**Orange County**
**Board of Commissioners**

**Agenda**

**Virtual Business Meeting**
September 1, 2020
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 September 1, 2020. 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.*

**Arts Moment** – No Arts Moment will be available for this meeting.

## 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. Resolution Honoring and Remembering Donna Baker, Clerk to the Orange County Board of Commissioners
b. Resolution of Recognition for Judicial District 15-B Chief District Court Judge Joseph Moody Buckner Upon His Retirement
c. Proclamation Recognizing the Services and Contributions of Retiring Major David Lewis Caldwell, Jr.
d. Resolution Celebrating the 55th Anniversary of the Voting Rights Act of 1965
e. Orange County Preparedness Month Proclamation
f. Update on COVID-19 Response and Funding Allocations

**5. Public Hearings**

a. NCDOT Public Transportation Division/Public Transportation – 5307 Urbanized Area Formula Grant Applications for FY2021

**6. Regular Agenda**

a. Unified Development Ordinance (UDO) Text Amendments – Clarification of Setbacks from the West Fork on the Eno Reservoir
b. Resolution to Adopt Juneteenth as a County Holiday
c. Veterans Memorial Construction Approval
d. Discussion Regarding the Recital of the Pledge of Allegiance at Board of Commissioners' Meetings

**7. Reports**

**8. Consent Agenda**

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

a. Minutes
b. Motor Vehicle Property Tax Releases/Refunds
c. Property Tax Releases/Refunds
d. Applications for Property Tax Exemption/Exclusion
e. Tax Collector's Annual Settlement for Fiscal Year 2019-20
f. Fiscal Year 2020-21 Budget Amendment #1
g. Approval of Eno-Haw Regional Hazard Mitigation Plan
h. Approval of Public Transportation Agency Safety Plan
i. Change in BOCC Meeting Schedule for 2020

j. Performance Agreement Between the Town of Chapel Hill and Visitors Bureau

**9. County Manager's Report**

**Projected September 10, 2020 Work Session Items**

Additional Discussion on Potential Regulation of the Discharge of Firearms in Areas of the County with High Residential Unit Density

Follow-up Discussion on County CIP Years 2 through 5 Related to Durham Tech

Discussion Regarding the Membership Composition of the Planned Committee to Examine the Election Method for Members of the Orange County Board of Commissioners

Discussion of Travel Policies and Procedures for the Board of County Commissioners

Review and Discussion on Advisory Board Appointments for Sixteen (16) Boards

**10. County Attorney's Report**

**11. *Appointments**

**12. Information Items**

- June 16, 2020 and July 14, 2020 BOCC Meeting Follow-up Actions Lists
- Tax Collector's Report – Numerical Analysis
- Tax Collector's Report – Measure of Enforced Collections
- Tax Assessor's Report – Releases/Refunds under $100
- Memorandum Regarding Nature of Orange Photography Contest

**13. Closed Session**

"To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee;" NCGS § 143-318.11(a)(6).

**14. Adjournment**

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

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

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

## Public Comment Instructions

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

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

When submitting the comment, include the following:

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

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

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

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

When submitting the request to speak, include the following:

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

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

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

If a member of the public encounters any concerns prior to or during the meeting related to speaking, please contact Greg Wilder at 919-245-2314.

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** September 1, 2020

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

**SUBJECT:** Resolution Honoring and Remembering Donna Baker, Clerk to the Orange County Board of Commissioners

**DEPARTMENT:** Board of Commissioners

**ATTACHMENT(S):**
Resolution Honoring and Remembering Donna Baker

**INFORMATION CONTACT:**
BOCC Chair Penny Rich, 919-245-2126
Greg Wilder, 919-245-2300

**PURPOSE:** To adopt a resolution honoring and remembering Donna Baker, Clerk to the Orange County Board of Commissioners.

**BACKGROUND:** On July 31, 2020, Clerk to the Board of Commissioners Donna Baker passed away unexpectedly at her home in Orange County. Ms. Baker had served as Clerk to the Board for 18 years since her appointment in June 2002.

Donna graduated from high school in Georgetown, SC and subsequently from Clemson University with Honors in 1978. Ms. Baker built a lifelong career of community service from her early work with parents and children at The Ronald McDonald House of Chapel Hill, to positions with Georgetown, SC County Government, and her most recent position as Clerk to the Orange County Board of County Commissioners.

Donna was blessed with two children – Jeremy and CeCe – who are now older with families of their own. She was an accomplished learner and reader, and was also a true lover of animals, including adopting several rescue pets over time.

While she greatly loved Orange County, Donna also held a special place in her heart for the South Carolina beaches, especially the Georgetown/Pawley's Island area. She spent many years and vacations there enjoying the sea and surf.

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

**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 adopt and authorize the Chair to sign the resolution honoring and remembering Donna Baker for the joy and spirit she shared with others and for her service as Clerk to the Orange County Board of Commissioners.

# ORANGE COUNTY BOARD OF COMMISSIONERS

## RESOLUTION HONORING AND REMEMBERING DONNA BAKER CLERK TO THE ORANGE COUNTY BOARD OF COMMISSIONERS

WHEREAS, Donna Baker, Clerk to the Orange County Board of Commissioners, passed away unexpectedly at her home in Orange County on July 31, 2020; and

WHEREAS, Donna Baker was appointed Clerk to the Board in June 2002 and served as Clerk for over 18 years; and

WHEREAS, after graduating from Clemson University with Honors in 1978, Ms. Baker built a lifelong career of community service from her early work with parents and children in need at The Ronald McDonald House of Chapel Hill, to positions with Georgetown, SC County Government, and to Clerk to the Orange County Board of Commissioners; and

WHEREAS, Donna was blessed with and continually expressed love and support for her two children – Jeremy and CeCe; and

WHEREAS, Donna loved Orange County and at the same time claimed a lifetime fondness for Pawley's Island, South Carolina where she spent many years and vacations on the beach enjoying the beautiful sunshine and relaxation of the South Carolina sea, sound, and surf; and

WHEREAS, Donna served the residents of Orange County and a total of 18 different members of the Board of Commissioners as a dependable, smart, dedicated, steadfast, and calming spirit; and

WHEREAS, former County Commissioner Moses Carey commented, "She was so good to all of us. She treated County residents with special warmth when they came to her for help. She was a real friend and dedicated public servant, especially to the Board of Orange County Commissioners;" and

WHEREAS, former County Commissioner and North Carolina State Senator Valerie Foushee shared, "I knew Donna for 40 years, and she remained the same person for that entire period of time: bright, respectful and caring. She was the most trusted, respected county employee during my time as a commissioner, and I suspect to the end. She made every commissioner feel like he/she was her favorite. That's a gift;"

NOW, THEREFORE, BE IT RESOLVED that we, the Orange County Board of Commissioners, on behalf of County residents, officials and employees, honor and remember Donna Baker for her spirit, her energy and her innumerable contributions to Orange County and beyond; and

BE IT FURTHER RESOLVED that the Board extends its condolences to Jeremy, CeCe, and all of Donna's family and friends; and

BE IT FURTHER RESOLVED that the Orange County Board of County Commissioners expresses its sincerest appreciation and commends Donna Baker for her lifetime of service.

This the 1st day of September, 2020.

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Penny Rich, Chair
Orange County Board of Commissioners

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** September 1, 2020

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

**SUBJECT:** Resolution of Recognition for Judicial District 15-B Chief District Court Judge Joseph Moody Buckner Upon His Retirement

**DEPARTMENT:** Board of Commissioners, Criminal Justice Resource

| **ATTACHMENT(S):** | **INFORMATION CONTACT:** |
|---|---|
| Resolution | David Hunt, 919-245-2126<br>Cait Fenhagen, 919-245-2303 |

**PURPOSE:** To approve a resolution recognizing Judicial District 15-B Chief District Court Judge Joseph Moody Buckner upon his retirement.

**BACKGROUND:** Judge Joseph M. Buckner was elected as a district court judge in 1994 and was re-elected by the residents of Orange and Chatham counties six more times after his initial election. In 1996, the Chief Justice of the North Carolina Supreme Court appointed Judge Buckner as the Chief District Court Judge in Orange and Chatham counties and he has served in that capacity since that time.

Judge Buckner also previously served as President of the N.C. Conference of District Court Judges and Chief District Court Judges as well as serving as a member of the N.C. Governor's Crime Commission and the Commission on Juvenile Crime.

Judge Buckner has served the residents of Orange and Chatham County tirelessly and with distinction for close to 30 years as a district court judge, and announced over the summer his retirement. The attached resolution was presented by BOCC Chair Penny Rich at Judge Buckner's retirement event in late July 2020, and staff requests that the Board formally adopt the resolution recognizing Judge Buckner for his service.

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

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

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

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

# ORANGE COUNTY BOARD OF COMMISSIONERS

## RESOLUTION OF RECOGNITION FOR JUDICIAL DISTRICT 15-B CHIEF DISTRICT COURT JUDGE JOSEPH MOODY BUCKNER UPON HIS RETIREMENT

WHEREAS, Judge Joseph M. Buckner has served as the Chief District Court Judge in Orange and Chatham counties since 1996, when he was appointed by the Chief Justice of the North Carolina Supreme Court; and

WHEREAS, Judge Buckner has served as a district court judge since his election in 1994 and has been re-elected by the residents of Orange and Chatham counties six more times; and

WHERAS, Judge Buckner previously served as the President of the N.C. Conference of District Court Judges and Chief District Court Judges as well serving as a member of the N.C. Governor's Crime Commission and the Commission on Juvenile Crime; and

WHEREAS, Judge Buckner supervises the administration of more than 50,000 cases per year, in addition to supervising the magistrates and the trial and judicial assignments for all the court sessions; and

WHEREAS, Judge Buckner oversees the Clerk of Superior Court in the discharge of duties, administers the drawing of jury panels, the setting of specialized court sessions including criminal dockets, domestic issues, traffic, family violence, child support, mental health and substance use commitments, juvenile delinquency, child abuse and neglect and felony pleas; and

WHEREAS, Judge Buckner has been a champion for individuals with mental health and substance use disorders in our community, and started North Carolina's first mental health diversion court (Community Resource Court) over twenty years ago, with CRC remaining a model for the state; and

WHEREAS, Judge Buckner started and has strongly supported the District's first drug treatment courts: Recovery Court and Family Treatment Court; and

WHEREAS, Judge Buckner created and sought funding for a Juvenile Court School Liaison position that operates to ensure communication and services by the school system for justice-involved youth; and

WHEREAS, Judge Buckner started weekly Child Planning Conferences for children and families involved in abuse and neglect cases, which has improved outcomes by providing early interventions; and

WHEREAS, Judge Buckner has initiated countless improvements, innovations and reorganizations in the court system that have resulted in an increase in efficiency and just resolutions; and

WHEREAS, in 2004, Judge Buckner commissioned a set of historical murals by Michael Brown that grace the main courtroom in the Orange County Courthouse showcasing Orange County history and informing and delighting visitors and court attendees; and

WHEREAS, Judge Buckner has served the residents of Orange and Chatham County tirelessly and with distinction for close to 30 years as a district court judge, and his compassion and experience have touched the lives of so many individuals that have appeared before him and he has influenced and trained numerous people that work beside him in the justice system;

NOW THEREFORE BE IT RESOLVED that the Orange County Board of Commissioners expresses its congratulations upon Judge Buckner's retirement and extends its deepest appreciation, gratitude and respect for his leadership and service throughout the court system for the residents of Orange County.

This the 1st day of September 2020.

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Penny Rich, Chair
Orange County Board of Commissioners

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** September 1, 2020

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

**SUBJECT:** Proclamation Recognizing the Services and Contributions of Retiring Major David Lewis Caldwell, Jr.

**DEPARTMENT:** Board of Commissioners

| **ATTACHMENT(S):** | **INFORMATION CONTACT:** |
|---|---|
| Proclamation | David Hunt, 919-245-2126 |

**PURPOSE:** To consider a proclamation recognizing Retiring Major David Lewis Caldwell, Jr. for his services to Orange County.

**BACKGROUND:** David Caldwell has been a lifelong resident of Orange County, a champion for environmental justice, a career member of the Orange County Sheriff's Office and a respected leader throughout the Orange County community.

David Caldwell was one of the founding members and served on the Rogers-Eubanks Neighborhood Association (RENA) as a Project Director.

David Caldwell retired from the Orange County Sheriff's Office, for a second time, in 2020 as a Major of Support Services and Community Outreach.

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

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

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

**RECOMMENDATION(S):** The Manager recommends that the Board approve the Proclamation Recognizing the Services and Contributions of Retiring Major David Lewis Caldwell, Jr., authorize the transfer to Major Caldwell of his service side-arm, and authorize the Chair to sign the Proclamation.

## PROCLAMATION RECOGNIZING THE SERVICES AND CONTRIBUTIONS OF RETIRING MAJOR DAVID LEWIS CALDWELL, JR. OF THE ORANGE COUNTY SHERIFF'S OFFICE

**WHEREAS**, Major David Lewis Caldwell, Jr. is retiring from the Orange County Sheriff's Office; and

**WHEREAS**, David Caldwell grew up in the Rogers Road area on the outskirts of Chapel Hill; and

**WHEREAS**, after graduating from Chapel Hill High School, Major Caldwell graduated from North Carolina Central University on a basketball scholarship with a degree in Recreation Administration; and

**WHEREAS**, Major Caldwell proudly served the United States Army as a Military Police Officer, a Town of Carrboro as a Police Officer, and the residents of Orange County as a deputy sheriff for a combined 40 years; and

**WHEREAS**, in 2008, David Caldwell retired the Orange County Sheriff's Office and worked with Orange County Government supporting community centers focusing on minority and rural outreach; and

**WHEREAS**, David returned to work for the Orange County Sheriff in 2016 as a Major in Support Services, Community Outreach, retiring again in 2020; and

**WHEREAS**, in carrying out his law enforcement duties, Major Caldwell jeopardized his own safety and well-being to protect the lives and property of others and represents the finest example of dedication to public service; and

**WHEREAS**, Major Caldwell has, in his personal capacity, served as a leader in his community fighting for the rights of those not in a position to fight for themselves; and

**WHEREAS**, David Caldwell was one of the founding members and served with the Rogers-Eubanks Neighborhood Association (RENA) as a Project Director; and

**WHEREAS**, Major Caldwell has served as a mentor to the youth of the community by giving of his time and money to develop and foster youth athletic, academic, and afterschool programs to enhance their opportunities in life; and

**WHEREAS**, Major Caldwell has worked tirelessly in partnership with the Orange County Department on Aging, S.A.L.T., and countless other volunteer organizations to make certain the lives of the senior population of Orange County were afforded the opportunity to age in place with dignity, respect, and care; and

**WHEREAS**, David Caldwell has been a lifelong resident of Orange County, a champion for environmental justice, a career member of the Orange County Sheriff's Office and a respected leader throughout the Orange County community;

**NOW, THEREFORE**, we, the Orange County Board of Commissioners, do hereby recognize the contributions of Major David Lewis Caldwell, Jr. for his unwavering service to the people of Orange County, and express our heartfelt appreciation and gratitude for his numerous and invaluable contributions to the improvement and well-being of the Orange County community.

**FURTHERMORE**, the Orange County Board of Commissioners determines Major David Lewis Caldwell, Jr. is authorized to possess, and presents him with, the side-arm he carried while serving as a member of the Orange County Sheriff's Office.

**AND FURTHERMORE**, the Board profoundly thanks Major David Lewis Caldwell, Jr. for his uncompromising commitment, dedication, and distinguished service to humanity and to the residents of Orange County and wishes him a most enjoyable new journey in the next chapter of his life.

This 1st day of September, 2020.

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Penny Rich, Chair
Orange County Board of Commissioners

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** September 1, 2020

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

**SUBJECT:** Resolution Celebrating the 55th Anniversary of the Voting Rights Act of 1965

**DEPARTMENT:** Human Rights and Relations

| **ATTACHMENT(S):** | **INFORMATION CONTACT:** |
|---|---|
| Resolution | Commissioner Renee Price, (919) 245-2126<br>Annette M. Moore, (919) 245-2317 |

**PURPOSE:** To approve a resolution celebrating the 55th Anniversary of the passage of the Voting Rights Act of 1965, which occurred on August 6, 1965.

**BACKGROUND:** On August 6, 1965, President Lyndon Johnson signed the Voters Rights Act of 1965, considered the most crucial piece of legislation of the Civil Rights movement. A bi-partisan Congress has strengthened the Act by amending and reauthorizing the provisions of the Voting Rights Act five-time throughout the years.

Congress enacted the Voting Rights Act to guarantee rights granted under the 14th and 15th Amendments of the United States Constitution so that no one, including state, federal, or local government, could stop citizens from registering to vote or voting because of their race or ethnicity. The Voting Rights Act contains numerous provisions for regulating elections laws. Regulations in the Act a) prohibited tests and other devices that were used to keep people from voting; b) prohibitions against voting laws that would discriminate against a racial or ethnical minority; and c) included a preclearance requirement that prevented specific jurisdictions from making changes to their voting laws without prior approval from the U.S Attorney General of the U.S. District Court for the District of Columbia. There is also a provision specifically for ensuring that jurisdictions having significant language minority population provide language access services including providing bilingual ballots and other election materials.

In 2013, the United States Supreme Court in Shelby County v. Holder struck down Section 4 of the Voting Rights Act of 1965, which contained the formula used to identify the state and local governments that have to comply with the preclearance requirements. The Supreme Court, while striking down the formula, left the preclearance requirement provision intact. Therefore, none of the jurisdictions covered by the formula has to comply unless Congress enacts a new formula to determine whom it covers.

The United States Department of Justice's data indicates that from 1982 to 2006, 750 Section 5 preclearance objections blocked approximately 2,400 discriminatory voting changes. Over half

blocked more than 400 cases with specific evidence of intentional discrimination. Section 5 also deterred more than 205 voting changes were withdrawn after the Department of Justice requested additional information. The Department of Justice brought 650 successful lawsuits under Section 2 of the Voting Right Act in covered jurisdictions.

Since *Shelby v. Holder*, many states have adopted restrictive voting laws that impact communities of color. These restrictions such as strict photo ID requirements, limitation on who can provide assistance in polling places, the curbing on early voting days, and closing of polling places has had the effect of suppressing the votes of people of color. Other measures include purging of voter rolls and drawing election districts to dilute the power of and influence of people of color.

