- (a) Every owner of a multiple dwelling shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- (b) Every owner of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.
- (c) Every occupant of a dwelling or dwelling unit shall dispose of all their rubbish and garbage in a clean and sanitary manner.
- (d) It shall be the responsibility of the owner, in all cases, to furnish, supply, install, and maintain all plumbing and plumbing fixtures in a dwelling unit, including protection against freezing. It shall be the responsibility of the occupant of a dwelling unit to keep all supplied plumbing and plumbing fixtures therein as clean and sanitary as the condition of the premises permit and to exercise reasonable care in the proper use and operation of same, including the doing of any act or the use and maintenance of any protection required by or provided by the owner for the prevention of freezing.
- (e) It shall be the responsibility of the owner in all cases to furnish, supply, install and replace all required windows, window glazings and screens. It shall be the responsibility of the occupant of a dwelling unit to maintain the same in good condition, normal wear and tear excepted. Whenever any window, window glazing, or screen is damaged or broken by the willful act or neglect of the occupant, then it shall be the responsibility of the occupant to bear the cost of repairing or replacing the same.
- (f) The owner of any dwelling or dwelling unit shall be responsible for providing a dwelling or dwelling unit free of insects, rodents, or other pests at the time of original letting to any occupant. Thereafter, every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever the unit is the only one infested. Whenever infestation is caused by failure of the owner to maintain a dwelling in rodent-proof or reasonable insect-proof condition as required by Section 20-40, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

(Ord. of 2-21-1984, art. 12, eff. 7-1-1984)

Sec. 20-43. - Powers and duties of the public officer.

The County Manager shall designate a Public Officer to enforce the provisions of this Ordinance and to exercise the duties and powers herein prescribed. The Public Officer is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Ordinance, including the following powers in addition to others herein granted:

- (a) To investigate the dwelling conditions and to inspect dwellings and dwelling units located in the County, in order to determine which dwellings and dwelling units do not meet the minimum standards contained in this Ordinance.
- (b) To administer oaths and affirmations, examine witnesses and receive evidence.
- (c) To enter upon premises for the purpose of making examinations and inspections; provided, such entries shall be made in accordance with Section 20-44 of this Ordinance and State law, and shall be made in such manner as to cause the least possible inconvenience to the persons in possession.
- (d) To appoint and fix the duties of officers, agents and employees, as the Public Officer deems necessary to assist in carrying out the purposes of this Ordinance, and to delegate any of the Public Officer's functions and powers to such officers, agents and employees, subject to the general supervision of the County Manager.
- (e) To perform such other duties as may be prescribed herein or by the Board of County Commissioners or County Manager.

(Ord. of 2-21-1984, art. 13, eff. 7-1-1984)

Sec. 20-44. - Inspection; duty of owners and occupants.

- (a) The Public Officer is hereby authorized to enter, examine, and survey in a reasonable manner all dwellings, dwelling units, rooming houses, rooming units and the premises associated therewith to determine if there exist upon such premises conditions which do not meet the standards contained in this Ordinance, as follows:
 - (1) Whenever it appears to the Public Officer (on their own motion) there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist upon such premises. Reasonable cause is established where;
 - (i) the landlord or owner has a history of more than two verified violations of this Ordinance within a 12-month period (for purposes of this subsection, a violation shall be deemed verified upon issuance of a decision or order of the Public Officer pursuant to 20-45, or upon issuance of a warning or civil penalty pursuant to 20-48),
 - (ii) there has been a petition that substandard conditions exist within the building or there has been a request that the building be inspected,
 - (iii) the inspection department has actual knowledge of an unsafe condition within the building, or
 - (iv) violations of this Ordinance are visible from the outside of the property.
 - (2) Whenever a petition is filed with the Public Officer charging that any dwelling or dwelling unit contains conditions that do not meet minimum standards contained in this Ordinance. The following may act by petition: (i) a public authority; (ii) at least five residents of the County regarding any renter-occupied dwelling. The following may act by petition provided that the person identifies themselves to the Public Officer: any one occupant of a dwelling unit which is renter-occupied regarding that dwelling unit.