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

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

- **GOAL: ENABLE FULL CIVIC PARTICIPATION**
  Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

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

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

# ORANGE COUNTY BOARD OF COMMISSIONERS

## RESOLUTION
## Celebrating the 55th Anniversary of the Voting Rights Act

**WHEREAS**, on February 26, 1869, the United States Congress passed the Fifteenth Amendment to the United States Constitution and subsequently ratified the Amendment on February 3, 1870, to grant African American men the right to vote; and

**WHEREAS,** African American males exercised the franchise and held political offices in many states, particularly Southern states, throughout the 1880s; and

**WHEREAS**, in the 1890s, literacy tests, grandfather clauses and other devices to disenfranchise African American men were written into the constitutions of former Confederate states; and

**WHEREAS**, with the passage of the Nineteenth Amendment, African American women were granted the right to vote along with white women; and

**WHEREAS**, African Americans who attempted to register to vote experienced harassment, intimidation, economic reprisals, physical violence and murder, including by lynching; and

**WHEREAS**, African American men and women nevertheless sought to secure their right to vote through such organizations as the National Association for the Advancement of Colored People and the National Urban League, as well as through the efforts of people such as A. Philip Randolph, W. E. B. Dubois, Booker T. Washington, Fannie Lou Hamer, Ella Baker and Septima Clark; and

**WHEREAS**, in the 196os, the widely broadcast irreprehensible violence against demonstrators brought heightened attention to the issue of voting rights – including the murders of Chaney, Goodman and Schwerner on June 21, 1964, and the attack on March 7, 1965, known as Bloody Sunday; and

**WHEREAS**, on August 6, 1965, President Lyndon B. Johnson signed the Voting Rights Act, an "act to enforce the fifteenth amendment to the Constitution," ninety-five years after it had been ratified; and

**WHEREAS**, the Voting Rights Act outlawed literacy tests and provided for the appointment of federal examiners with the power to register qualified citizens to vote in those jurisdictions covered according to a formula provided by the statute; and

**WHEREAS**, Section 5 of the Act required covered jurisdictions to obtain preclearance from the District Court for the District of Columbia or the United States Attorney General for any new voting procedures and practices; and

**WHEREAS**, Section 2 of the Act, closely following the language of the 15th Amendment, applied a nationwide prohibition on the denial or abridgement of the right to vote on account of race or color; and

**WHEREAS**, by the end of 1965, a quarter of a million African Americans had registered as new voters, and by the end of 1966, four of the thirteen southern states had less than fifty percent of African Americans registered to vote; and

**WHEREAS**, the Voting Rights Act of 1965 was extended in 1970, 1975 1982, and 2006, and efforts currently are underway to restore certain provisions of the Voting Rights Act;

**NOW, THERFORE, BE IT RESOLVED**, that the Orange County Board of Commissioners does hereby support the passage of the John R. Lewis Voting Rights Act of 2020 and hereby direct the Chair to have sent a copy of this Resolution and a letter to both North Carolina United States Senators encouraging them to support the passage of the John R. Lewis Voting Rights Act Of 2020; and

**BE IT FURTHER RESOLVED**, that the Orange County Board of Commissioners, on behalf of the people of Orange County, does hereby commemorate the fifty-fifth anniversary of the signing of the Voting Rights Act of 1965, and in so doing, acknowledge the sacrifices made in order to establish and maintain full and equal rights for all citizens of the United States.

This the 1st day of September, 2020.

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Penny Rich, Chair
Orange County Board of Commissioners

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** September 1, 2020

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

**SUBJECT:** Orange County Preparedness Month Proclamation

**DEPARTMENT:** Emergency Services

| **ATTACHMENT(S):** | **INFORMATION CONTACT:** |
|---|---|
| Proclamation | Kirby Saunders, 919-245-6100 |

**PURPOSE:** To consider a proclamation declaring September 2020 as "Orange County Preparedness Month".

**BACKGROUND:** National Preparedness Month is recognized each September to promote family and community disaster planning now and throughout the year. The theme of this year's National Preparedness Month is "Disasters Don't Wait. Make your plan today."

North Carolina has experienced an unusually high volume of disasters this year, to include the ongoing Coronavirus pandemic, tornadoes, earthquakes, and hurricanes. To date, Orange County has experienced over 30 watches and warnings issued by the National Weather Service for severe weather, flooding, and tornadic activity. The Orange County Emergency Operations Center (EOC) has set records for activation length this year at well over 200 days. The EOC remains activated to respond to the ongoing Coronavirus Pandemic as well as monitor for potential threats from the 2020 hurricane season, which is predicted to be extremely active.

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

**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.

Disaster response and recovery takes the whole community (government, voluntary agencies, businesses, and community members) to be successful. A prepared community starts with individuals and families. People can prepare for disasters by following three steps:

1. Create a kit with at least three days' worth of supplies
2. Make a family disaster plan

3. Stay informed of local threats and hazards.

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

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

# ORANGE COUNTY BOARD OF COMMISSIONERS

# PROCLAMATION

## Orange County Preparedness Month
## September 2020

**WHEREAS**, it is critical for every community, business, family, and individual in Orange County to be prepared for natural and man-made disasters, including tornadoes, flooding, and hurricanes, as well as disease outbreaks like COVID-19; and

**WHEREAS**, Orange County has seen a high activity of severe weather during 2019, with the National Weather Service issuing 23 Severe Thunderstorm Warnings, two Flash Flood Warnings, one Flood Warning, and eight Tornado Warnings; and

**WHEREAS**, Orange County experienced an estimated $2.1 million in estimated damages from severe weather in 2019; and

**WHEREAS**, in 2018, Hurricane Florence brought significant rainfall in September, followed by Tropical Storm Michael in October, and both storms caused widespread power outages and flooding, with Florence resulting in more than $26 million in damages while Michael exceeded $500,000; and

**WHEREAS**, on March 13, 2020, the Chair of the Board of County Commissioners declared a State of Emergency to coordinate the County's response and protective actions to address the COVID-19 public health emergency and provide for the health, safety, and welfare of the Orange County community; and

**WHEREAS**, community members can take a few simple steps – creating an emergency supply kit, making a family disaster plan, and staying informed – to help make preparedness a personal responsibility and improved health a priority in our community; and

**WHEREAS**, Orange County Emergency Services Emergency Management Division, along with emergency managers throughout the nation, have collaborated to recognize September as National Preparedness Month, and encourage Orange County community members to stay informed and prepared;

**NOW, THEREFORE**, we, the Orange County Board of County Commissioners, do hereby declare September 2020 as "Orange County Preparedness Month."

This the 1st Day of September 2020.

_____

Penny Rich, Chair
Orange County Board of Commissioners

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**
**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** September 1, 2020

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

**SUBJECT:** Update on COVID-19 Response and Funding Allocations

**DEPARTMENT:** County Manager

**ATTACHMENT(S):**
1) County Department Operational Status Summary

**INFORMATION CONTACT:**
Travis Myren, 919-245-2308

**PURPOSE:** To receive an update on the County's response to the COVID-19 pandemic with a focus on the use of supplemental State and Federal funding.

**BACKGROUND:** Since March, all County operations have been adjusted in response to the COVID-19 pandemic. County employees have been asked to work from home if possible, and those employees who are reporting to a physical work location are providing services using new protocols and procedures to minimize person to person contact and avoid potential exposure to COVID-19. A summary of the current operational status for each County department is included as Attachment 1.

The Health Department has guided the County's response efforts. At a policy level, the Health Department has provided recommendations on local regulations, general public health protocols, personal protective equipment, and re-opening strategies. At the clinical level, the Health Department has executed communicable disease protocols and case investigations and organized community testing events. The Department has led the County's public information and education campaign by producing daily text messages and social media content, maintaining a Countywide website and dashboard, and issuing weekly newsletters.

The Emergency Services Department has coordinated emergency support functions through the Emergency Operations Center. The Emergency Operations Center (EOC) has been activated on a continuous basis since March 9, 2020. The EOC has responded to over 1,012 resource requests from municipal and community organizations and provided over 121,000 items. Emergency Services has also facilitated daily briefings for key staff members, organized a multi-jurisdictional information sharing meeting, and through the Emergency Support Functions, the Department has supported direct services related to food distribution, community testing, hotel occupancy for the homeless population, and continues to track, report, and request federal reimbursement for related expenses through the Federal Emergency Management Agency (FEMA).

This update focuses on the application of supplemental State and Federal resources designed to respond to the pandemic. These allocations are included in Budget Amendment #1 which is on the consent agenda for the September 1 meeting. This report does not include direct

COVID-19 related expenditures for which reimbursement is expected through the Federal Emergency Management Agency (FEMA).

**CARES Act Funds Allocated by the County**

The County received two funding allocations through the Corona Virus Aid, Relief, and Economic Security Act or CARES Act. CARES Act funds were distributed to counties based on population. CARES Act funding must be used to fund expenses directly related to the County's response to the pandemic. These funds cannot be used to supplant currently budgeted expenses or to replace revenues such as sales tax or occupancy tax that have suffered as a result of the pandemic. The CARES Act funds must be used by December 31, 2020, or they will be reverted to the State.

Orange County's allocation in each round of funding was $2,665,753 and $2,881,614 for a total of $5,547,367. Of that total amount, the County retained $3.2 million while $2.3 million was distributed to Chapel Hill, Carrboro, Hillsborough, and Mebane based on a per capita allocation.

For the first round of funding, the Towns submitted requests for the use of funds to the County. In general, approximately $400,000 was used for emergency housing assistance, $600,000 was allocated to personal protective equipment, $500,000 was allocated to personnel expenses, and the remaining amount for technology to support remote working and economic support to local businesses. For the second round of funding, municipalities are required to report their use of funds to the County by the end of August.

The County has used its $3.2 million CARES funding allocation to support a range of expenses directly related to response efforts. The following table details how the funds were allocated to various expenditure categories.

| | CARES Round 1 | CARES Round 2 | Total |
|---|---|---|---|
| Building Modifications, Sanitization, and Signage | $ 580,000 | | $ 580,000 |
| Technology to Support Remote Work | $ 186,602 | $ 316,541 | $ 503,143 |
| Court Navigator - 6 months | $ 31,457 | | $ 31,457 |
| Food Acquisition and Distribution | $ 56,000 | $ 50,000 | $ 106,000 |
| Reemployment Services | $ 25,000 | $ 25,000 | $ 50,000 |
| Child Care & Support Services | | $ 75,000 | $ 75,000 |
| Landlord Incentives | $ 50,000 | | $ 50,000 |
| Emergency Housing Assistance - Eviction Prevention | $ 188,736 | $ 965,000 | $ 1,153,736 |
| Emergency Housing Assistance - Foreclosure Prevention | $ 100,000 | | $ 100,000 |
| Legal Counsel for Eviction Prevention; Translation | $ 57,590 | $ 58,000 | $ 115,590 |
| Reimbursement for Employee COVID Leave | $ 104,251 | $ 131,795 | $ 236,046 |
| Visitors Bureau Advertising | $ 25,000 | $ 50,000 | $ 75,000 |
| Revaluation Staffing Supplement | $ 40,000 | | $ 40,000 |
| Long Term Recovery Coordinator | $ 101,500 | | $ 101,500 |
| County Allocation TOTAL | **$ 1,546,136** | **$ 1,671,336** | **$ 3,217,472** |

- Approximately $1.4 million or 42% of the County's total CARES Act allocation is dedicated to support housing needs and prevent evictions and foreclosures.
- Another $1.2 million or 36% is being used to protect employees and facilitate remote work.
- The remaining funds are allocated to other services directly impacted by the pandemic including:
    - Assisting residents who must navigate the Courthouse under new safety protocols and access community services differently,
    - Acquiring and distributing food, including locally raised dairy and produce products,
    - Supporting childcare and reemployment services,
    - Reimbursing the County for employee leave time taken by employees who are required to isolate or quarantine,
    - Reimagining and producing tourism and marketing materials in response to changing travel restrictions and preferences,
    - Supplementing the revaluation effort that was delayed during stay at home orders, and
    - Funding consulting services to plan for the County's long term recovery and resiliency.

**COVID-19 Related Funds Awarded to Specific Programs**

In addition to the CARES Act funding directed to the County for local distribution decisions, other CARES Act or Corona Virus related funding has been directed to specific County functions:

- The Department on Aging received an additional $200,000 from the Area Agency on Aging for food distribution programs.
- The Board of Elections received $153,766 to prepare for and respond to impact of COVID-19 on the 2020 election cycle. These efforts include cleaning and sanitizing polling places and supporting an anticipated increase in mail-in ballots.
- The Partnership to End Homelessness was awarded a COVID-19 Emergency Solutions Grant to hire a 1.0 FTE Rapid Rehousing Case Manager to expedite permanent housing solutions for residents who are homeless or in danger of becoming homeless. The grant runs through June 30, 2022.
- The Partnership to End Homelessness and the Criminal Justice Resource Department were awarded an additional COVID related Emergency Solutions Grant to implement a Harm Reduction and Street Outreach program. These funds will support a 1.0 FTE Harm Reduction Clinical Coordinator and 2.0 FTE Peer Specialists. These positions are designed to serve individuals in the community who are experiencing homelessness and/or behavioral health issues. The program is intended to increase access to housing, provide consistent case management, address individual clinical needs, increase deflection from the criminal justice system, and facilitate the transition into housing and

community-based treatment programs. This grant runs through June 30, 2022 and fills a long standing gap in the homeless service system.

- The Department of Social Services received supplemental funding to support staffing needs in child and adult protective services. This $66,787 award adds 3.0 FTE for six months ending on December 31, 2020.
- The Health Department has received a total of $298,647 to hire additional case investigators, COVID-19 testing technicians, and a temporary data analyst to monitor, analyze, and report on COVID-19 statistics and trends.

**County Economic Development Funds**

Finally, the County has consolidated and reallocated small business funds to create an Emergency Small Business Loan and Grant Program. This program has opened for two rounds of applications and has awarded a total of $135,000 in loans and $385,000 in grants to 78 small businesses located in Orange County. The program has a balance of $329,583.

Budget Amendment #1 proposes to reallocate $50,000 of that balance to the Arts Commission to fund a supplemental grant program for arts organizations. The County and its community and municipal partners are also conducting an economic impact assessment and will use the results of that survey to recommend further distribution of funds consistent with the needs expressed in the survey. Survey results will be available in early September.

**Long Term Recovery Planning**

Although the response effort to COVID-19 is ongoing, the County and its municipal partners have allocated a total of $175,000 to retain a consultant to support long term recovery planning. As part of the effort, the County has organized over 150 community organizations and representatives to help create recommendations that will promote an expeditious and long term recovery and improve resiliency. These organizations are organized into seven Recovery Support Functions focused on the local economy, the health system, human services, housing, natural and cultural resources, community planning, and public information. With the assistance of the consulting group, these support functions are being asked to characterize and quantify the impact of the pandemic, create a framework for building recovery strategies and priorities using a social justice and racial equity perspective, and develop strategies for consideration by local governing boards for consideration and implementation.

The Recovery Support Functions had an initial orientation and convening over the summer. These groups are now meeting individually. An economic impact assessment survey has been distributed to the business community. This survey is open until the end of August. A public values survey is currently under development and will be distributed in early September that will offer additional community context for the work of the Recovery Support Functions. The first work product, an initial COVID-19 Impact Assessment is due in the coming weeks. Final work products, including recommendations, will be presented to local governing boards in early 2021.

**FINANCIAL IMPACT:** The County has received a total of $6.4 million in COVID-19 related funding as of the end of August.

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

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

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

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
  The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.
- **GOAL: CREATE A SAFE COMMUNITY**
  The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.
- **GOAL: ENABLE FULL CIVIC PARTICIPATION**
  Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

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

- **ENERGY EFFICIENCY AND WASTE REDUCTION**
  Initiate policies and programs that: 1) conserve energy; 2) reduce resource consumption; 3) increase the use of recycled and renewable resources; and 4) minimize waste stream impacts on the environment.
- **CLEAN OR AVOIDED TRANSPORTATION**
  Implement programs that monitor and improve local and regional air quality by: 1) promoting public transportation options; 2) decreasing dependence on single-occupancy vehicles, and 3) otherwise minimizing the need for travel.

**RECOMMENDATION(S):** The Manager recommends that the Board receive the update on the application of COVID-19 related funding.

Attachment 1

# County Department Operational Status
# August 26, 2020

**Aging**

On-site activities at both Orange County senior centers have not reopened. In the meantime, please see our **New or Modified Programs, Services and Resources** for older adults during the COVID-19 crisis and beyond **here**.

**Lunches** are distributed curbside 3-times a week. A hot meal and a boxed lunch are distributed on Mondays, Wednesdays and Fridays, ensuring that our registered lunch participants receive 6 meals weekly. At this time we are only accepting new applications for those county residents age 60 and over and who can pick up a meal at the Seymour Center in Chapel Hill or Passmore Center in Hillsborough. Those in group quarters will only be considered if they can identify someone to come and pick up their meal**.** Email Isabel Jackson or call 919-245-4256 to register for the **lunch program**.

Download a paper copy of our monthly **Virtual Activity Calendar** including all of our videos, live classes and online programs.

**Register for classes** online. Choose display option "Detail" and search by title, activity code and more to find and register for you class or event. Visit our **Senior Center Programs**, **Caregiver Support Services** and **Volunteer Connect** pages for more information and details.

**Animal Services**

The Animal Shelter is closed to the public but most services are available via appointments. Call 919-942-7387, and follow the prompts that best fit your needs. Please note the following changes:

- In shelter operations, Meet and Greets with pets are virtual and will be available by appointment. More details at: https://www.orangecountync.gov/287/Available-Pets.
- **Owner surrenders or bringing stray animals to shelter**: We are currently asking that public delay surrenders if at all possible. Please call to make an appointment for bringing any animal to the shelter: 919-942-7387, option 2. After-hours night drop is open and being checked daily.
- **Reporting lost & found pets**: Visit https://www.orangecountync.gov/295/Lost-Found or call 919-942-7387, option 2, if you need help filing a report.
- **Licensing**: Visit https://www.orangecountync.gov/343/Licensing for details and instructions.
- **Donations**: Visit https://www.orangecountync.gov/364/Donations for details and instructions.