- (3) Whenever the Board of County Commissioners has determined periodic inspections are necessary as part of a targeted effort to respond to blighted or potentially blighted conditions within a geographic area that has been designated by the Board of County Commissioners. However, the total aggregate of targeted areas in the County's jurisdiction at any one time shall not be greater than 1 square mile or five percent (5%) of the area within the County's jurisdiction, whichever is greater. A targeted area designated by the Board of County Commissioners shall reflect the County's stated neighborhood revitalization strategy and shall consist of property that meets the definition of a "blighted area" or "blighted parcel" as those terms are defined in G.S. 160A-503(2) and G.S. 160A-503(2a), respectively, except that for purposes of this subsection, the planning board is not required to make a determination as to the property. The County shall not discriminate in its selection of areas or housing types to be targeted and shall;
- (i) provide notice to all owners and residents of properties in the affected area about the periodic inspections plan and information regarding a legislative hearing regarding the plan,
 - (ii) hold a legislative hearing regarding the plan, and
 - (iii) establish a plan to address the ability of low-income residential property owners to comply with minimum housing code standards.
- (b) The owner and occupant of every dwelling, dwelling unit, rooming house and rooming unit, or the person in charge thereof, shall give the Public Officer free access to such dwelling, dwelling unit, rooming house or rooming unit and its premises at all reasonable times and in a reasonable manner for the purposes of such inspection, examination and survey consent of the occupant in actual possession or in control of the premises shall be sufficient permission to the Public Officer to enter upon the premises. Whenever the Public Officer is denied permission to enter upon and inspect the premises, by the occupant, the Public Officer may obtain a warrant authorizing them to conduct such inspection of the premises as authorized by North Carolina General Statutes § 15-27.2.
- (c) Every occupant or person in possession of a dwelling, dwelling unit, rooming house or rooming unit shall give the owner thereof, their agent or employee, access to any part of such dwelling or dwelling unit and its premises at reasonable times and in a reasonable manner for the purpose of making such repairs and alterations as are necessary to effect compliance with the standards contained in this Ordinance or with any lawful order issued pursuant to the provisions of this Ordinance.

(Ord. of 2-21-1984, art. 14, eff. 7-1-1984)

Sec. 20-45. - Procedure for enforcement.

- (a) Whenever a petition is filed with the Public Officer by an occupant, a public authority, or by at least five residents of the jurisdiction charging that any dwelling is unfit for human habitation or when it appears to the Public Officer that any dwelling is unfit for human habitation, the Public Officer shall, if a preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwellings a complaint stating the charges and containing a notice that a hearing will be held before the Public Officer at a place therein fixed, not less than ten nor more than 30 days after the serving of the complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in the courts of this State shall not be controlling in hearings before the Public Officer.
- (b) Orders. – If, after notice and an administrative hearing, the Public Officer determines that the dwelling under consideration is unfit for human habitation, the officer shall state in writing findings of fact in

support of that determination and shall issue and cause to be served upon the owner one of the following orders, as appropriate:

- (1) If the repair, alteration, or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling, an order requiring the owner, within the time specified, to repair, alter, or improve the dwelling in order to render it fit for human habitation. The order may require that the property be vacated and closed only if continued occupancy during the time allowed for repair will present a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of 18 or occupants with physical or mental disabilities. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under subsection (b)(3) of this section.
- (2) If the repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling, an order requiring the owner, within the time specified in the order, to remove or demolish the dwelling. However, notwithstanding any other provision of law, if the dwelling is located in a historic district and the Historic District Commission determines, after an administrative hearing as provided by this Ordinance, that the dwelling is of particular significance or value toward maintaining the character of the district, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. 160D-949.
- (3) Repair, closing, and posting. – If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the dwelling, the Public Officer may cause the dwelling to be repaired, altered, or improved, or to be vacated and closed, and the Public Officer may cause to be posted as provided in Section 20-48(b). The duties of the Public Officer set forth in this subsection (b)(3) shall not be exercised until the Board of County Commissioners shall have by ordinance ordered the Public Officer to proceed to effectuate the purpose of this subsection with respect to the particular property or properties that the Public Officer shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. The property specific ordinance shall be recorded in the office of the register of deeds in the county where the property or properties are located and shall be indexed in the name of the property owner in the grantor index.
- (4) Demolition. – If the owner fails to comply with an order to remove or demolish the dwelling, or if the Public Officer determines the dwelling is dilapidated, the Public Officer may cause such dwelling to be removed or demolished. The duties of the Public Officer set forth in this subsection (b)(4) shall not be exercised until the Board of County Commissioners shall have by ordinance ordered the Public Officer to proceed to effectuate the purpose of this subsection with respect to the particular property or properties that the Public Officer shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the housing code. The property specific ordinance shall be recorded in the office of the register of deeds in the county where the property or properties are located and shall be indexed in the name of the property owner in the grantor index. Prior to making a final determination to remove or demolish a dwelling the Public Officer shall consult with an Orange County code enforcement official as that term is defined herein.
- (5) Abandonment of Intent to Repair. – If the dwelling has been vacated and closed for a period of one year pursuant to an ordinance adopted pursuant to subsection (b)(3) of this section or after a Public Officer issues an order or proceedings have commenced under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed as provided in this subsection, then the Board of County Commissioners may find that the owner has abandoned the intent and purpose to repair, alter, or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, and welfare of the public in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of

property values in the area, and would render unavailable property and a dwelling that might otherwise have been made available to ease the persistent shortage of decent and affordable housing in the County, then in such circumstances, the Board of County Commissioners may, after the expiration of such one-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

(i) If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days.

(ii) If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

The property specific ordinance shall be recorded in the office of the register of deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the Public Officer shall effectuate the purpose of the ordinance.

(6) Liens. –

(i) The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the Public Officer shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes.

(ii) If the real property upon which the cost was incurred is located in an incorporated city, then the amount of the cost is also a lien on any other real property of the owner located within the city limits or within one mile thereof except for the owner's primary residence. The additional lien provided in this sub-subdivision is inferior to all prior liens and shall be collected as a money judgment.

(iii) If the dwelling is removed or demolished by the Public Officer, the County may sell the materials of the dwelling, and any personal property, fixtures, or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the Public Officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court.

(7) Civil action. – If any occupant fails to comply with an order to vacate a dwelling, the Public Officer may, upon approval of the County Manager, file a civil action in the name of the County to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. If the summons appears to have been duly served and if at the hearing the Public Officer produces a certified copy of an ordinance adopted by the Board of County Commissioners pursuant to subdivision (5) of this section authorizing the officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. 7A-228, and the execution of such judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the Board of County Commissioners has ordered the Public Officer to proceed to exercise her or his duties under subsections (4) and (5) of this section to vacate and close or remove and demolish the dwelling.

(8) Additional notices to affordable housing organizations. – Whenever a determination is made pursuant to subsection (b) of this section that a dwelling must be vacated and closed, or removed or demolished, under the provisions of this section, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of 45 days from the mailing of such notice shall be given before removal or demolition by action of the Public Officer, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The Public Officer or clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the Public Officer to wait 45 days before causing removal or demolition.

(Ord. of 2-21-1984, art. 15, eff. 7-1-1984)

Sec. 20-46. - Appeals from decisions and orders of public officer.