**Child Support Services**
Staff will be available by phone (919-245-2175) or email. The State's automated system can be reached at 800-992-9457. Additionally, the echildsupport portal (https://www.ncchildsupport.com/ecoa/) can be used for the following:

- Apply Online for Child Support Services
- Case Information
- Payment Information
- Pay Child Support

**Criminal Justice Resources Department**

- The CJRD in the Courthouse is open and accessible for clients and stakeholders. The Director Caitlin Fenhagen is in the office daily and can be reached at 919-245-2303.
- Referral forms and information available on the CJRD website: www.orangecountync.gov/432/Criminal-Justice-Resource-Department
- Pretrial Services – Will continue to complete intakes at Jail and provide recommendations for release for stakeholders for daily first appearances or bond motions. Call Ted Dorsi (919-245-2970) or Cait Fenhagen (919-245-2303) or cell (919-423-4272).
- Treatment Courts – Court sessions are being held virtually. Coordinator and Case Manager still working with participants and ensuring support and accountability. Call Sean O'Hare (919-886-8855) or Shana Harper (919-245-2305).
- Adult and Youth Behavioral Health Services – Allison Zirkel (919-245-2304) and Nancy Lappenbusch (919-245-2311) will continue to coordinate mental health and substance use services and referrals for in-custody population primarily and will continue to provide case management and therapeutic support for court-involved individuals who have been released. Allison is working primarily from the CJRD office in the Courthouse. Nancy will work remotely and only in court, office or Jail as needed.
- Pre-Arrest Diversion – Desmond Frierson (919-245-2312) will be working remotely and at the Courthouse and is accepting referrals, completing intakes and providing case management.
- Local Reentry Council – Our Coordinator and Case Manager are working in the office and remotely and are still accepting referrals and supporting and providing case management and resources for LRC clients. Keith Patterson (919-245-2064) or Tiffany Bullard (984-439-5998).
- Restoration Legal Counsel – Attorney Emma Ferriola-Bruckenstein (919-451-0281) is working in the Courthouse and remotely and is accepting referrals, completing intakes and preparing motions and orders.
- Courthouse Navigator – Social Worker Katie Corely (919-695-5442) is working in the Courthouse daily to assist with navigation and resource needs for individuals attending court under new COVID conditions.

**DEAPR**

- All Orange County parks are open, except for Soccer.com.
- Facility rentals are not being taken through Sept. 11 and until the state moves into Phase 3 of the reopening.
- Environment and Agricultural Center staff is available by phone (919-245-2510) or email.
- Central Recreation Center recreation staff are available by phone (919-245-2660) or email.
- Registration for virtual fall recreation programs is available by phone (919-245-2660) or online: https://server4.orangecountync.gov/wbwsc/Webtrac.wsc/search.html?module=AR

**DSS**

Applications for Medicaid and Food and Nutrition Services can be completed online at epass.nc.gov/CitizenPortal/application.do
For assistance with completing applications for DSS programs, call 919-245-2800. Orange Works employment center is accepting appointments only. Please call 919-245-2800 and ask for employment services.

**Economic Development**

Orange County Economic Development staff is available by phone and e-mail to assist with all economic development inquiries. Call (919) 245-2325 to leave a message, or send an e-mail to edcmail@orangecountync.gov with questions. The department's main web site is www.growinorangenc.com and information about the County's Agriculture Economic Development Grant Program and the Small Business Investment Grant Program, to include all applications and guidelines, can be found at

**Elections**

The Orange County Board of Elections will resume in-person services offered to the public on Aug 31. Staff continues to work and can be reached by telephone at 919-245-2350 and email at vote@orangecountync.gov, Monday through Friday, 8 a.m. – 5 p.m.
The public is encouraged to utilize our website to access voter registration forms and information at https://www.orangecountync.gov/1102/Voter-Registration and absentee ballot request information and forms at https://www.orangecountync.gov/1104/Absentee-Voting-By-Mail. These forms can be mailed to PO Box 220, Hillsborough, 27278 or dropped off at our office at 208 S. Cameron St, Hillsborough, 27278. Our foyer is open during business hours and forms may be obtained and/or placed in a secure drop box.

**Erosion Control/Stormwater Functions & Services**

Staff will primarily work in the field with social distancing protocol. They may stop in the office if non-digital plans are not available. The division will be closed to walk in traffic. If a meeting or a question is requested or posed, please email or call.

- Plan Review: By electronic submittal at our drop off site (131 West Margaret Lane, Hillsborough West Campus Office Building 1st floor lobby)

- Check Submittal: Secure Drop Box; Same location as above. Provide email so a scanned receipt can be sent via email. If personal and physical receipt is necessary, please make an appointment.
- Permits: After plan review is complete, permit acknowledgement will be received via email and permit received at Preconstruction meeting.
- Preconstruction Meeting: The Preconstruction Meeting will be held in the field employing social distancing precautions.
- Inspections: Inspections will be conducted as needed. Instructions regarding field conditions or activities will be sent via email, as well as, any required reports from 3rd party inspectors.
- Communications: Please use the numbers or emails listed below.

Office Numbers

- Main number: 919-245-2575
- Steve Kaltenbach skaltenbach@orangecountync.gov: 919-245-2588*
- Kenny Owens kowens@orangecountync.gov: 919-245-2584*
- Nathan Jacobsen njacobsen@orangecountync.gov: 919-245-2580*
- Craig Benedict cbenedict@orangecountync.gov: 919-245-2592

*These numbers will be forwarded to their mobile numbers.

**Health**

In order to protect everyone's health during the COVID-19 pandemic, Orange County Health Department is no longer accepting walk-in appointments. However we are offering telehealth appointments to meet your immediate medical needs. If you need medical attention please call 919-245-2400 to schedule a telehealth appointment. Please do not walk into the clinic to request an appointment. If you are having a medical emergency, as always, call 911.

Below are the hours for the Health Clinic at Whitted Human Services Center in Hillsborough.

- Mondays: 8 a.m. - 5 p.m. telehealth and by appointment only
- Tuesdays: 9:30 a.m. - 6:30 p.m. telehealth and by appointment only
- Wednesdays: 10 a.m. - 5 p.m. telehealth and by appointment only
- Thursday: 8:00 a.m. - 5 p.m. telehealth and by appointment only
- Friday: 8 a.m. -Noon telehealth and by appointment only

Below are the hours for the health clinic at Southern Human Services Building in Chapel Hill:

- Mondays: 8 a.m. - 5 p.m. by appointment only
- Tuesdays: 8 a.m. - 5 p.m. telehealth by appointment only
- Wednesdays: 10 a.m. - 5 p.m. by appointment only
- Thursday: 9:30 a.m. – 6:30 p.m. by appointment only
- Friday: 8 a.m. - Noon telehealth by appointment only

**Dental Clinic at Whitted Human Services Center in Hillsborough**

The Orange County Health Department Dental Clinic is open for emergency appointments only. Due to current restrictions on patient and staff numbers, we are unable to accept walk-in appointments. Please call to schedule an appointment if you are having a dental emergency. Phones are checked every day and your call will be returned within 24 hours.

We have new protocols in place to ensure the safety of our patients and our staff, but unfortunately we are unable to do many procedures at this time due to a low number of masks, gowns and other protective measures. Please bear with us as we work to get our clinic back to normal operations. The health of our patients and staff is our number one priority and we look forward to reopening for all services as soon as we can.

**Orange County Environmental Health**
Open Monday-Friday 8 a.m. - 5 p.m. and closed for lunch from 1-2 p.m. A face covering is required for in-person business in the lobby of the West Campus Office Building. Visitors and community clients may contact Environmental Health during business hours at 919-245-2360. Applications may be submitted in person, by mail, or by email. Payment is accepted as cash, check, or card in person; as check by mail; and with card by phone. Phone and email transactions are preferred.

A list of contacts and access to the customer service portal (NCPIP) are available at www.orangecountync.gov/641.
For free cessation services and nicotine replacement therapy; call the SmokeFreeOC line at 919-245-2480 or email smokefreeoc@orangecountync.gov

**Housing and Community Development**
All Housing & Community Development programs will remain available via phone and Internet. Socially distanced in-person appointments will be scheduled if required.

- **Phone:** 919-245-2490
- **Fax:** 919-644-3056
- A complete list of updates and changes to protocols is on our webpage: http://orangecountync.gov/2331/COVID-19-UPDATES

**Human Resources**
Please call our main number at 919-245-2550 for information before visiting the office. Limited services are available.

**Human Rights and Relations**
If you experience discrimination in housing because of the COVID-19 pandemic or for other reason, please contact the Orange County Department of Human Rights and Relations at:

- Telephone: (919) 245-2487
- Email: Human_Relations@orangecountync.gov
- Website: orangecountync.gov/humanrights
- TTY: 711

**Inspections**

- **Office Hours:** The office is closed to the general public. Staff will be primarily working at home and in the field from 8 a.m. to 5 p.m. If making your permit payments call (919) 245-2600 to pay with credit card.
- **Meetings**: Meeting are avoided. Correspondence and communication will be occurring by phone or email.
- **Plan Review:** Residential reviews are performed electronically by reviewer working from home. Commercial projects are reviewed in office by Chief Building Official, one physical set of plan documents are needed for review.
- **Fee Payment**: Payment by credit card will be processed by phone only. Cash payments cannot be accepted at this time, Checks are discouraged, please make all payments by credit card.
- **Check Submittal**: Payment of cash, credit card and checks are processed in office. Customers are encouraged to pay by credit card over the phone. In person payments are to be scheduled.
- **Permits**: Submission and processing of permit documents are through electronic and remote means. Submission of large format plan documents are to be coordinated with plans examiner or property development specialist.
- **Preconstruction Meeting**: Not being scheduled until after this crisis abates.
- **Inspections**: Request for inspections are taken with call to: (919) 245-2600. **Please identify when scheduling if inspection is to be performed in an occupied building.** Inspectors are working remotely from home and vehicles. All inspections are scheduled for the next business day. Coordinate any specific inspection need with the inspector himself.

Statutorily required

- General Statute 143-139 mandates code enforcement inspections be performed within 2 business days of being requested.
- General Statute 153A-357(a1) requires Residential plans to be initially reviewed within 15 days of submission

**Communications**
Please use the numbers or emails listed below.ralcorn@orangecountync.gov
*These numbers are forwarded to their mobile numbers.
**These emails receive application and document submissions

- Robert Alcorn* (245-2617) ralcorn@orangecountync.gov
- Christopher Wiggins* (245-2620) cwiggins@orangecountync.gov
- Gregg Lassiter* (245-2615) dlassiter@orangecountync.gov
- Jennifer Geda** (245-2607) jgeda@orangecountync.gov
- Keith Barnhouse* (245-2605) rbarnhouse@orangecountync.gov
- Jocelyn (Josh) Gentry** (245-2612) jgentry@orangecountync.gov

- Elijah Lawrence* (245-2610) elawrence@orangecountync.gov
- Linda Pulley** (245-2601) ocinspect@orangecountync.gov
- Mark Dunlap* (245-2602) mdunlap@orangecountync.gov
- Maria Hernandez** (245-2619) mahernandez@orangecountync.gov
- Michael Rettie* (245-2604) mrettie@orangecountync.gov
- Romina Khandani** (245-2616) rkhandani@orangecountync.gov
- Nicholas Perry* (245-2622) nperry@orangecountync.gov
- Jeanneane Norwood** (245-2600) ocinspect@orangecountync.gov
- Greg Byrd* (245-2483) gbyrd@orangecountync.gov

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**Libraries**
The libraries remain closed to the public, but all branches are offering curbside services. Contact the library branch to learn more about available services or to arrange a dropoff or pickup.

**Main Library - 919.245.2525**
Monday-Thursday, 10 a.m.-6 p.m., Friday-Saturday, 10 a.m.-5 p.m.

**Carrboro Branch Library - 919.969.3006**
Tuesday and Thursday, 4-8 p.m., Sunday 1-5 p.m.

**Cybrary - 919.918.7387**
Monday and Friday, Noon-4:30 p.m., Wednesday, 9:30 a.m.-2 p.m.

In addition to curbside service, the following services are available:

- **Library Card:** Call 919.245.2525, Monday-Friday, 10 a.m.-6 p.m. or Saturday, 10 a.m.-5 p.m. or use our Online Form to gain access to all of our online services and to borrow library items.
- **SEA** and **Educator** **Accounts**: These accounts give automatic access to all library collections for students and staff with Orange County Schools, Chapel Hill Carrboro City Schools, The Expedition School, and Eno River Academy.
- **Virtual Branch:** Visit the virtual branch to find out about our online program offerings, eBooks and audiobooks, free access to Ancestry.com and more.
- **Online Catalog**: Use our catalog to: place holds; create reading lists; keep track of what you've already read; and, search Novelist to find your next good read.
- **Reference Questions:** 919.245.2525, Monday-Thursday, 10 a.m.-6 p.m., Friday-Saturday, 10 a.m.-5 p.m.

**Planning**

Office hours

Current Planning offices shall be open from 11 a.m. to 2 p.m. daily for the receipt of applications and handling of previously scheduled appointments. Until further notice, members of the general public needing to see a planner will need to schedule an appointment to do so.

Planning staff can be reached at the following:

- Michael Harvey, Supervisor: (919) 245-2597 or mharvey@orangecountync.gov
- Patrick Mallett, Planner 2: (919) 245-2577 or pmallett@orangecountync.gov
- Molly Boyle, Planner 1: (919) 245-2599 or mboyle@orangecountync.gov
- Tyler Sliger, Planning Technician: (919) 245-2598 or tsliger@orangecountync.gov

Meetings: Meeting(s) shall occur by appointment during revised operating hours listed above. Please note staff will observe appropriate social distancing requirements and maintain six feet separation at all times.

Plan Review: Applications for development projects shall be accepted:

- Electronically via e-mail
- By Mail sent to:
- Orange County Planning
- ATTN: Current Planning Division
- PO Box 8181
- Hillsborough, NC 27278
- Dropped off in person during the revised operating hours listed above.

Submittal of Fees: Fees can be submitted with the application (mail and in person). Those applicant's needed to pay using a credit card shall be contacted by staff to process a payment over the phone.

Permits: Permits shall be processed as quickly as possible. Please note deficiencies in the application submittal will impact staff's ability to process the development request.

Inspections: Inspections shall be completed either on a first come basis or via appointment. If staff is required to meet applicants in the field, appropriate social distancing policies shall be adhered to.

Communications: Current Planning staff can be reached at the e-mail addresses and phone numbers listed above.

**Recycling/Solid Waste**

- Solid Waste Administrative Offices will be closed to the public until further notice.
- Curbside collection of 18 gallon orange recycling bins is suspended until further notice. This is being done to minimize collectors' contact with household recyclables. Residents who wish to start using a blue roll cart instead of a bin can call 919-968-2788 or send an email to recycling@orangecountync.gov to request a 95 gallon cart.
- If you wish to continue using your bins, you may recycle at any of the five Waste and Recycling Centers during operating hours or any of the four unstaffed recycling-only sites open 24/7 (www.orangecountync/recycling for locations). Residents are

encouraged to limit their use of the Waste and Recycling Centers to one time each week to support social distancing and the safety of the staff and other residents using the sites. In addition, residents should remain in their vehicles until the receptacle needed is free so as to allow residents to maintain six feet distance from others.

- **Curbside Recycling** will be collected as usual. AS ALWAYS: Keep out any tissues, paper toweling, bagged materials or other contaminants.

**Register of Deeds**

Register of Deeds services are available via appointment only. Please see the list below for specific services. If you need something else, please call 919-245-2685.

- Attorneys are urged to utilize our **Electronic Recording System** Simplifile.com or call 800-460-5657.
- **Marriage License: C**omplete the online marriage application then call 919-245-2700 to schedule an appointment. **Applicants only allowed in the office**.
- **Notaries** that need to take their oath: 919-245-2685.
- **Veterans** needing to record their discharge papers: 919-245-2700.
- **Attorneys, paralegals, etc**., may mail in their documents or use the drop box located at the front of the building, this includes **Assumed Business Name filings**. Please read instructions located on the drop box before you place your document inside.
- If you have a **Plat** or documents requiring a **Split, Merge**, or **multiple PIN sheet** please call 919-245-2685.

**Tax**

Staff is currently available to assist you during normal business hours by phone **919-245-2100**, email tax@orangecountync.gov, LiveChat https://www.orangecountync.gov/842/Chat, or mail **Orange County Tax Office, PO Box 8181, Hillsborough, NC 27278-8181**. Although our doors are closed to the public, when necessary we are providing services in person by appointment between the hours of 9am-4pm, and masks are required.

Residents are encouraged to make payments by mail (address above) or at the outside drop box at the tax office entrance, 228 South Churton Street, Hillsborough. Payments may also be made by credit/debit cards: https://web.co.orange.nc.us/PublicWebAccess/ or 1-844-435-3981.

Field appraisers continue the field review of properties mainly from outside, and on occasion there is a need to review the interior of a building. Field appraisers are equipped with protective equipment to provide for the protection of residents and for their own protection.

**Transportation Services**

Regular service is being provided for all the fixed routes with the Hillsborough Circulator operating from 8 a.m. to 5 p.m., Orange–Chapel Hill Connector 9:45 a.m. - 3:50 p.m., and Orange–Alamance 10 a.m. - 3 p.m.

For medical appointments, reservations are required. Non-Medicaid Trips: Call Reservation Line 919-245-2004. Medicaid Trips: Call Orange County Department of Social Service Voicemail 919-245-2774 or Fax 919-732-2137.

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** September 1, 2020

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

**SUBJECT:** NCDOT Public Transportation Division/Public Transportation – 5307 Urbanized Area Formula Grant Applications for FY2021

**DEPARTMENT:** Transportation Services (OCTS), Public Transportation Division

**ATTACHMENT(S):**
1. Previously Approved Urbanized Area Formula Resolution
2. 2020 Certifications and Assurances Signature Pages (2021 to be received at a later date)
3. Public Hearing Notices
4. Local Share Certification for Funding
5. Anticipated DBE/DWE Vendor Awards

**INFORMATION CONTACT:**
Theo Letman, Transit Director, 919-245-2007
TeLeishia Holloway Transit Administrator, 919-245-2002

**PURPOSE:** To:
- Conduct an annual public hearing on the North Carolina Urbanized Area Formula grant application by Orange County Transportation Services (OCTS) for FY2021;
- Approve the grant application which includes the resolution previously adopted by the Board authorizing the applicant to enter into an agreement with the North Carolina Department of Transportation (NCDOT); and
- Authorize the County Attorney to review and complete the necessary 2021 certifications and assurances when they are received (2020 versions attached as examples).