- (a) An appeal from any decision or order of the Public Officer may be taken by any person aggrieved thereby within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the Public Officer and the Orange County Board of Adjustment notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Public Officer shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the Public Officer refusing to allow the person aggrieved thereby to do any act, the Public Officer's decision shall remain in force until modified or reversed. When an appeal is from a decision of the Public Officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the Public Officer certifies to the Board, after the notice of appeal is filed with them, that by reason of the facts stated in the certificate (a copy of which shall be furnished to the appellant), a suspension of this requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by restraining order granted for due cause shown upon not less than one day's written notice, to the Public Officer, by the Board, or by a court of record. In the absence of an appeal, the order of the Public Officer is final.
- (b) The Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or in part, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the Public Officer, but the concurring vote of four members of the Board shall be necessary to reverse or modify any decision or order of the Public Officer. The Board shall have power also in passing upon appeals in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance, to adapt the application of the Ordinance to the necessities of the case to the end that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. This power shall be exercised according to the procedures and standards contained in the Orange County Unified Development Ordinance for the exercise of the variance powers contained in that ordinance.
- (c) Every decision of the Board shall be in writing and shall be promptly filed in the office of the Public Officer, and, shall be open to public inspection; a certified copy shall be sent by mail, or otherwise, to the appellant.
- (d) Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise.
- (e) During the time allowed for the filing of an appeal to the Board or for the filing of a petition for writ of certiorari, but not more than 30 days after the issuance of an order by the Public Officer or the rendering of a decision by the Board, whichever is applicable and whichever is later, any person aggrieved by the order or decision may petition the Superior Court for a temporary injunction restraining the Public Officer pending final disposition of the cause as provided in subsection 20-46(a) or subsection 20-46(d) hereof.

(Ord. of 2-21-1984, art. 16, eff. 7-1-1984)

Sec. 20-47. - Methods of service of complaints and orders.

Complaints and orders issued by the Public Officer shall be served upon persons either personally or by registered or certified mail. If the whereabouts of such persons are unknown and the same cannot be ascertained by the Public Officer in the exercise of reasonable diligence, the Public Officer shall make affidavit to that effect, and the serving of such complaint or order upon such person may be made by the publishing of same at least once no later than the time at which personal service would be required under the provisions of this Ordinance in a newspaper having general circulation in the County. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.

(Ord. of 2-21-1984, art. 17, eff. 7-1-1984)

Sec. 20-48. - Violations; remedies and penalty.

- (a) The owner of any dwelling or dwelling unit who fails to comply with an order issued by the Public Officer pursuant to subsection 20-45(b) of this Ordinance from which no appeal has been taken, or fails to comply with an order of the Board of Adjustment following an appeal, shall be in violation of this Ordinance. Each day that any such failure to comply with such order continues shall constitute a separate and distinct violation.
- (b) If the owner of any dwelling or dwelling unit fails to comply with an order issued by the Public Officer pursuant to subsection 20-45(b) of this Ordinance from which no appeal has been taken, or fails to comply with an order of the Board of Adjustment following an appeal, then the Public Officer may cause such dwelling or dwelling unit to be vacated and closed; and may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation. The use or occupancy of this building for human habitation is prohibited and unlawful." If a person removes a notice that has been affixed to a dwelling or dwelling unit by the Public Officer, that person is in violation of this ordinance.
- (c) Occupancy of dwelling or dwelling unit posted or placarded as provided in subsection 20-48(b) of this Ordinance shall constitute a violation. Each day that such occupancy continues after such posting or placarding shall constitute a separate and distinct violation.
- (d) Whenever a violation occurs, the Public Officer, either in addition to or in lieu of other remedies, may initiate any appropriate action or proceeding to prevent, restrain, correct, or abate the violation or prevent the occupancy of the building involved. In addition to all other enforcement options provided herein, the Public Officer may issue a warning or citation as follows:
 - (1) A warning may be issued by the Public Officer, his designee, or Inspector, without fine when he or she is of the opinion that a violation of this chapter may be remedied without the necessity of prosecution; however, a warning may not be issued in cases where public health and/or safety are endangered;
 - (2) Enforcement personnel are hereby empowered to issue civil citations to any person(s) if there is probable cause to believe that such person(s) caused or is responsible for a violation of the minimum standards and responsibilities found in Sections 20-33 through 20-42. Enforcement personnel are authorized to assess penalties and seek civil relief as noted herein. Citations so issued may be served in person on the violator by the Public Officer, designee, or Inspector. If such a person cannot readily be found or if reasonable attempts have been made to effect service of the written citation upon the responsible person(s) by delivery or mail and those attempts have been unsuccessful, then a citation may be provided by posting the citation upon the dwelling in which the violator resides in a conspicuous place for a period of not less than 14 days. Any citation so served shall direct the violator to make a payment of the penalty provided therein to Orange County on or before a specific day and hour named in the citation and to present evidence of the remedy of any violation of this chapter.

- (i) Citations may be appealed to the Public Officer within ten (10) days of receipt of the citation. Such appeal shall be in writing.
 - (ii) The Public Officer shall render a decision on the appeal within ten (10) days. Any person aggrieved by the decision may appeal the decision pursuant to Section 20-46.
- (e) Neither this Ordinance nor any of its provisions shall be construed to impair or limit in any way the power of the County to define and declare nuisances and to cause their abatement by summary action or otherwise and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in any other ordinances or laws.
 - (f) It shall be a violation of this Ordinance to prevent the Public Officer or Inspectors authorization to enter, examine, and survey at all reasonable times all buildings, dwellings, dwelling units, rooming units, and premises under Section 20-44 of this Ordinance. Each such incident shall constitute a separate and distinct violation.
 - (g) The violation of any provision of this Ordinance shall subject the violator to a civil penalty of up to Five Hundred Dollars (\$500.00). Each offense and continuing offense shall constitute a separate violation. Such penalties shall be collectible in the nature of debt.
 - (h) In addition to the remedy specified in this and in other sections of this Ordinance, the provisions of this Ordinance may also be enforced by the County by injunction and order or abatement or by any other equitable remedy issuing from a court of competent jurisdiction, as specified in G.S. 153A-123(d) and (e).
 - (i) A violation of this ordinance is not a misdemeanor.

(Ord. of 2-21-1984, art. 18, eff. 7-1-1984)

Sec. 20-49. - Non-conforming conditions.

- (a) The area, dimensional, and proportional provisions of subsections 20-37(a), 20-38(a), 20-38(b), 20-39(a), 20-39(c), 20-41(b) shall not apply to dwellings or dwelling units in use prior to the adoption of this Ordinance, but no such dwelling or dwelling unit shall be modified, altered, expanded, or replaced except that any such new installation shall be made in accordance herewith.
- (b) The provisions of this Ordinance shall apply to manufactured homes or mobile homes except when Federal or State construction and safety standards provide a standard other than as provided herein and when such mobile homes meet any such Federal and State construction and safety standards at the time of manufacture.

(Ord. of 2-21-1984, art. 19, eff. 7-1-1984)

Sec. 20-50. - Conflict with other provisions.

In the event any provision, standard or requirement of this Ordinance is found to be in conflict with any provision of any other ordinance or code of the County the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents or the County shall prevail.

(Ord. of 2-21-1984, art. 20, eff. 7-1-1984)

Sec. 20-51. - Severability.

If any provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, independent provision and such holding shall not affect the validity of any other provision hereof, and to that end, the provisions of this Ordinance are hereby declared to be severable.

(Ord. of 2-21-1984, art. 20, eff. 7-1-1984)

Sec. 20-52. - Effective date.

This Ordinance shall be effective on July 1, 1984.

(Ord. of 2-21-1984, art. 20, eff. 7-1-1984)

RESOLUTION OF AMENDMENT

A RESOLUTION AMENDING CHAPTER 20 OF THE ORANGE COUNTY CODE OF ORDINANCES

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

WHEREAS, in 2019 the North Carolina Legislature passed and Governor Cooper signed into law Chapter 160D of the North Carolina General Statutes; and

WHEREAS, Chapter 160D combined the enabling land use legislation impacting cities and counties into a single statute; and

WHEREAS, Chapter 160D includes updates for local minimum housing ordinances such as the Minimum Housing Standards Ordinance first adopted in Orange County in 1984; and

WHEREAS, the Board of Commissioners of Orange County believes all renters in Orange County have a right to reside in rental dwellings that meet reasonable habitable standards and are free from unreasonable health and safety risks.

NOW THEREFORE BE IT RESOLVED AND ORDAINED, that the Code of Ordinances, Orange County, North Carolina, Chapter 20, Article II is hereby amended which amendments read as shown in the attached revised ordinance to effect Minimum Housing Standards in Orange County.