**BACKGROUND:** Each year, the NCDOT Public Transportation Division accepts requests for operations and administrative needs for county-operated Urbanized Area Formula Grant applications. OCTS is eligible to make an application for both operations and administrative funding. NCDOT has allotted $580,654 in funds detailed breakdown is outlined in the table below:

| **5307 Grant Application: FY21** | |
|---|---|
| **Total** | $ 580,654 |
| State | $ 290,327 |
| Local | $ 290,327 |

**FINANCIAL IMPACT:** The department will utilize currently available carryover funds from Article 43 Transit Tax proceeds to cover the required local match, and will propose the allocation of these funds in a future Budget Amendment for consideration by the Board of Commissioners.

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

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

OCTS provides opportunities for access to jobs and services to many individuals.

The 5307 Grant provides Orange County access to funds to support its urban transportation infrastructure that promotes economic self-sufficiency to a wide range of residents and locations. The funds additionally support a system that enhances the access of residents in the non-urbanized areas to health care, shopping, education, employment, public services, and recreation.

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

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

The 5307 Grant provides Orange County access to funds to support its urban transportation infrastructure that promotes the use of clean diesel and alternative-fueled vehicles. Which results in reduced carbon emissions in high density and at-risk populations?

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

1. Conduct a public hearing to receive public comments on the proposed grant application;
2. Close the public hearing;
3. Approve the Urbanized Area Formula Grant application for FY2021 in the total amount of $580,654 with a local match total of $290,327 to be provided when necessary;
4. Approve and authorize the Chair to sign the Local Share Certification for Funding form; and
5. Authorize the County Attorney to review and complete the necessary 2021 certifications and assurances when they are received (2020 versions attached as examples).

RES-2019-058

Attachment 1

## PUBLIC TRANSPORTATION PROGRAM RESOLUTION

### FY 2021 RESOLUTION

**Section 5311 (including ADTAP), 5310, 5339, 5307 and applicable State funding, or combination thereof.**

Applicant seeking permission to apply for Public Transportation Program funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match.

A motion was made by Commissioner Bedford and seconded by Commissioner Marcoplos for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural, small urban, and urban public transportation services consistent with the policy requirements of each funding source for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, the funds applied for may be Administrative, Operating, Planning, or Capital funds and will have different percentages of federal, state, and local funds.

WHEREAS, non-Community Transportation applicants may apply for funding for "purchase-of-service" projects under the Capital budget Section 5310 program.

WHEREAS, Orange County hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project(s), prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

WHEREAS, the applicant has or will provide all annual certifications and assurances to the State of North Carolina required for the project;

NOW, THEREFORE, be it resolved that the Chair of the Orange County Board of Commissioners is hereby authorized to submit grant application (s) for federal and state funding in response to NCDOT's calls for projects, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural, small urban, and urban public transportation services.

I, David Hunt, Deputy Clerk to the Board do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the Orange County Board of Commissioners, duly held on the 1st day of October, 2019.

David Hunt

*Signature of Certifying Official*

***Note that the authorized official, certifying official, and notary public should be three separate individuals.***

*Seal* Subscribed and sworn to me on 10/2/2019
(*date*)

Sherri Lamb Ingersoll

*Notary Public* *

Orange County, PO Box 8181,
Hillsborough, NC 27278

*Printed Name and Address*

My commission expires 2/10/2023
(*date*)

*Affix Notary Seal Here*

SHERRI L. INGERSOLL
NOTARY
PUBLIC
ORANGE COUNTY, N.C.

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*Not every provision of every certification will apply to every applicant or award. If a provision of a certification does not apply to the applicant or its award, FTA will not enforce that provision. Refer to FTA's accompanying Instructions document for more information.*

*Text in italics is guidance to the public. It does not have the force and effect of law, and is not meant to bind the public in any way. It is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.*

## CATEGORY 1. CERTIFICATIONS AND ASSURANCES REQUIRED OF EVERY APPLICANT.

*All applicants must make the certifications in this category.*

### 1.1. Standard Assurances.

*The certifications in this subcategory appear as part of the applicant's registration or annual registration renewal in the System for Award Management (SAM.gov) and on the Office of Management and Budget's standard form 424B "Assurances—Non-Construction Programs". This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.*

As the duly authorized representative of the applicant, you certify that the applicant:

(a) Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

(b) Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

(c) Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

(d) Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

(e) Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

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(f) Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:

(1) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin, as effectuated by U.S. DOT regulation 49 C.F.R. Part 21;

(2) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex, as effectuated by U.S. DOT regulation 49 C.F.R. Part 25;

(3) Section 5332 of the Federal Transit Law (49 U.S.C. § 5332), which prohibits any person being excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance from FTA because of race, color, religion, national origin, sex, disability, or age.

(4) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps, as effectuated by U.S. DOT regulation 49 C.F.R. Part 27;

(5) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age;

(6) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;

(7) The comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;

(8) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;

(9) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing;

(10) Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and,

(11) the requirements of any other nondiscrimination statute(s) which may apply to the application.

(g) Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("Uniform Act") (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases. The requirements of the Uniform Act are effectuated by U.S. DOT regulation 49 C.F.R. Part 24.

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(h) Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

(i) Will comply, as applicable, with the provisions of the Davis–Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.

(j) Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

(k) Will comply with environmental standards which may be prescribed pursuant to the following:

(1) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;

(2) Notification of violating facilities pursuant to EO 11738;

(3) Protection of wetlands pursuant to EO 11990;

(4) Evaluation of flood hazards in floodplains in accordance with EO 11988;

(5) Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);

(6) Conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.);

(7) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and

(8) Protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93–205).

(l) Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

(m) Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et seq.).

(n) Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

(o) Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§ 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded

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animals held for research, teaching, or other activities supported by this award of assistance.

(p) Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

(q) Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 C.F.R. Part 200, Subpart F, "Audit Requirements", as adopted and implemented by U.S. DOT at 2 C.F.R. Part 1201.

(r) Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing the program under which it is applying for assistance.

(s) Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a sub-recipient from:

(1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect;

(2) Procuring a commercial sex act during the period of time that the award is in effect; or

(3) Using forced labor in the performance of the award or subawards under the award.

**1.2. Standard Assurances: Additional Assurances for Construction Projects.**

*This certification appears on the Office of Management and Budget's standard form 424D "Assurances—Construction Programs" and applies specifically to federally assisted projects for construction. This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.*

As the duly authorized representative of the applicant, you certify that the applicant:

(a) Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency; will record the Federal awarding agency directives; and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.

(b) Will comply with the requirements of the assistance awarding agency with regard to the drafting, review, and approval of construction plans and specifications.

(c) Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work confirms with the approved plans and specifications, and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

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### 1.3. Procurement.

*The Uniform Administrative Requirements, 2 C.F.R. 200.324, allow a recipient to self-certify that its procurement system complies with Federal requirements, in lieu of submitting to certain pre-procurement reviews.*

The applicant certifies that its procurement system complies with:

(a) U.S. DOT regulations, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 C.F.R. Part 1201, which incorporates by reference U.S. OMB regulatory guidance, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 C.F.R. Part 200, particularly 2 C.F.R. §§ 200.317–200.326 "Procurement Standards;
(b) Federal laws, regulations, and requirements applicable to FTA procurements; and
(c) The latest edition of FTA Circular 4220.1 and other applicable Federal guidance.

### 1.4. Suspension and Debarment.

*Pursuant to Executive Order 12549, as implemented at 2 C.F.R. Parts 180 and 1200, prior to entering into a covered transaction with an applicant, FTA must determine whether the applicant is excluded from participating in covered non-procurement transactions. For this purpose, FTA is authorized to collect a certification from each applicant regarding the applicant's exclusion status. 2 C.F.R. § 180.300. Additionally, each applicant must disclose any information required by 2 C.F.R. § 180.335 about the applicant and the applicant's principals prior to entering into an award agreement with FTA. This certification serves both purposes.*

The applicant certifies, to the best of its knowledge and belief, that the applicant and each of its principals:

(a) Is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily or involuntarily excluded from covered transactions by any Federal department or agency;
(b) Has not, within the preceding three years, been convicted of or had a civil judgment rendered against him or her for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction; violation of Federal or State antitrust statutes, including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; or commission of any other offense indicating a lack of business integrity or business honesty;

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(c) Is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any offense described in paragraph (b) of this certification;

(d) Has not, within the preceding three years, had one or more public transactions (Federal, State, or local) terminated for cause or default.

**1.5. Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.**

The applicant certifies that, consistent with Section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. 115-232 (Aug. 13, 2018), beginning on and after August 13, 2020, it will not use assistance awarded by FTA to procure or obtain, extend or renew a contract to procure or obtain, or enter into a contract (or extend or renew a contract) to procure or obtain "covered telecommunications equipment or services" (as that term is defined in Section 889 of the Act) if such equipment or services will be used as a substantial or essential component of any system or as critical technology as part of any system.

## CATEGORY 2. PUBLIC TRANSPORTATION AGENCY SAFETY PLANS

*Beginning on July 20, 2020, this certification is required of each applicant under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), each rail operator that is subject to FTA's state safety oversight programs, and each State that is required to draft and certify a public transportation agency safety plan on behalf of a small public transportation provider pursuant to 49 C.F.R. § 673.11(d). This certification is required by 49 C.F.R. § 673.13.*

*This certification does not apply to any applicant that receives financial assistance from FTA exclusively under the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310), the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or combination of these two programs.*

*An applicant may make this certification only after fulfilling its safety planning requirements under 49 C.F.R. Part 673. If an applicant is making its fiscal year 2020 certifications prior to completing its requirements under 49 C.F.R. Part 673, it will make all other applicable certifications except this certification; the applicant may add this certification after it has fulfilled its requirements under 49 C.F.R. Part 673. FTA's regional offices and headquarters Office of Transit Safety and Oversight will provide support for incorporating this certification in 2020.*

*On and after July 20, 2020, FTA will not process an application from an applicant required to make this certification unless the applicant has made this certification.*

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If the applicant is an operator, the applicant certifies that it has established a public transportation agency safety plan meeting the requirements of 49 C.F.R. Part 673.

If the applicant is a State, the applicant certifies that:

(a) It has drafted a public transportation agency safety plan for each small public transportation provider within the State, unless the small public transportation provider provided notification to the State that it was opting-out of the State-drafted plan and drafting its own public transportation agency safety plan; and

(b) Each small public transportation provider within the state has a public transportation agency safety plan that has been approved by the provider's Accountable Executive (as that term is defined at 49 C.F.R. § 673.5) and Board of Directors or Equivalent Authority (as that term is defined at 49 C.F.R. § 673.5).

## CATEGORY 3. TAX LIABILITY AND FELONY CONVICTIONS.

*If the applicant is a business association (regardless of for-profit, not for-profit, or tax exempt status), it must make this certification. Federal appropriations acts since at least 2014 have prohibited FTA from using funds to enter into an agreement with any corporation that has unpaid Federal tax liabilities or recent felony convictions without first considering the corporation for debarment. E.g., Consolidated Appropriations Act, 2020, Pub. L. 116-93, div. C, title VII, §§ 744–745. U.S. DOT Order 4200.6 defines a "corporation" as "any private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association", and applies the restriction to all tiers of subawards. As prescribed by U.S. DOT Order 4200.6, FTA requires each business association applicant to certify as to its tax and felony status.*

If the applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, the applicant certifies that:

(a) It has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and

(b) It has not been convicted of a felony criminal violation under any Federal law within the preceding 24 months.

## CATEGORY 4. LOBBYING.

*If the applicant will apply for a grant or cooperative agreement exceeding $100,000, or a loan, line of credit, loan guarantee, or loan insurance exceeding $150,000, it must make the following*

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*certification and, if applicable, make a disclosure regarding the applicant's lobbying activities. This certification is required by 49 C.F.R. § 20.110 and app. A to that part.*

*This certification does not apply to an applicant that is an Indian Tribe, Indian organization, or an Indian tribal organization exempt from the requirements of 49 C.F.R. Part 20.*

**4.1. Certification for Contracts, Grants, Loans, and Cooperative Agreements.**

The undersigned certifies, to the best of his or her knowledge and belief, that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

**4.2. Statement for Loan Guarantees and Loan Insurance.**

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and

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submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

## CATEGORY 5. PRIVATE SECTOR PROTECTIONS.

*If the applicant will apply for funds that it will use to acquire or operate public transportation facilities or equipment, the applicant must make the following certification regarding protections for the private sector.*

### 5.1. Charter Service Agreement.

*To enforce the provisions of 49 U.S.C. § 5323(d), FTA's charter service regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following Charter Service Agreement. 49 C.F.R. § 604.4.*

The applicant agrees that it, and each of its subrecipients, and third party contractors at any level who use FTA-funded vehicles, may provide charter service using equipment or facilities acquired with Federal assistance authorized under the Federal Transit Laws only in compliance with the regulations set out in 49 C.F.R. Part 604, the terms and conditions of which are incorporated herein by reference.

### 5.2. School Bus Agreement.

*To enforce the provisions of 49 U.S.C. § 5323(f), FTA's school bus regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following agreement regarding the provision of school bus services. 49 C.F.R. § 605.15.*

(a) If the applicant is not authorized by the FTA Administrator under 49 C.F.R. § 605.11 to engage in school bus operations, the applicant agrees and certifies as follows:

(1) The applicant and any operator of project equipment agrees that it will not engage in school bus operations in competition with private school bus operators.

(2) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Mass Transit Regulations, or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).

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(b) If the applicant is authorized or obtains authorization from the FTA Administrator to engage in school bus operations under 49 C.F.R. § 605.11, the applicant agrees as follows:

(1) The applicant agrees that neither it nor any operator of project equipment will engage in school bus operations in competition with private school bus operators except as provided herein.

(2) The applicant, or any operator of project equipment, agrees to promptly notify the FTA Administrator of any changes in its operations which might jeopardize the continuation of an exemption under § 605.11.

(3) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Transit Administration regulations or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).

(4) The applicant agrees that the project facilities and equipment shall be used for the provision of mass transportation services within its urban area and that any other use of project facilities and equipment will be incidental to and shall not interfere with the use of such facilities and equipment in mass transportation service to the public.

## CATEGORY 6. TRANSIT ASSET MANAGEMENT PLAN.

*If the applicant owns, operates, or manages capital assets used to provide public transportation, the following certification is required by 49 U.S.C. § 5326(a).*

The applicant certifies that it is in compliance with 49 C.F.R. Part 625.

## CATEGORY 7. ROLLING STOCK BUY AMERICA REVIEWS AND BUS TESTING.

### 7.1. Rolling Stock Buy America Reviews.

*If the applicant will apply for an award to acquire rolling stock for use in revenue service, it must make this certification. This certification is required by 49 C.F.R. § 663.7.*

The applicant certifies that it will conduct or cause to be conducted the pre-award and post-delivery audits prescribed by 49 C.F.R. Part 663 and will maintain on file the certifications required by Subparts B, C, and D of 49 C.F.R. Part 663.

### 7.2. Bus Testing.

*If the applicant will apply for funds for the purchase or lease of any new bus model, or any bus model with a major change in configuration or components, the applicant must make this certification. This certification is required by 49 C.F.R. § 665.7.*

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The applicant certifies that the bus was tested at the Bus Testing Facility and that the bus received a passing test score as required by 49 C.F.R. Part 665. The applicant has received or will receive the appropriate full Bus Testing Report and any applicable partial testing reports before final acceptance of the first vehicle.

## CATEGORY 8. URBANIZED AREA FORMULA GRANTS PROGRAM.

*If the applicant will apply for an award under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), or any other program or award that is subject to the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310); "flex funds" from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)); projects that will receive an award authorized by the Transportation Infrastructure Finance and Innovation Act ("TIFIA") (23 U.S.C. §§ 601–609) or State Infrastructure Bank Program (23 U.S.C. § 610) (see 49 U.S.C. § 5323(o)); formula awards or competitive awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(a) and (b)); or low or no emission awards to any area under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(c)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5307(c)(1).*

The applicant certifies that it:

(a) Has or will have the legal, financial, and technical capacity to carry out the program of projects (developed pursuant 49 U.S.C. § 5307(b)), including safety and security aspects of the program;

(b) Has or will have satisfactory continuing control over the use of equipment and facilities;

(c) Will maintain equipment and facilities in accordance with the applicant's transit asset management plan;

(d) Will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a project financed under this section, a fare that is not more than 50 percent of the peak hour fare will be charged for any—

  (1) Senior;

  (2) Individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design; and

  (3) Individual presenting a Medicare card issued to that individual under title II or XVIII of the Social Security Act (42 U.S.C. §§ 401 et seq., and 1395 et seq.);

(e) In carrying out a procurement under 49 U.S.C. § 5307, will comply with 49 U.S.C. §§ 5323 (general provisions) and 5325 (contract requirements);

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(f) Has complied with 49 U.S.C. § 5307(b) (program of projects requirements);
(g) Has available and will provide the required amounts as provided by 49 U.S.C. § 5307(d) (cost sharing);
(h) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning);
(i) Has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation;
(j) Either—
    (1) Will expend for each fiscal year for public transportation security projects, including increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, providing an emergency telephone line to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation system, at least 1 percent of the amount the recipient receives for each fiscal year under 49 U.S.C. § 5336; or
    (2) Has decided that the expenditure for security projects is not necessary;
(k) In the case of an applicant for an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census, will submit an annual report listing projects carried out in the preceding fiscal year under 49 U.S.C. § 5307 for associated transit improvements as defined in 49 U.S.C. § 5302; and
(l) Will comply with 49 U.S.C. § 5329(d) (public transportation agency safety plan).