This Amendment is effective upon adoption.

Adopted by the Orange County Board of Commissioners this 1st day of June, 2021.

By:

Attest:

Renee Price, Chair
Orange County Board of Commissioners

Laura Jensen, Clerk to the Board

[SEAL]

BOCC Meeting Follow-up Actions

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

Meeting Date	Task	Target Date	Person(s) Responsible	Status
5/18/21	Review and consider request by Commissioner Hamilton, echoed by Commissioner McKee, that a work group be established consisting of Board members, County staff, school board members from both districts, and school staff from both districts to develop a plan to address both districts on-going capital needs, repairs and renovation projects	10/2021	Bonnie Hammersley	Manager has contacted both Superintendents to initiate discussions and propose process
5/18/21	Review and consider request by Commissioner Fowler that staff begin investigating that all work sessions be conducted virtually and the opportunity to simultaneously conduct Business meetings both in-person and virtually for participation by Board members and the public	9/2021	Laura Jensen	Clerk to consult with County Attorney on opportunities within legal framework, with initial focus on work sessions
5/18/21	Review and consider request by Commissioner McKee that the Board conduct both Business meetings in June in person at the Whitted Center	5/2021	Chair/Vice Chair/Manager	County to coordinate planning and efforts with towns
5/18/21	Conform the UDO "160D" amendments based on Board approval related to "domicile" and "ensure/insure"	5/2021	Perdita Holtz	DONE

INFORMATION ITEM

Tax Collector's Report - Numerical Analysis

Property Tax Collection - Tax Effective Date of Report: May 11, 2021						
Tax Year 2020	Amount Charged in FY 20-21	Amount Collected	Accounts Receivable	Amount Budgeted in FY 20-21	Remaining Budget	% of Budget Collected
Real and Personal Current Year Taxes	\$ 154,198,531.00	\$ 155,563,915.45	\$ 1,613,403.41	\$ 154,198,531.00	\$ (1,365,384.45)	100.89%
Real and Personal Prior Year Taxes	\$ 3,818,647.51	\$ 1,185,274.33	\$ 2,259,932.59	\$ 1,155,000.00	\$ (30,274.33)	102.62%
Total	\$ 158,017,178.51	\$ 156,749,189.78	\$ 3,873,336.00	\$ 155,353,531.00	\$ (1,395,658.78)	100.90%
Registered Motor Vehicle Taxes		\$9,015,603.25	\$18,849.90	\$ 11,175,116.00	\$ 2,159,512.75	80.68%
Tax Year 2019	Amount Charged in FY 19-20	Amount Collected	Accounts Receivable	Amount Budgeted in FY 19-20	Remaining Budget	% of Budget Collected
Real and Personal Current Year Taxes	\$ 152,142,471.00	\$ 152,151,899.39	\$ 1,804,005.15	\$ 152,142,471.00	\$ (9,428.39)	100.01%
Real and Personal Prior Year Taxes	\$ 3,378,823.17	\$ 848,650.48	\$ 2,321,644.74	\$ 1,100,000.00	\$ 251,349.52	77.15%
Total	\$ 155,521,294.17	\$ 153,000,549.87	\$ 4,125,649.89	\$ 153,242,471.00	\$ 241,921.13	99.84%
Registered Motor Vehicle Taxes		\$8,360,753.72	\$9,039.14	\$ 10,770,627.00	\$ 2,409,873.28	77.63%
2020 Current Year Overall Collection Percentage - Real & Personal		98.97%				
2020 Current Year Overall Collection Percentage - with Registered Motor Vehicles		99.02%				
2019 Current Year Overall Collection Percentage - Real & Personal		98.83%				
2019 Current Year Overall Collection Percentage - with Registered Motor Vehicles		98.88%				