## CATEGORY 9. FORMULA GRANTS FOR RURAL AREAS.

*If the applicant will apply for funds made available to it under the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), it must make this certification. Paragraph (a) of this certification helps FTA make the determinations required by 49 U.S.C. § 5310(b)(2)(C). Paragraph (b) of this certification is required by 49 U.S.C. § 5311(f)(2). Paragraph (c) of this certification, which applies to funds apportioned for the Appalachian Development Public Transportation Assistance Program, is necessary to enforce the conditions of 49 U.S.C. § 5311(c)(2)(D).*

(a) The applicant certifies that its State program for public transportation service projects, including agreements with private providers for public transportation service—
    (1) Provides a fair distribution of amounts in the State, including Indian reservations; and
    (2) Provides the maximum feasible coordination of public transportation service assisted under 49 U.S.C. § 5311 with transportation service assisted by other Federal sources; and

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(b) If the applicant will in any fiscal year expend less than 15% of the total amount made available to it under 49 U.S.C. § 5311 to carry out a program to develop and support intercity bus transportation, the applicant certifies that it has consulted with affected intercity bus service providers, and the intercity bus service needs of the State are being met adequately.

(c) If the applicant will use for a highway project amounts that cannot be used for operating expenses authorized under 49 U.S.C. § 5311(c)(2) (Appalachian Development Public Transportation Assistance Program), the applicant certifies that—

(1) It has approved the use in writing only after providing appropriate notice and an opportunity for comment and appeal to affected public transportation providers; and

(2) It has determined that otherwise eligible local transit needs are being addressed.

## CATEGORY 10. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS AND THE EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS PILOT PROGRAM.

*If the applicant will apply for an award under any subsection of the Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), including an award made pursuant to the FAST Act's Expedited Project Delivery for Capital Investment Grants Pilot Program (Pub. L. 114-94, div. A, title III, § 3005(b)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5309(c)(2) and Pub. L. 114-94, div. A, title III, § 3005(b)(3)(B).*

The applicant certifies that it:

(a) Has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award,

(b) Has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.

(c) Will maintain equipment and facilities acquired or improved under its Award in accordance with its transit asset management plan; and

(d) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning).

## CATEGORY 11. GRANTS FOR BUSES AND BUS FACILITIES AND LOW OR NO EMISSION VEHICLE DEPLOYMENT GRANT PROGRAMS.

*If the applicant is in an urbanized area and will apply for an award under subsection (a) (formula grants) or subsection (b) (competitive grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(a)(3) and (b)(6), respectively.*

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*If the applicant is in a rural area and will apply for an award under subsection (a) (formula grants) or subsection (b) (competitive grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 9 for Formula Grants for Rural Areas (49 U.S.C. § 5311). This certification is required by 49 U.S.C. § 5339(a)(3) and (b)(6), respectively.*

*If the applicant, regardless of whether it is in an urbanized or rural area, will apply for an award under subsection (c) (low or no emission vehicle grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(c)(3).*

*Making this certification will incorporate by reference the applicable certifications in Category 8 or Category 9.*

## CATEGORY 12. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAMS.

*If the applicant will apply for an award under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program (49 U.S.C. § 5310), it must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5310(e)(1). Making this certification will incorporate by reference the certification in Category 8, except that FTA has determined that (d), (f), (i), (j), and (k) of Category 8 do not apply to awards made under 49 U.S.C. § 5310 and will not be enforced.*

*In addition to the certification in Category 8, the applicant must make the following certification that is specific to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program. This certification is required by 49 U.S.C. § 5310(e)(2).*

The applicant certifies that:

(a) The projects selected by the applicant are included in a locally developed, coordinated public transit-human services transportation plan;
(b) The plan described in clause (a) was developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers, and other members of the public;
(c) To the maximum extent feasible, the services funded under 49 U.S.C. § 5310 will be coordinated with transportation services assisted by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services; and

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(d) If the applicant will allocate funds received under 49 U.S.C. § 5310 to subrecipients, it will do so on a fair and equitable basis.

## CATEGORY 13. STATE OF GOOD REPAIR GRANTS.

*If the applicant will apply for an award under FTA's State of Good Repair Grants Program (49 U.S.C. § 5337), it must make the following certification. Because FTA generally does not review the transit asset management plans of public transportation providers, this certification is necessary to enforce the provisions of 49 U.S.C. § 5337(a)(4).*

The applicant certifies that the projects it will carry out using assistance authorized by the State of Good Repair Grants Program, 49 U.S.C. § 5337, are aligned with the applicant's most recent transit asset management plan and are identified in the investment and prioritization section of such plan, consistent with the requirements of 49 C.F.R. Part 625.

## CATEGORY 14. INFRASTRUCTURE FINANCE PROGRAMS.

*If the applicant will apply for an award for a project that will include assistance under the Transportation Infrastructure Finance and Innovation Act ("TIFIA") Program (23 U.S.C. §§ 601–609) or the State Infrastructure Banks ("SIB") Program (23 U.S.C. § 610), it must make the certifications in Category 8 for the Urbanized Area Formula Grants Program, Category 10 for the Fixed Guideway Capital Investment Grants program, and Category 13 for the State of Good Repair Grants program. These certifications are required by 49 U.S.C. § 5323(o).*

*Making this certification will incorporate the certifications in Categories 8, 10, and 13 by reference.*

## CATEGORY 15. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

*If the applicant will apply for an award under FTA's Urbanized Area Formula Grants Program (49 U.S.C. § 5307), Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339) programs, the applicant must make the following certification. The applicant must make this certification on its own behalf and on behalf of its subrecipients and contractors. This certification is required by 49 C.F.R. § 655.83.*

The applicant certifies that it, its subrecipients, and its contractors are compliant with FTA's regulation for the Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, 49 C.F.R. Part 655.

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## CATEGORY 16. RAIL SAFETY TRAINING AND OVERSIGHT.

*If the applicant is a State with at least one rail fixed guideway system, or is a State Safety Oversight Agency, or operates a rail fixed guideway system, it must make the following certification. The elements of this certification are required by 49 C.F.R. §§ 659.43, 672.31, and 674.39.*

The applicant certifies that the rail fixed guideway public transportation system and the State Safety Oversight Agency for the State are:

(a) Compliant with the requirements of 49 C.F.R. part 659, "Rail Fixed Guideway Systems; State Safety Oversight";
(b) Compliant with the requirements of 49 C.F.R. part 672, "Public Transportation Safety Certification Training Program"; and
(c) Compliant with the requirements of 49 C.F.R. part 674, "Sate Safety Oversight".

## CATEGORY 17. DEMAND RESPONSIVE SERVICE.

*If the applicant operates demand responsive service and will apply for an award to purchase a non-rail vehicle that is not accessible within the meaning of 49 C.F.R. Part 37, it must make the following certification. This certification is required by 49 C.F.R. § 37.77.*

The applicant certifies that the service it provides to individuals with disabilities is equivalent to that provided to other persons. A demand responsive system, when viewed in its entirety, is deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

(a) Response time;
(b) Fares;
(c) Geographic area of service;
(d) Hours and days of service;
(e) Restrictions or priorities based on trip purpose;
(f) Availability of information and reservation capability; and
(g) Any constraints on capacity or service availability.

## CATEGORY 18. INTEREST AND FINANCING COSTS.

*If the applicant will pay for interest or other financing costs of a project using assistance awarded under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), the Fixed Guideway Capital Investment Grants Program (49 U.S.C. § 5309), or any program that must comply with the requirements of 49 U.S.C. § 5307, including the Formula Grants for the*

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*Enhanced Mobility of Seniors Program (49 U.S.C. § 5310), "flex funds" from infrastructure programs administered by the Federal Highways Administration (*see *49 U.S.C. § 5334(i)), or awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the following certification. This certification is required by 49 U.S.C. §§ 5307(e)(3) and 5309(k)(2)(D).*

The applicant certifies that:

(a) Its application includes the cost of interest earned and payable on bonds issued by the applicant only to the extent proceeds of the bonds were or will be expended in carrying out the project identified in its application; and
(b) The applicant has shown or will show reasonable diligence in seeking the most favorable financing terms available to the project at the time of borrowing.

## CATEGORY 19. CONSTRUCTION HIRING PREFERENCES.

*If the applicant will ask FTA to approve the use of geographic, economic, or any other hiring preference not otherwise authorized by law on any contract or construction project to be assisted with an award from FTA, it must make the following certification. This certification is required by the Further Consolidated Appropriations Act, 2020, Pub. L. 116-94, div. H, title I, § 191.*

The applicant certifies the following:

(a) That except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the contract requires resides in the jurisdiction;
(b) That the grant recipient will include appropriate provisions in its bid document ensuring that the contractor does not displace any of its existing employees in order to satisfy such hiring preference; and
(c) That any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

## CATEGORY 20. CYBERSECURITY CERTIFICATION FOR RAIL ROLLING STOCK AND OPERATIONS.

*If the applicant operates a rail fixed guideway public transportation system, it must make this certification. This certification is required by 49 U.S.C. § 5323(v), a new subsection added by the National Defense Authorization Act for Fiscal Year 2020, Pub. L. 116-92, § 7613 (Dec. 20, 2019). For information about standards or practices that may apply to a rail fixed guideway*

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*public transportation system, visit* https://www.nist.gov/cyberframework *and* https://www.cisa.gov/.

The applicant certifies that it has established a process to develop, maintain, and execute a written plan for identifying and reducing cybersecurity risks that complies with the requirements of 49 U.S.C. § 5323(v)(2).

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# FEDERAL FISCAL YEAR 2020 CERTIFICATIONS AND ASSURANCES FOR FTA ASSISTANCE PROGRAMS

(Signature pages alternate to providing Certifications and Assurances in TrAMS.)

Name of Applicant: Orange County

The Applicant certifies to the applicable provisions of categories 01–20. _____

*Or*,

The Applicant certifies to the applicable provisions of the categories it has selected:

| Category | | Certification |
|---|---|---|
| 01 | Certifications and Assurances Required of Every Applicant | |
| 02 | Public Transportation Agency Safety Plans | |
| 03 | Tax Liability and Felony Convictions | |
| 04 | Lobbying | |
| 05 | Private Sector Protections | |
| 06 | Transit Asset Management Plan | |
| 07 | Rolling Stock Buy America Reviews and Bus Testing | |
| 08 | Urbanized Area Formula Grants Program | |
| 09 | Formula Grants for Rural Areas | |
| 10 | Fixed Guideway Capital Investment Grants and the Expedited Project Delivery for Capital Investment Grants Pilot Program | |
| 11 | Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs | |

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| | | |
|---|---|---|
| 12 | Enhanced Mobility of Seniors and Individuals with Disabilities Programs | |
| 13 | State of Good Repair Grants | |
| 14 | Infrastructure Finance Programs | |
| 15 | Alcohol and Controlled Substances Testing | |
| 16 | Rail Safety Training and Oversight | |
| 17 | Demand Responsive Service | |
| 18 | Interest and Financing Costs | |
| 19 | Construction Hiring Preferences | |
| 20 | Cybersecurity Certification for Rail Rolling Stock and Operations | |

**FEDERAL FISCAL YEAR 2020 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE**

(Required of all Applicants for federal assistance to be awarded by FTA in FY 2020)

**AFFIRMATION OF APPLICANT**

Name of the Applicant: Orange County

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all federal laws, regulations, and requirements, follow applicable federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in federal fiscal year 2020, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Award for which it now seeks, or may later seek federal assistance to be awarded during federal fiscal year 2020.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. § 3801 *et seq*., and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. § 1001 apply to any certification, assurance, or submission made in connection with a federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute

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In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature DocuSigned by: Penny Rich F2164641C8E747E... Date: 3/6/2020

Name Penny Rich Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): _____

As the undersigned Attorney for the above-named Applicant, I hereby affirm to the Applicant that it has authority under state, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA assisted Award.

Signature DocuSigned by: John Roberts EAA3D33ED8A8485... Date: 3/6/2020

Name John Roberts Attorney for Applicant

*Each Applicant for federal assistance to be awarded by FTA must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its electronic signature in lieu of the Attorney's signature within TrAMS, provided the Applicant has on file and uploaded to TrAMS this hard-copy Affirmation, signed by the attorney and dated this federal fiscal year.*

# PUBLIC HEARING NOTICE

**Section 5311 (ADTAP), 5310, 5339, 5307 and applicable State funding, or combination thereof.**

This is to inform the public that a public hearing will be held on the proposed **Orange County** Small & Large Urbanized Area Transportation Program Applications to be submitted to the North Carolina Department of Transportation no later than **September 15, 2020**. The public hearing will be held on **September 1, 2020** at **7:00 pm** before the Orange County Board of County Commissioners at **Virtual Meeting Session.**

Those interested in attending the public hearing and needing either auxiliary aids and services under the Americans with Disabilities Act (ADA) or a language translator should contact **TeLeishia Holloway** on or before **August 26, 2020**, at telephone number **919.245.2002** or via email at **tholloway@orangecountync.gov.**

The Small and Large Urbanized Area Transportation Program provides assistance to coordinate existing transportation programs operating in **Orange County** as well as provides transportation options and services for the communities within this service area. These services will provide using **fixed, demand response, deviated fixed, and subscription routes.** Services are rendered by **Orange County Public Transportation.**

The total estimated amount requested for the period ***July 1, 2020 through June 30, 2021)***

| Project | Total Amount | Local Share | |
|---|---|---|---|
| Administrative | **$** | **$** | |
| Operating | **$ 580,654** | **$ 290,327** | **(50%)** |
| (5307 21-SU-056A) | | | |
| (5307 21 LU-056B) | | | |
| Capital (Vehicles & Other) | **$ $** | **$** | |
| Other | **$** | **$** | |
| **TOTAL PROJECT** | **$ 580,654** | **$ 290,327** | |

**Total Funding Request** **Total Local Share**

This application may be inspected at **Orange County Public Transportation Administration Building at 600 Highway 86 North, Hillsborough, NC 27278** from **8:00 am – 5:00 pm, Monday through Friday**. Written comments should be directed to ocbocc@orangecountync.gov email address by 3:00 PM on the afternoon of the meeting (September 1, 2020).

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

## Public Comment Instructions

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

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

When submitting the comment, include the following:

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

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

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

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

When submitting the request to speak, include the following:

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

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

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

If a member of the public encounters any concerns prior to or during the meeting related to speaking, please contact Greg Wilder at 919-245-2314.

*End of Notice*

**Note:** **AN ORIGINAL COPY** of the published Public Hearing Notice must be attached to a signed Affidavit of Publication. **Both the Public Hearing Notice and the Affidavit of Publication** must be submitted with the 5307 grant application.

# AVISO DE AUDIENCIA PUBLICA

**SECCIÓN 5311 (ADTAP), 5310, 5339, 5307 y fondos estatales aplicables, o una combinación de ellos.**

Esto es para informar al público de que se llevará a cabo una audiencia pública sobre las Solicitudes propuestas para el Programa de Transporte de Área Urbanizada Pequeña y Grande del **Condado de Orange** que se presentarán al Departamento de Transporte de Carolina del Norte a más tardar **el 15 de septiembre de 2020**. La audiencia pública se llevará a cabo el **1 de septiembre de 2020** a las **7:00 pm** ante la Junta de Comisionados del Condado de Orange en el **Virtual Meeting.**

Las personas interesadas en asistir a la audiencia pública y que necesiten ayuda y servicios auxiliares según la Ley de Estadounidenses con Discapacidades (ADA) o un traductor de idiomas deben comunicarse con **Teleishia Holloway** el **26 de agusto de 2020** o antes, al número de teléfono **919.245.2002** o por correo electrónico a **tholloway@orangecountync.gov.**

El Programa de Transporte para Áreas Urbanizadas Pequeñas y Grandes proporciona asistencia para coordinar los programas de transporte existentes que operan en el Condado de Orange, así como opciones y servicios de transporte para las comunidades dentro de esta área de servicio. Estos servicios se proporcionan actualmente mediante **respuesta a la demanda rural y rutas de suscripción**. Los servicios son prestados por **el Departamento de Transporte del Condado de Orange.**

El monto total estimado solicitado para el periodo compredido entre el **(1 de julio de 2020 y el 30 de junio de 2021).**

| Proyecto | Cantidad Total | Compartir Local | |
|---|---|---|---|
| Administrativo | **$ N/A** | **$ N/A** | |
| Funcionamiento | | | |
| (5307 21-SU-056A) | **$580,654** | **$ 290,327** | **(50%)** |
| (5307 21 LU-056B) | | | |
| Capital (Vehiculos y otros) | **$ N/A** | **$ N/A** | |
| Otro | **$ N/A** | **$ N/A** | |
| **TOTAL DEL PROYECTO** | **$580,654** | **$ 290,327** | |

**Solicitud de financiacion total** **Total cuota Local**

Esta solicitud puede ser inspeccionada en en el **edificio de administración de transporte público del Condado de Orange en 600 Highway 86 North, Hillsborough, NC 27278** de **8:00 am a 5:00 pm.** Los comentarios escritos deben dirigirse a **ocbocc@orangecountync.gov** antes del 3:00pm **1 de septiembre de 2020**.

Las reuniones y sesiones de trabajo de la Junta de Comisionados del Condado de Orange están disponibles a través de transmisión de video en vivo en orangecountync.gov/967/Meeting-Videos y en Orange County Gov-TV (televisión de gobierno del condado de Orange) en los canales 1301 o 97.6 (Spectrum Cable).

Instrucciones para Comentario Público

Comentario Público - Escrito
(para temas que no están en la agenda, Temas de la Agenda y Audiencias Públicas)

Los miembros del público pueden proporcionar comentarios públicos por escrito enviándolos a ocbocc@orangecountync.gov dirección de correo electrónico antes de las 3:00 PM de la tarde del día de la reunión.

Al enviar el comentario, incluya lo siguiente:
- La fecha de la reunión
- El tema de la agenda (ejemplo: 6-a) sobre el que desea comentar
- Su nombre, dirección, correo electrónico y número de teléfono

Se le enviará una copia a la Junta de Comisionados del Condado de Orange, al Administrador del Condado, al Fiscal del Condado y al Secretario de la Junta de todos los correos electrónicos que se reciban.

Comentario Público - Verbal
(para temas que no están en la agenda, temas de la Agenda y Audiencias Públicas)

Se pedirá a los miembros del público que se comuniquen con el Secretario de la Junta utilizando la dirección de correo electrónico ocpubliccomment@orangecountync.gov a más tardar a las 3:00 PM del día de la reunión e indicar que desean hablar durante la reunión.

Al enviar la solicitud para hablar, incluya lo siguiente:
- La fecha de la reunión
- El tema de la agenda (ejemplo: 6-a) sobre el que desea hablar
- Su nombre, dirección, correo electrónico y número de teléfono
- El número de teléfono debe ser el mismo número desde el que usted planea llamar si participa por teléfono

Antes de la reunión, los oradores recibirán un enlace de participante por correo electrónico para que puedan hacer comentarios durante la reunión en vivo. Los oradores pueden usar una computadora (con cámara y/o micrófono) o un teléfono para hacer sus comentarios. Los oradores que usen el teléfono para hacer comentarios deben usar el número de PIN/Contraseña proporcionados.

El audio y el video del orador público se silenciarán hasta que la Junta de Comisionados del Condado (BOCC, sus siglas en inglés) llegue a los respectivos tema(s) de la agenda. Las personas que se hayan preinscrito serán llevadas a la parte pública de la reunión de una en una.

Si un miembro del público tiene alguna inquietud antes o durante la reunión relacionada con el discurso, por favor comuníquese con Greg Wilder al 919-245-2314.

Nota: **UNA COPIA ORIGINAL** de la Notificación de audiencia pública publicada debe adjuntarse a una Declaración jurada de publicación firmada. **Tanto el Aviso de audiencia pública como la Declaración jurada de publicación** deben presentarse junto con la solicitud de subvención 5307.

Attachment 4

**FY 2021 LOCAL SHARE CERTIFICATION FOR FUNDING**

**Orange County**
**(Legal Name of Applicant)**

**Requested Funding Amounts**

| Project | Total Amount | Local Share |
|---|---|---|
| Administrative | $ _____ | $ _____ (15%) |
| 5311 Operating (No State Match) | $ _____ | $ _____ (50%) |
| 5310 Operating (No State Match) | $ _____ | $ _____ (50%) |
| 5307 Operating | $ 580,654 | $ 290,327 (50%) |
| 5307 Planning | $ _____ | $ _____ (20%) |
| Combined Capital | $ _____ | $ _____ (10%) |
| Mobility Management | $ _____ | $ _____ (50%) |
| 5310 Capital Purchase of Service | $ _____ | $ _____ (10%) |
| _____ | $ _____ | $ _____ (__%) |
| _____ | $ _____ | $ _____ (__%) |
| _____ | $ _____ | $ _____ (__%) |

Funding programs covered are 5311, 5310, 5339 Bus and Bus Facilities, 5307 (Small fixed route, regional, and consolidated urban-rural systems)

| | | |
|---|---|---|
| TOTAL | $ **580,654** | $ **290,327** |
| | **Total Funding Requests** | **Total Local Share** |

**The Local Share is available from the following sources:**

| Source of Funds | Apply to Grant | Amount |
|---|---|---|
| **General Funds** | **5307** | $ **290,327** |
| _____ | _____ | $ _____ |
| _____ | _____ | $ _____ |
| _____ | _____ | $ _____ |
| _____ | _____ | $ _____ |
| _____ | _____ | $ _____ |

FY 2021 Local Share Certificate (page 2)

| | | |
|---|---|---|
| _____ | _____ | $ _____ |
| _____ | _____ | $ _____ |
| **TOTAL** | | $ _____ |

**** Fare box revenue is not an applicable source for local share funding**

I, the undersigned representing *(Legal Name of Applicant)* **Orange County** do hereby certify to the North Carolina Department of Transportation, that the required local funds for the FY2021 Community Transportation Program and 5307 Governors Apportionment will be available as of **July 1, 2020**, which has a period of performance of July 1, 2020 – June 30, 2021.

_____
Signature of Authorized Official

Penny Rich, Chair, Board of County Commissioners
Type Name and Title of Authorized Official

_____
Date

Attachment 5



NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSPORTATION DIVISION

## DBE/MBE/WBE/HUB ANTICIPATED VENDOR AWARDS in FY 2021

**APPLICANT'S NAME:** Orange County

**MAILING ADDRESS:** PO Box 8181, Hillsborough, NC 27278

**VENDOR NUMBER:**

**PERIOD COVERED**

**From:** July 1, 2020

**To:** June 30, 2021

**We expect to utilize the following list of DBE/MBE/WBE/HUB Vendors in FY 2021:**

| DBE/MBE/WBE/HUB Vendor/Subcontractor's Name | Mailing Address City, State, Zip | ID# from NCDOT Website | Describe Service/ Item to be Purchased | Anticipated Expenditure ($) |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | TOTAL |

☐ The above list includes the DBE/MBE/WBE/HUB Vendors the applicant expects to utilize in FY 2021.

☒ The applicant does **NOT** expect to utilize any DBE/MBE/WBE/HUB Vendors in FY 2021.

Signature of Authorized Official

10/1/2019
Date

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**
**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** September 1, 2020

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

**SUBJECT:** Unified Development Ordinance (UDO) Text Amendments – Clarification of Setbacks from the West Fork on the Eno Reservoir

**DEPARTMENT:** Planning and Inspections

**ATTACHMENT(S):**

1. Aerial Photos of the West Fork on the Eno Reservoir
2. Excerpt from November 6, 2019 Ordinance Review Committee (ORC) Meeting
3. Excerpt of February 5, 2020 Planning Board Minutes and Signed Statement of Consistency
4. Public Hearing Legal Ad
5. Statement of Consistency
6. UDO Text Amendment(s)
7. Excerpt from March 10, 2020 BOCC Meeting Minutes
8. March 10, 2020 Memo Package to BOCC Concerning Impacts to 2520 Carr Store Road

**INFORMATION CONTACT:**

Craig Benedict, Director, (919) 245-2575
Michael D. Harvey, Planner III, (919) 245-2597

**PURPOSE:** To receive the Planning Board recommendation and prior public comment, and consider action on Planning Director initiated Unified Development Ordinance (UDO) text amendments revising/updating existing guidelines associated with the enforcement of reservoir setbacks for structures and septic systems.

**NOTE:** This item was continued on April 7, 2020 to this date due to COVID. Staff (including the Planning Director) provided requested information to BOCC within a few weeks of the original item to clarify the amendment.

Specifically, the amendment seeks to establish the effective date for the expansion of the West Fork on the Eno reservoir. If approved, the amendment will create an exemption for parcels and development (i.e. structures and septic systems) established prior to the creation/expansion of the reservoir, specifically February 12, 1997.

The amendment also updates existing references to the final normal pool elevation (NPE) of the reservoir, which according to the Town of Hillsborough is going to be 642 feet. In the summer of 2019, the Town indicated the NPE for the reservoir was going to be 643.9 feet and staff proceeded with an amendment based on this information. After being notified of the updated NPE, the amendment now references a NPE of 642 feet.

**BACKGROUND**: Section 6.13.4 *Minimum Buffer Widths for Watershed Protection Overlay Districts* of the UDO establishes a 150 ft. wide setback around reservoirs. This area is intended to be left in an undeveloped state. Additionally, Section 4.2.9 *Water Supply / Sewage Disposal Facilities* of the UDO establishes a 300 ft. setback for septic tanks from a reservoir.

Section 4.2.2, specifically subsections (F) through (I), of the UDO establishes the applicability of watershed protection standards including establishing criteria defining those properties (developed and undeveloped) considered to be 'grandfathered' with respect to applicable buffer (i.e. stream and reservoir) standards.

In the 1990's The Town of Hillsborough began the necessary permitting processes at the State level to construct the West Fork on the Eno reservoir within the Cedar Grove Township of the county.

Work was broken down into two phases, with Phase 1 including the Town purchasing property to expand the reservoir. The final boundary of the reservoir was established on February 11, 1997 with the recording of plats within the Orange County Registrar of Deeds Office denoting the Town's purchase of property along the West Fork of the Eno. Attachment 1 contains maps of the existing reservoir boundary, based on 2017 aerial photographic data, denoting the aforementioned 150 ft. (structure) and 300 ft. (septic) setback areas.

Phase 2 of the project involves the actual clearing of property and expanding the existing NPE of the reservoir. The Town has already begun Phase 2 of the project, including land clearing and increasing the elevation of the dam.

While the Town purchased sufficient property to accommodate the approved expansion of the actual reservoir, the required reservoir setback could still potentially impact adjacent parcels of property. Adjacent property owners have expressed concern the UDO does not specifically reference the expansion of the reservoir, thereby making their properties potentially non-conforming to applicable watershed management regulations (i.e. required reservoir setbacks).

In an effort to address this concern, staff proposed a text amendment (Attachment 6) to reference the expansion of the West Fork on the Eno from the date the Town secured property allowing for the approved expansion. In consultation with the County Attorney's Office, staff has determined this date is February 12, 1997.

While property owners are still required to abide by applicable setbacks per Section(s) 4.2.9 and 6.13.4 of the UDO, owners will have greater latitude in demonstrating compliance with applicable standards. This amendment will not necessarily allow for additional development of structures closer to the actual reservoir. It will, however, recognize the conforming status of existing development and not arbitrarily make same non-conforming. The status can be important with respect to property transactions and mortgage applications.

This proposal was reviewed at the November 6, 2019 Ordinance Review Committee (ORC) meeting. Notes from this meeting are contained within Attachment 2.

Analysis: As required under Section 2.8.5 of the UDO, the Planning Director is required to: '… *cause an analysis to be made of the application and, based upon that analysis, prepare a recommendation for consideration by the Planning Board and the Board of County Commissioners*'.

The amendments are necessary to address current inconsistencies within the UDO relating to the definition of what constitutes 'existing lots' and/or 'existing development' with respect to compliance with applicable reservoir setbacks. This amendment should likely have been completed in 1997 when the Town was purchasing property to establish the reservoir.

Planning Board Recommendation: At its February 5, 2020 regular meeting, the Planning Board voted unanimously to recommend **approval** of the Statement of Consistency and the proposed UDO Text Amendment. Excerpts of the minutes from this meeting, as well as the Planning Board's signed Statement of Consistency, are included in Attachment 3. Agenda materials from the meeting can be viewed at: https://www.co.orange.nc.us/AgendaCenter/Planning-Board-26.

It should be noted the amendment presented to the Planning Board referenced changing the NPE for the West Fork on the Eno from 643 feet to 643.9 feet. This was based on data from the Town. The amendment package now reflects the Town's corrected NPE for the reservoir of 642 feet resulting in a slight the reduction in the 150 ft. (structure) and 300 ft. (septic) setback areas around the reservoir.

Planning Director Recommendation: The Planning Director recommends approval of the Statement of Consistency, as contained in Attachment 5, and the UDO Text Amendment, as contained within Attachment 6.

As a reminder, staff was directed to provide additional information related to development opportunities and constraints for a parcel of property located at 2520 Carr Store Road (PIN 9848-51-5777) owned by Mr. Robert Bush and Ms. Tabetha Trogdon. This information, supplied at the original public hearing, is contained within Attachment 8.

**FINANCIAL IMPACT:** Consideration and approval will not create the need for additional funding for the provision of County services. Existing staff, included in the Departmental staffing budget, will accomplish the work required to process this amendment.

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

- **GOAL: ESTABLISH SUSTAINABLE AND EQUITABLE LAND-USE AND ENVIRONMENTAL POLICIES**
  The fair treatment and meaningful involvement of people of all races, cultures, incomes and educational levels with respect to the development and enforcement of environmental laws, regulations, policies, and decisions. Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

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

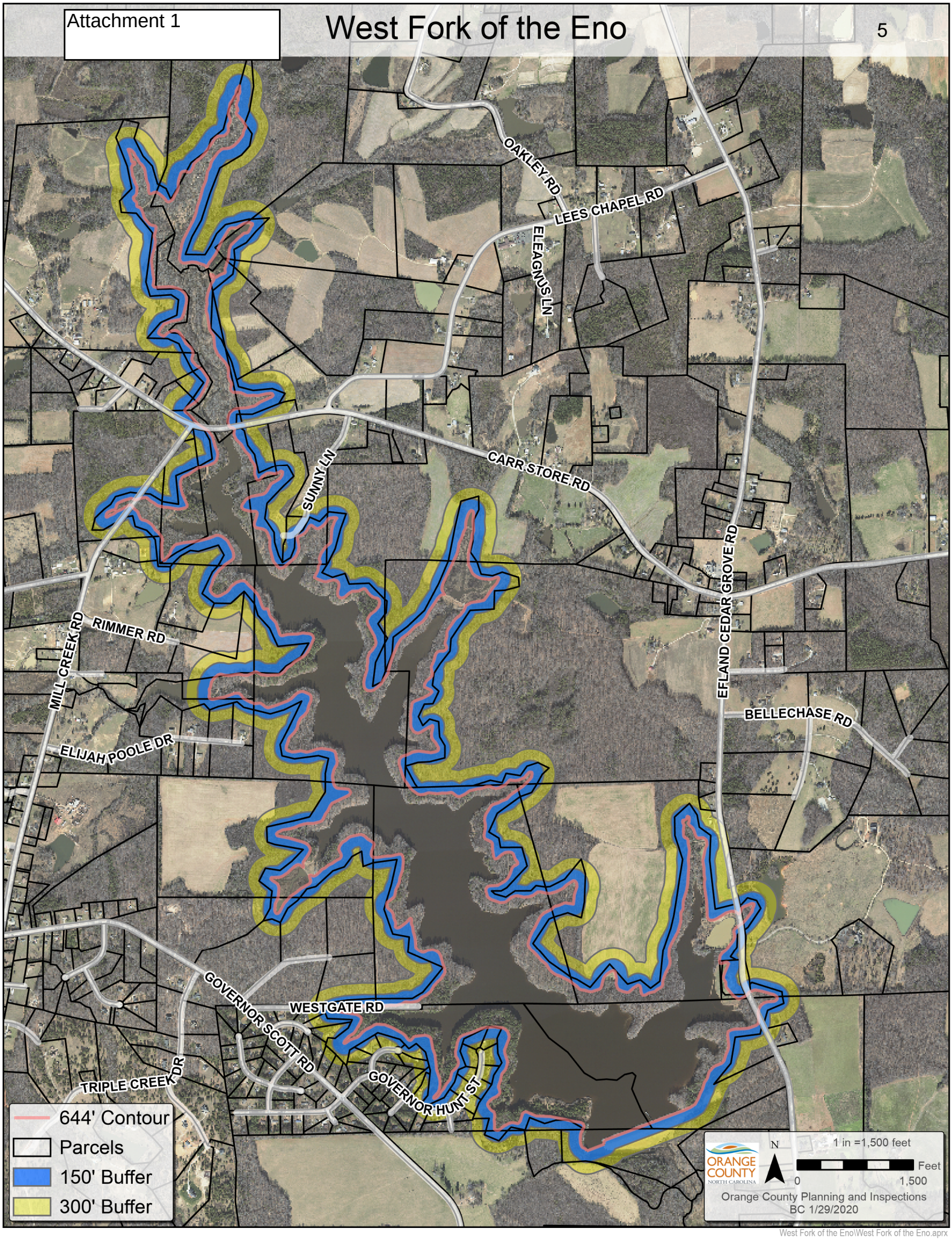
**RECOMMENDATION(S):** The Manager recommends the Board:

1. Receive the request;
2. With the Public Hearing previously closed, consider the amendment; and
3. Approve the Statement of Consistency (Attachment 5) and the UDO Text Amendment (Attachment 6).