INFORMATION ITEM

Tax Collector's Report - Measures of Enforced Collections

-
Fiscal Year 2020-2021

Effective Date of Report: April 30, 2021

	July	August	September	October	November	December	January	February	March	April	May	June	YTD
Wage garnishments	95	62	84	44	106	8	3	16	197	63			
Bank attachments	22	17	32	3	16	3	8	6	29	58			
Certifications	-	-	-	-	-	-	-	-	-	-			
Rent attachments	1	1	-	-	-	-	1	-	-	-			
Housing/Escheats/Monies	-	-	17	6	30	4	-	42	-	21			
Levies	-	-	-	-	-	-	-	-	-	-			
Foreclosures initiated	2	8	3	6	3	1	-	3	3	1			
NC Debt Setoff collections	\$2,350.26	\$ 1,991.76	\$ 869.25	\$ 67.51	\$ 1,413.97	\$ 188.39	\$ -	\$ 964.00	\$ 7,716.84	\$ 2,845.57			

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
Dennis, Lynn Teal	3191537	2020	7,310	-	(81.57)	-	(81.57)	Assessed in error (illegal tax)	Personal	Approve	4/21/2021	Gap bill: vehicle registered in Virginia during the gap period
Tate, Nancy Flynn	16121095	2020	6,780	6,102	(6.34)	-	(6.34)	High mileage (appraisal appeal)	RMV-VTS	Approve	4/21/2021	
Wang, Jason Shuli	60175530	2020	10,860	5,430	(90.62)	-	(90.62)	Condition (appraisal appeal)	RMV-VTS	Approve	4/21/2021	Vehicle holds a salvage rebuilt title
Arnold, William	60403101	2020	5,000	-	(25.13)	(30.00)	(55.13)	*Situs error (illegal tax)	RMV-VTS	Approve	5/7/2021	
Capone, Walter	59137600	2020	3,830	-	(93.93)	-	(93.93)	County changed to Durham (illegal tax)	RMV-VTS	Approve	5/7/2021	
Fearrington, Kelep	3182815	2020	3,480	-	(33.50)	-	(33.50)	Assessed in error (illegal tax)	Personal	Approve	5/7/2021	Two singlewide mobile homes were combined to make one mobile home and taxed as real property
Lopez, Erma	1025043	2020	950	-	(10.18)	-	(10.18)	Double billed (illegal tax)	Personal	Approve	5/7/2021	Also billed on account 1067288
Lopez, Erma	1025043	2019	950	-	(10.10)	-	(10.10)	Double billed (illegal tax)	Personal	Approve	5/7/2021	Also billed on account 1067288
Lopez, Erma	1025043	2018	950	-	(9.92)	-	(9.92)	Double billed (illegal tax)	Personal	Approve	5/7/2021	Also billed on account 1067288
Lopez, Erma	1025043	2017	950	-	(9.79)	-	(9.79)	Double billed (illegal tax)	Personal	Approve	5/7/2021	Also billed on account 1067288
Lopez, Erma	1025043	2016	950	-	(10.26)	-	(10.26)	Double billed (illegal tax)	Personal	Approve	5/7/2021	Also billed on account 1067288
Lopez, Erma	1025043	2015	950	-	(10.21)	-	(10.21)	Double billed (illegal tax)	Personal	Approve	5/7/2021	Also billed on account 1067288
Lopez, Erma	1025043	2014	950	-	(10.21)	-	(10.21)	Double billed (illegal tax)	Personal	Approve	5/7/2021	Also billed on account 1031508
Lopez, Erma	102543	2013	950	-	(9.96)	-	(9.96)	Double billed (illegal tax)	Personal	Approve	5/7/2021	Also billed on account 1031508
Turner, Thomas	59654519	2020	10,580	500	(97.24)	-	(97.24)	Antique plate (property classification)	RMV-VTS	Approve	5/7/2021	
							(538.96)	Total				
*Situs error: An incorrect rate code was used to calculate bill. Value remains constant but bill amount changes due to the change in specific tax rates applied to that physical location.												
Gap Bill: A property tax bill that covers the months between the expiration of a vehicle's registration and the renewal of that registration or the issuance of a new registration.												
The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.												
Approval of the release or refund of the principal tax amount also constitutes approval of the release or refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.												