Attachment 1

# West Fork of the Eno

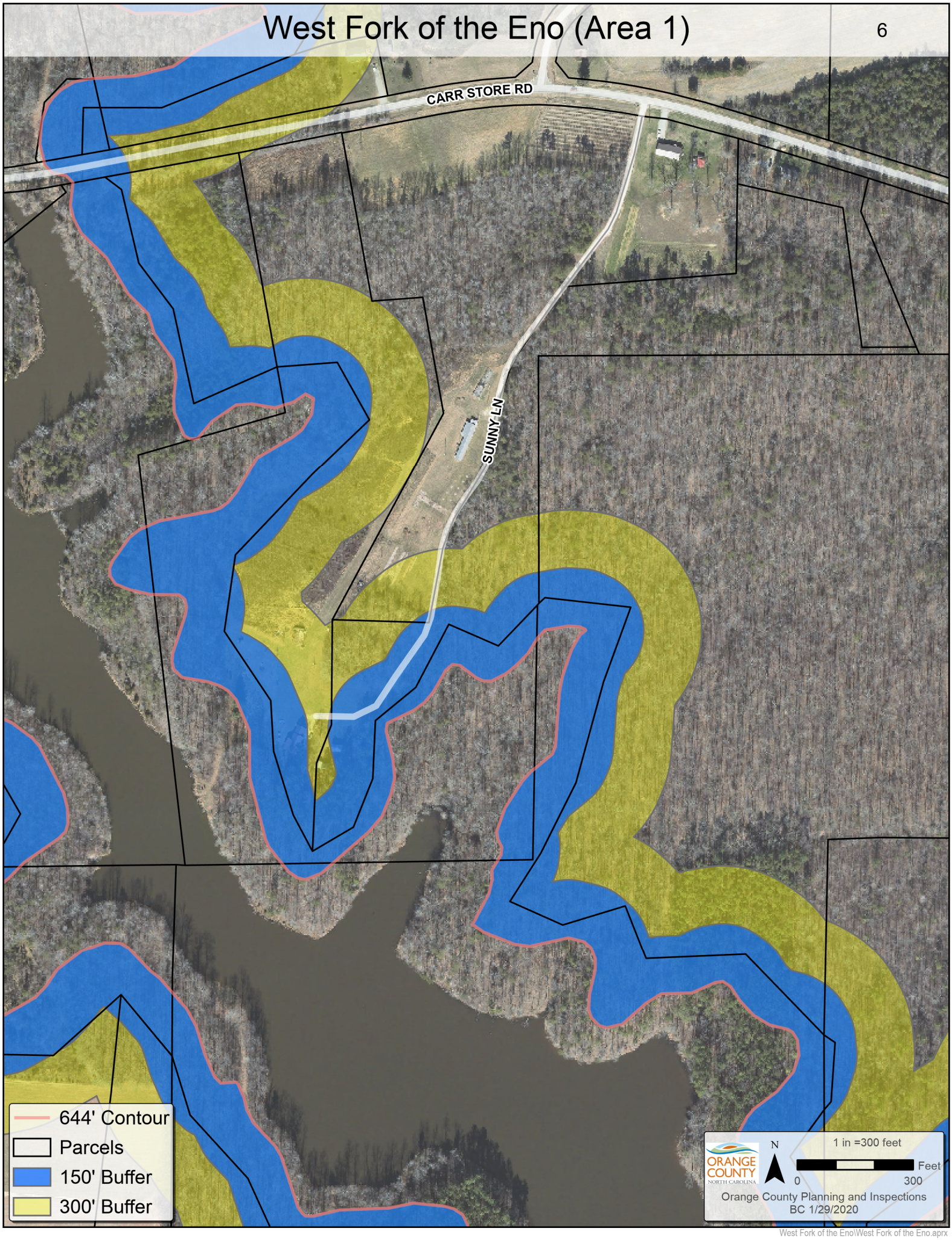





West Fork of the Eno\West Fork of the Eno.aprx

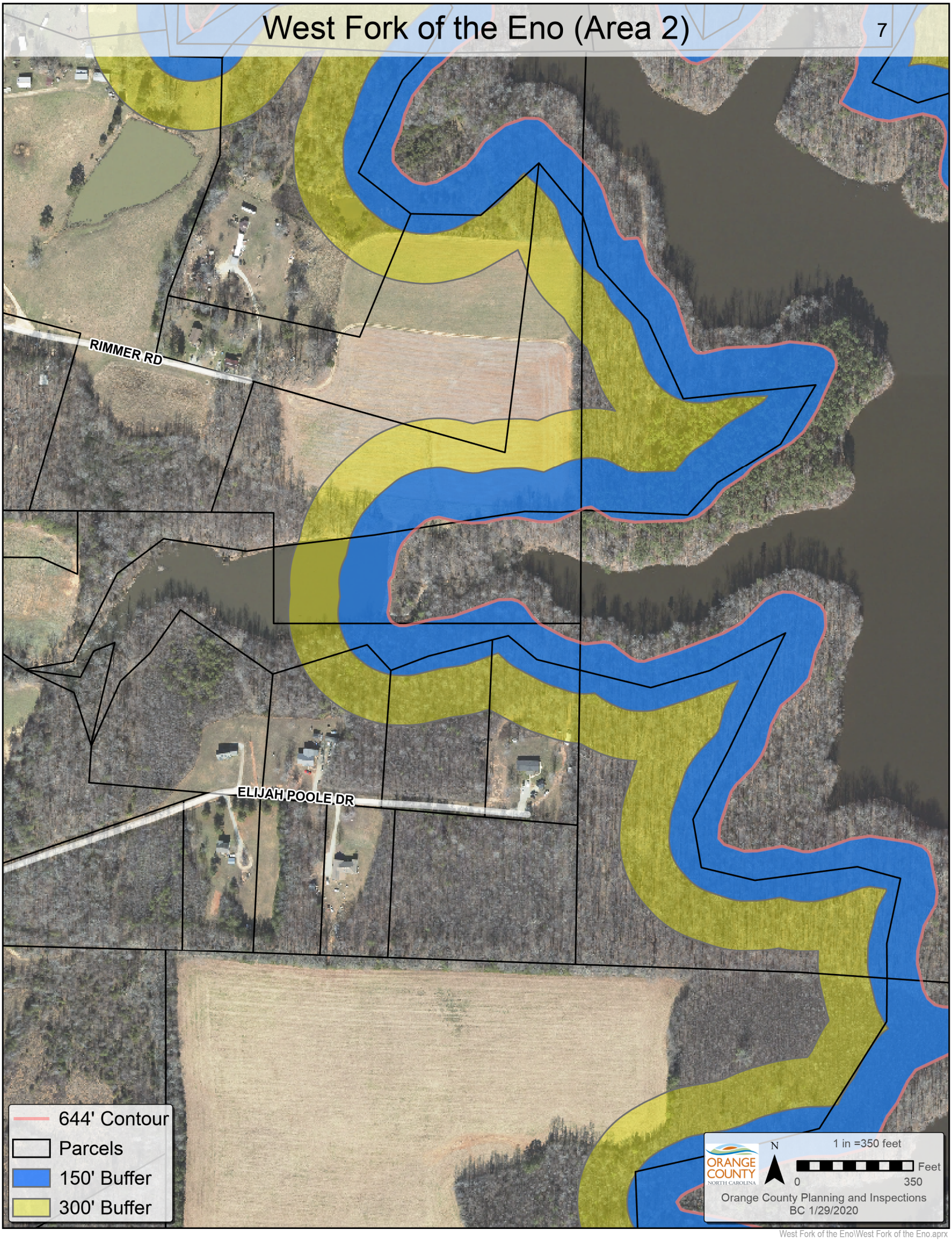
# West Fork of the Eno (Area 1)





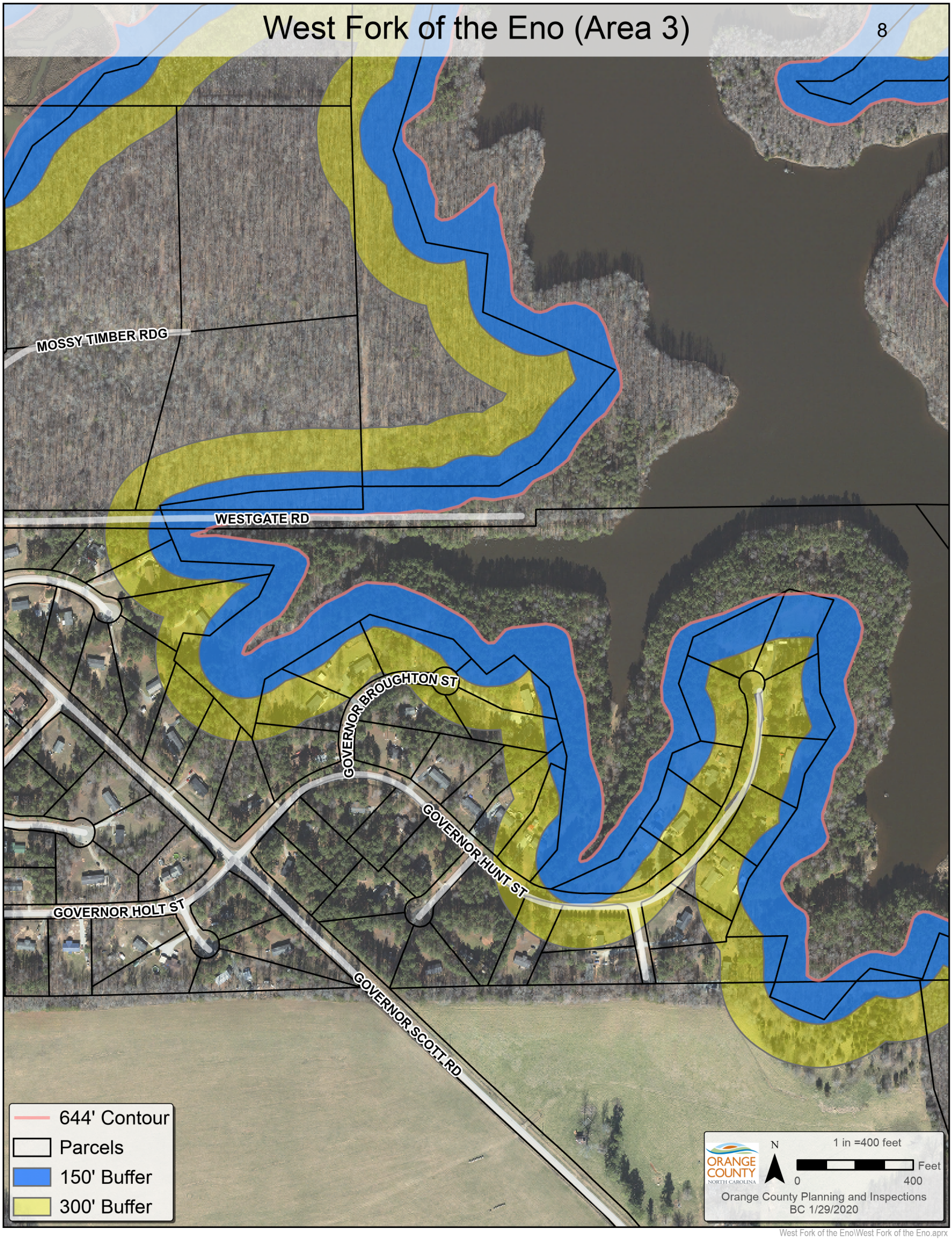
# West Fork of the Eno (Area 2)





# West Fork of the Eno (Area 3)





Attachment 2

SUMMARY NOTES
ORANGE COUNTY PLANNING BOARD
NOVEMBER 6, 2019
ORDINANCE REVIEW COMMITTEE

NOTE: A QUORUM IS NOT REQUIRED FOR ORDINANCE REVIEW COMMITTEE MEETINGS.

MEMBERS PRESENT: Lydia Wegman (Chair), At-Large Representative; Randy Marshall, At-Large Representative; Kim Piracci, Eno Township Representative; Melissa Poole, Little River Township Representative; Carrie Fletcher, Bingham Township Representative; Susan Hunter, Chapel Hill Township Representative; Gio Mollinedo, At-Large Representative; Patricia Roberts, Cheeks Township Representative; Hunter Spitzer, At-Large Representative;

STAFF PRESENT: Craig Benedict, Planning & Inspections Director; Michael Harvey, Current Planning Supervisor; Tina Love, Administrative Assistant III

AGENDA ITEM 1: Call to Order

AGENDA ITEM 3: WEST FORK ON THE ENO RESERVOIR - To begin review and discussion on proposed amendments to the UDO pertaining to the West Fork on the Eno reservoir to address concerns over reservoir setbacks. The expected timeline for the Planning Board recommendation and BOCC public hearing has not yet been determined.

PRESENTER: Michael Harvey, Current Planning Supervisor

*Michael Harvey reviewed the proposed amendments to the UDO regarding reservoir setbacks and provided background information.*

Carrie Fletcher: How many residents does it affect?

Michael Harvey: A couple dozen.

Patricia Roberts: Wouldn't you have to buy their house if did penalize them?

Michael Harvey: Hillsborough would, in my mind, have to buy their house but that's me saying that.

Craig Benedict: Hillsborough should have bought all the way up to that 150' from their future pool area, I think they were trying approximate that 150' area but it should have been from their phase II reservoir not their, possibly phase I reservoir pool area.

*ORC was adjourned through consensus*

Attachment 3

DRAFT – EXCERPT OF MEETING MINUTES
ORANGE COUNTY PLANNING BOARD
FEBRUARY 5, 2020
REGULAR MEETING

MEMBERS PRESENT: Lydia Wegman (Chair), At-Large Representative; David Blankfard (Vice-Chair), Hillsborough Township Representative; Adam Beeman, Cedar Grove Township Representative; Kim Piracci, Eno Township Representative; Susan Hunter, Chapel Hill Township Representative; Patricia Roberts, Cheeks Township Representative; Randy Marshall, At-Large Representative; Hunter Spitzer, At-Large Representative; Carrie Fletcher, Bingham Township Representative

MEMBERS ABSENT: Melissa Poole, Little River Township Representative; Gio Mollinedo, At-Large Representative; Hathaway Pendergrass, At-Large Representative

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor

AGENDA ITEM 8: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT – EROSION CONTROL PERMITS - To make a recommendation to the BOCC on proposed amendments to the UDO pertaining to the West Fork on the Eno reservoir to address concerns over reservoir setbacks. This item was introduced at the November 6, 2019 ORC meeting and is scheduled for BOCC public hearing on March 10, 2020.

PRESENTER: Michael Harvey, Current Planning Supervisor

*Michael Harvey reviewed the abstract and proposed changes to the UDO and provided the Board within an updated Attachment 4, an updated copy of the proposed amendment package.*

Lydia Wegman: Does this amendment allow someone to expand an existing septic system or residence closer to the reservoir?

Michael Harvey: No. Under Section 4.2.2 (F) you can make repairs to existing residences and septic systems and even expand same but you cannot, in my mind, go closer to the actual reservoir. We do, however, want to recognize the legal viability of the development and not penalize property owners for abiding by applicable rules at the time they located their residences or septic systems.

Adam Beeman: Is there a discrepancy in the maps provided in the package? It seems the reservoir actually includes property north of Carr Store Road.

Michael Harvey: The reservoir does extend north of Carr Store Road correct. That is why we have the revised map(s) in your packet. Sorry for the confusion.

Hunter Spitzer: Why is the Town of Hillsborough not required to own the required buffer area?

Michael Harvey: (If you are referring to the required 150 ft. and 300 ft. setbacks for buildings and septic systems) State law does not mandate the Town own the area required to comply with the established setbacks. That is one reason for the amendment.

Craig Benedict: There probably should have been an easement required to ensure the area was protected by the Town. And the Town had to negotiate with these property owners to secure the property necessary to accommodate the reservoir.

Michael Harvey: This is one reason the County has regulations governing what constitutes existing development and existing parcels when addressing compliance with required reservoir setbacks.

Patricia Roberts: Can someone replace an existing manufactured home with a stick built or modular residence?

Michael Harvey: There is nothing in the UDO that would prevent that. All the property owner would have to do is comply with applicable setback standards.

Michael Harvey: What this amendment does is establish a key date as it relates to the enforcement of the reservoir setback from the West Fork on the Eno. The amendment establishes the date for staff to ascertain what constitutes an existing lot and existing development when enforcing the required structure and septic setbacks. The UDO contains waiver provisions for an existing lot so that property owners who own a parcel established prior to the development or designation of a reservoir site with respect to locating a structure and septic system. Unfortunately this amendment will not address everyone's issues along the Eno. For example we have a property owner who has subdivided his lot several times from 1997 to today. His property will not qualify as an existing lot under this provision. The County staff chose the proposed date that made sense as it relates to the enforcement of reservoir setbacks. February 12, 1997 is the date the West Fork on the Eno reservoir was established as it relates to identifying the point where the 150 ft. structure and 300 ft. septic setback are taken from.

I am asking the Board to approve the Statement of Consistency in Attachment 3 and recommend the adoption of the revised Attachment 4, which establishes the key critical date with respect to what constitutes existing development and an existing lot along the West Fork on the Eno of February 12, 1997.

Hunter Spitzer: Is there a way to amend the proposal to change the dates for what constitutes a legal lot and existing development to a different date? I am concerned there may be some property owners who will not qualify with the February 12, 1997 date and we will make more structures nonconforming.

Michael Harvey: I am not comfortable with that. The intent of the identified sections is to define what qualifies as existing development and an existing lot as it relates to when a reservoir was established. From the date a reservoir is established, people who subdivide their property are obligated to abide by applicable reservoir setbacks for structures and septic systems. I will remind all parties there is nothing in this section preventing a property owner from seeking a variance from the Board of Adjustment if they believe the strict interpretation of the UDO infringes on their development or redevelopment of their property.

Hunter Spitzer: That only covers regulated subdivisions correct?

Michael Harvey: All property, created through the regulated, expedited, exempt subdivision processes, are required to abide by the established setbacks when they develop their property. This is handled as part of the zoning compliance permit process, which is separate from the subdivision process, and would include compliance with the 150 ft. setback for all structures and the 300 ft. setback for all septic systems from a reservoir. You are correct, however, it is likely a property owner engaging in an exempt subdivision will not be aware of the potential impacts of their action as it relates to complying with applicable reservoir setbacks. Unfortunately that is not something staff can address. We can continue to advise property owners of the issue but cannot require they take the consequences into account when deciding to proceed with an exempt subdivision.

Craig Benedict: Some of these issues hit home for property owners when the Town began clearing property to allow for the raising of the reservoir. It became clearer to those property owners just where the edge of the reservoir was going to be and that led to questions of us on anticipated impacts.

Patricia Roberts: Will these people have to purchase flood insurance?

Michael Harvey: There is nothing in the UDO mandating property owner purchase flood insurance. There is existing special flood hazard area along the reservoir. It is typically up to the lending institution if flood insurance will be required. Again I want to clarify this amendment package, in and of itself, does not create the need for flood insurance. I will not bore you with my 20 minute presentation on why you should purchase flood insurance regardless of your property's location within a special flood hazard area.

Randy Marshal: The aerial photo still shows trees along the reservoir area. Has clearing begun?

Michael Harvey: Yes clearing has already occurred and is nearly completed. My last conversation with the Town on this matter led me to believe the majority of clearing activities had already occurred but that additional work may be necessary. I am of the opinion work on the dam is being finalized and there is still roadwork that has to be completed for the project. Unfortunately all I have access to is 2016/17 aerial photo data so it does not show the existing of clearing activities that have already occurred.

MOTION by Randy Marshal to approve the statement of consistency, and the updated text amendment package as provided by staff. Seconded by Lydia Wegman.
VOTE: Unanimous

AGENDA ITEM 9: ADJOURNMENT
Meeting was adjourned by consensus

_____
David Blankfard, Chair

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

Orange County has initiated an amendment to the Unified Development Ordinance (UDO) establishing the effective date for the expansion of the West Fork on the Eno reservoir when determining required reservoir setbacks.

The Planning Board hereby approves the proposed text amendment and finds:

a. The requirements of Section 2.8 of the UDO have been deemed complete; and,

b. Pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan.

    1. The amendment is consistent with applicable plans because it supports the following 2030 Comprehensive Plan goals and objectives:

        - Land Use Goal 4 - Land development regulations, guidelines, techniques and/or incentives that promote the integrated achievement of all.

            These amendments are consistent with this goal and objective by establishment of the effective date for the expansion of the West Fork on the Eno reservoir when determining required reservoir setbacks thereby ensuring consistent application of development regulations.

        - Land Use Goal 6 – A land use planning process that is transparent, fair, open, efficient, and responsive.

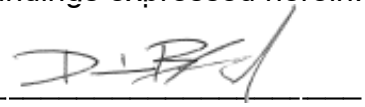
            These amendments are consistent with this goal and objective by eliminating confusion with respect to the enforcement of setbacks from the West Fork on the Eno reservoir thereby ensuring transparency in the development review process.

c. The amendment is reasonable and in the public interest because it:

    1. Ensures legal sufficiency by formally establishing what constitutes existing development and/or an existing parcel as it relates to the enforcement of reservoir setbacks associated with the expansion of the West Fork on the Eno reservoir.

        By establishing this reference date staff will be better suited to working with property owners abide by applicable regulations.

The Planning Board hereby adopts this Statement of Approval and Consistency as well as the findings expressed herein.



02.24.2020

David Blankfard, Chair — Date

Attachment 4

**NOTICE OF PUBLIC HEARING**
**ORANGE COUNTY BOARD OF COMMISSIONERS**

A public hearing will be held at the Whitted Building, 300 West Tryon Street, 2nd Floor, Hillsborough, North Carolina, on Tuesday, March 10, 2020 at 7:00 PM for the purpose of giving all interested residents an opportunity to speak for or against the following items:

1. **Unified Development Ordinance Text Amendments:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Director has initiated amendments to the Unified Development Ordinance (UDO) pertaining to the West Fork on the Eno reservoir to address concerns over reservoir setbacks. The following Section of the UDO is proposed for amendment:

    - 4.2.2 Applicability (Watershed Protection section)

    The amendments are necessary to address current inconsistencies within the UDO relating to the definition of what constitutes 'existing lots' and/or 'existing development' with respect to compliance with applicable reservoir setbacks.

    The Orange County Planning Board, at its February 5, 2020 regular meeting, voted unanimously to recommend approval of the proposed text amendments. Agenda materials from this meeting, including the recommended amendment language, can be viewed at: http://orangecountync.gov/AgendaCenter/ViewFile/Agenda/_02052020-966

    Purpose: To review the item and receive public comment on the proposed amendments.

Substantial changes in items presented at the public hearing may be made following the receipt of comments made at the public hearing. Accommodations for individuals with physical disabilities can be provided if the request is made to the Planning Director at least 48 hours prior to the Public Hearing by calling one of the phone numbers below. The full text of the public hearing items may be obtained no later than March 6, 2020 on the County website www.orangecountync.gov at the County Commissioners Agendas link.

Information will also be available from the Orange County Planning Department (contact information below) no later than February 28, 2020.

Questions regarding the proposals may be directed to the Orange County Planning Department located on the second floor of the County Office Building at 131 West Margaret Lane, Suite 201, Hillsborough, North Carolina. Office hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday. You may also call (919) 245-2575 or 245-2585 and you will be directed to a staff member who will answer your questions or you may e-mail questions to planningdept@orangecountync.gov.

| PUBLISH: | The Herald Sun | News of Orange |
|---|---|---|
| | February 26, 2020 | February 26, 2020 |
| | March 4, 2020 | March 4, 2020 |

Attachment 5

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

Orange County has initiated an amendment to the Unified Development Ordinance (UDO) establishing the effective date for the expansion of the West Fork on the Eno reservoir when determining required reservoir setbacks.

The Board of County Commissioners (BOCC) hereby approves the proposed text amendment and finds:

a. The requirements of Section 2.8 of the UDO have been deemed complete; and,

b. Pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan.

    1. The amendment is consistent with applicable plans because it supports the following 2030 Comprehensive Plan goals and objectives:

        - Land Use Goal 4 - Land development regulations, guidelines, techniques and/or incentives that promote the integrated achievement of all.

            These amendments are consistent with this goal and objective by establishment of the effective date for the expansion of the West Fork on the Eno reservoir when determining required reservoir setbacks thereby ensuring consistent application of development regulations.

        - Land Use Goal 6 – A land use planning process that is transparent, fair, open, efficient, and responsive.

            These amendments are consistent with this goal and objective by eliminating confusion with respect to the enforcement of setbacks from the West Fork on the Eno reservoir thereby ensuring transparency in the development review process.

c. The amendment is reasonable and in the public interest because it:

    1. Ensures legal sufficiency by formally establishing what constitutes existing development and/or an existing parcel as it relates to the enforcement of reservoir setbacks associated with the expansion of the West Fork on the Eno reservoir.

        By establishing this reference date staff will be better suited to working with property owners abide by applicable regulations.

The BOCC hereby adopts this Statement of Approval and Consistency as well as the findings expressed herein.

_____ _____

Penny Rich, Chair Date

Attachment 6

*Ordinance #* ORD-2020-018

**AN ORDINANCE AMENDING THE**
**UNIFIED DEVELOPMENT ORDINANCE OF ORANGE COUNTY**

**Whereas,** Orange County, consistent with State law, establishes setbacks for structures and septic systems from the Normal Pool Elevation (NPE) of reservoirs, and

**Whereas,** County regulations also establish standards defining what qualifies as existing development and an existing lot in terms of complying with these setback standards, and

**Whereas,** The Town of Hillsborough has begun the process of expanding the West Fork on the Eno reservoir resulting in a change in the NPE of the reservoir, and

**Whereas,** The UDO needs to be amended in order to reflect the revised NPE, as well as establish the date associated with what constitutes existing development and an existing lot, for property with frontage along the West Fork on the Eno reservoir, and

**Whereas,** The amendments are necessary to formally identify where setbacks are measured from, as well as what constitutes existing development and lots, along the West Fork on the Eno reservoir, and

**Whereas,** the requirements of Section 2.8 of the Unified Development Ordinance have been deemed complete, and

**Whereas,** the Orange County Planning Board has recommended approval of the proposed text amendments, and

**Whereas,** the County has held the required public hearing and has found the proposed text amendments are consistent with the goals and policies of the adopted Comprehensive Plan.

**Be it ordained** by the Board of Commissioners of Orange County that the Unified Development Ordinance of Orange County is hereby amended as depicted in the attached pages.

**Be it further ordained** that this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2020.

I, David Hunt, Deputy Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2020 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this _____ day of _____, 2020.

SEAL

_____

Deputy Clerk to the Board of Commissioners

Attachment 6

**UDO AMENDMENT PACKET NOTES:**

The following packet details staff's proposed modifications to the Unified Development Ordinance (UDO) designed to establish appropriate references to the effective date for the expansion of the West Fork on the Eno reservoir when determining required reservoir setbacks involving the following Section(s).

- 4.2.2 *Applicability – Watershed Protection*

As part of this amendment, package:

- Red Underlined Text: Denotes new, proposed text that staff is suggesting be added to the UDO
- ~~Red Strikethrough Text~~: Denotes existing text that staff is proposing to delete

Only those pages of the UDO impacted by the proposed modification(s) have been included within this packet. Some text on the following pages has a large "X" through it to denote that these sections are not part of the amendments under consideration. The text is shown only because in the full UDO it is on the same page as text proposed for amendment or footnotes from previous sections 'spill over' onto the included page. Text with a large "X" is not proposed for deletion.

**Please note that the page numbers in this amendment packet may or may not necessarily correspond to the page numbers in the adopted UDO because adding text may shift all of the text/sections downward.**

Users are reminded that these excerpts are part of a much larger document (the UDO) that regulates land use and development in Orange County. The full UDO is available online at:

**http://www.orangecountync.gov/DocumentCenter/View/8305/Unified-Development-Ordinance-PDF**

# ARTICLE 4: OVERLAY ZONING DISTRICTS

## SECTION 4.1: GENERALLY

### 4.1.1 Description, Standards, and Conflicts

**(A)** Overlay districts are supplemental to general zoning district classifications and are applied in combination to address special situations or to accomplish specific planning and land use goals.

**(B)** Unless otherwise expressly stated, all applicable regulations of the underlying district apply to property in an overlay district.

**(C)** Unless otherwise stated, all applicable standards of this Ordinance apply to property in an overlay district.

**(D)** When overlay district standards conflict with standards that otherwise apply in the underlying district, the regulations of the overlay district always govern.

## SECTION 4.2: WATERSHED PROTECTION

### 4.2.1 Purpose and Intent

**(A)** The purpose of the Watershed Protection Overlay Districts is to prevent significant future water quality deterioration in existing or potential future drinking water reservoirs which receive stormwater runoff from land within Orange County.

**(1)** Protection of all water supplies within the State in accordance with minimum standards was mandated by NCGS §143-214.5.

**(2)** The quality of water in drinking water reservoirs can be affected by human activities including farming, construction of highways and roads, subdivision development, industrial development, and other land-disturbing activities. Types of water pollutants resulting from these activities include sediment, bacterial contamination, heavy metals, synthetic organic compounds and low-level radioactivity.

**(B)** The intent of the Watershed Protection Overlay Districts is to apply a set of regulations involving land use and, in some cases, structural best management practices which protect the watersheds by reducing the pollution from future development which enters drinking water supplies.

**(1)** Land use management practices involve minimum lot size and impervious surface restrictions, since impervious surfaces such as roads, roof tops and driveways are a major source of pollution.

**(2)** Structural best management practices allow for more intensive land use by providing for temporary detention of stormwater runoff so that pollutants may settle.

### 4.2.2 Applicability

**(A)** The Watershed Protection Overlay Districts as established herein overlay other zoning districts established in this Ordinance. The new use of any land or new structure within any Watershed Protection Overlay District shall comply with the use regulations applicable to the underlying zoning district as well as the requirements of the applicable Watershed Protection Overlay District.

**(B)** A Watershed Protection Overlay District shall be applied to the Orange County portion of watersheds which have been classified as WS-II, WS-III or WS-IV watersheds by the North Carolina Environmental Management Commission in its implementation of NCGS

§143-214.5. In accordance with the State Mandate, 13 Watershed Protection District Overlays, as listed in the table in subsection (D), are hereby established.

**(C)** Areas designated as "Critical Area" under the Orange County designation are hereby established using the following criteria:

**(1)** The land area in the Upper Eno watershed (straight line distance) within one-half mile of the normal pool elevation (NPE), or nearest available contour line used for the calculation, of an existing Class I or Class II reservoir or proposed water supply reservoir designated for protection, or the ridgeline of the sub-watershed, whichever is less; and

**(2)** The land area within one-half mile on each side for an upstream distance of 2.5 miles (straight line distance) of any fifth order or higher stream flowing into a Class I reservoir, or the ridgeline of the sub-watershed, whichever is less; and

**(3)** The land area within one-half mile on each side of a fourth order or higher stream flowing between any Class II and Class I reservoir; and

**(4)** The land area within one-half mile on each side for an upstream distance of 1.5 miles (straight line distance) of a third or fourth order stream flowing directly into any Class I reservoir; and

**(5)** The land area within one-half mile on each side for an upstream distance of 1.0 mile (straight line distance) of a third or fourth order stream flowing into a fourth order or higher stream that is within 1.0 miles (straight line distance) of a Class I reservoir; and

**(6)** Any isolated areas within the overall critical area boundary that drain into any of the streams listed above.

**(7)** Areas designated as Transition Areas on the Land Use Element Map of the Orange County Comprehensive Plan are excluded from designation as a Critical Area, except for land areas located within one-half mile from the normal pool elevation of a Class I reservoir.

**(8)** The land area north of the centerline of West Ten Road and west of the centerline of the Interstate 85/U.S. 70 Connector is excluded from designation as a Critical Area, except for land areas located within one-half mile from the normal pool elevation of a Class I reservoir.

**(D)** The designation of "Protected" applies to areas of watersheds classified as WS-II, WSIII, or WS-IV outside of areas designated as "Critical Area."

**(E) General Locations of Watershed Protection Overlay Districts**

**TABLE 4.2.2.E: WATERSHED PROTECTION OVERLAY DISTRICTS**

| DISTRICT | | GENERAL LOCATION |
|---|---|---|
| UNIV-CA | University Lake Critical Area | One-half mile from the normal pool elevation of University Lake, or to the ridgeline of the watershed, whichever is less. |
| UNIV-PW | University Lake Protected Watershed Overlay District | The portion of the drainage basin of University Lake not covered by UNIV-CA. |
| CANE-CA | Cane Creek Critical Area Overlay District | One-half mile from the normal pool elevation of Cane Creek Reservoir, or to the ridgeline of the watershed, whichever is less. |
| CANE-PW | Cane Creek Protected Watershed Overlay District | The portion of the drainage basin of Cane Creek Reservoir not covered by CANE-CA. |
| U-ENO-CA | Upper Eno Critical Area Overlay District | One-half mile from the normal pool elevation, or to the ridgeline of the watershed, whichever is less, of the following Class I reservoirs: Corporation Lake (538' actual NPE, 540' contour line used) and Lake Ben Johnson (515' NPE and contour line used). One-half mile (straight line measurement) from the normal pool elevation, or to the ridgeline of the watershed, whichever is less, of the following Class II |

| TABLE 4.2.2.E: WATERSHED PROTECTION OVERLAY DISTRICTS | | |
|---|---|---|
| **DISTRICT** | | **GENERAL LOCATION** |
| | | reservoirs: Lake Orange (615' NPE and contour line used) and West Fork on the Eno (~~643'~~ 642' NPE, ~~640'~~ 642' contour line used)[1]; and the land area within one-half mile (straight line measurement) on each side of other streams designated for protection. These protected streams include portions of: Eno River, Seven Mile Creek, West Fork of the Eno River, East Fork of the Eno River, Rocky Run, Stream ID 1625, Stream ID 1498, Dry Run Creek, Crabtree Creek, and Stream ID 2109. (Source of elevation data: Atlantic Technologies Ltd., 1998 planimetric project approved by Orange County GIS). |
| U-ENO-PW | Upper Eno Protected Watershed Overlay | The portion of the Upper Eno drainage basin not covered by U-ENO-CA. |
| L-ENO-PW | Lower Eno Protected Watershed Overly | The Orange County portion of the Eno River Watershed within ten miles of the City of Durham Emergency Water Intake east of US 501 (Roxboro Road). |
| LITTLE-PW | Little River Protected Watershed Overlay District | The portion of drainage basin of the Little River Reservoir which is located in Orange County. |
| BACK-PW | Back Creek Protected Watershed Overlay District | The portion of the drainage basin of Back Creek which is located in Orange County. |
| HYCO-PW | South Hyco Creek Protected Watershed Overlay District | The portion of the drainage basin of South Hyco Creek which is located in Orange County. |
| FLAT-PW | Flat River Protected Watershed Overlay District | The portion of the drainage basin of the Flat River which is located in Orange County. |
| HAW-PW | Haw River Protected Watershed Overlay District | The portion of the drainage basin for the Haw River which is located in Orange County |
| JORDAN-PW | Jordan Lake Protected Watershed Overlay District | The Orange County portion of the Jordan Lake Watershed which extends five miles from the normal pool elevation of the impoundment. |

### (F) Existing Development

The following residential or non-residential structures shall be considered existing development for the purpose of determining compliance with or applicability of Sections 4.2 and 6.13.3, 6.13.4, 6.13.6, 6.13.8, 6.14.4, 6.14.10, 6.14.11, and 6.15.7(B)(3):

**(1)** Was either constructed prior to, or constructed in accordance with a valid building permit issued prior to, or was included as part of a Site Specific Development Plan approved by the Board of County Commissioners prior to January 1, 1994; or

[1] The UDO currently makes reference to the anticipated future normal pool elevation (NPE) of the West Fork on the Eno reservoir, specifically 643 ft. Town of Hillsborough staff originally indicated the expansion of the reservoir would increase the NPE of the reservoir to 643.9 ft. Staff proposed to amend the UDO to reflect this increase which was ultimately reviewed and recommended for approval by the Planning Board. Recently, however, the Town provided new information indicating the NPE of the reservoir would, in actuality, be reduced to 642 ft. Staff has modified the amendment proposal to reflect this change, which will result in less property area being encumbered by required reservoir setbacks.

**(2)** Was either constructed prior to, or constructed in accordance with a valid building permit issued prior to, or was included as part of a Site Specific Development Plan approved by the Board of County Commissioners prior to February 12, 1997 with respect to the Town of Hillsborough purchase of property associated with expanding the West Fork of the Eno reservoir; or[2]

~~(2)~~**(3)** Was either constructed prior to, or constructed in accordance with a valid building permit issued prior to, or was included as part of a Site Specific Development Plan approved by the Board of County Commissioners prior to October 19, 1999 with respect to the October 19, 1999 amendments related to the CANE-CA and CANE-PW districts, or

~~(3)~~**(4)** Was either constructed prior to, or constructed in accordance with a valid building permit issued prior to, or was included as part of a Site Specific Development Plan approved by the Board of County Commissioners prior to September 19, 2001 with respect to the Stream Buffer/Usable Lot amendments, or

~~(4)~~**(5)** Was either constructed prior to, or constructed in accordance with a valid building permit issued prior to, or was included as part of a Site Specific Development Plan approved by the Board of County Commissioners prior to May 20, 2003 with respect to the Stream Classification Amendments, or

~~(5)~~**(6)** Had otherwise established a vested right under North Carolina Zoning law prior to January 1, 1994, or October 19, 1999 with respect to the October 19, 1999 amendments related to the CANE-CA and CANE-PW districts, or September 19, 2001 with respect to the Stream Buffer/Usable Lot amendments, or May 20, 2003 with respect to the Stream Classification Amendments.

**(G)** Existing development is hereby deemed to be conforming with respect to requirements of Sections 4.2, 6.13.3, 6.13.4, 6.13.6, 6.13.8, 6.14.4, 6.14.10, 6.14.11, and 6.15.7(B)(3) of this Ordinance. Periodic updates to FEMA maps may affect structures located within the special flood hazard area of specific streams.

**(H) Redevelopment**

**(1)** The rebuilding or replacement of residential or nonresidential structures which are defined as existing development according to subsection (F) above is allowed, provided that the rebuilding or replacement does not result in an increase in the amount of impervious surface, and does not encroach any farther into stream buffers or setbacks from reservoirs than the previous development.

**(2)** A structure which is rebuilt or replaced in accordance with these provisions is deemed conforming with respect to setbacks from streams and reservoirs required by Section 6.13 of this Ordinance.

**(I) Existing Lots**

**(1)** An existing lot, for the purpose of determining compliance with Sections 4.2 and 6.13.3, 6.13.4, 6.13.6, 6.13.8, 6.14.4, 6.14.10, 6.14.11, and 6.15.7(B)(3), is defined as:

(a) A lot which was created prior to January 1, 1994, or

(b) A lot within the Upper Eno watershed which was created prior to February 12, 1997 with respect to the Town of Hillsborough purchase of property associated with development of the West Fork on the Eno reservoir; or

[2] This language is consistent with how the UDO currently references what constitutes 'existing development'. What the proposal does is formalize what constitutes existing development as it relates to the West Fork on the Eno.

~~(b)~~(c) A lot within the Cane Creek watershed which was created prior to October 19, 1999, with respect to the October 19, 1999, amendments related to the CANE-CA and CANE-PW districts, or

~~(c)~~(d) Non-conforming lots of record.

**(2)** Stream buffers as required by Section 6.13, and setbacks for septic systems as required by Section 4.2.9 may be reduced to the extent necessary to allow development of the lot, provided that all of the following criteria are met:

(a) The septic system is sized to serve no more than four bedrooms; and

(b) The septic tank, drainfield and repair area (where required) can be accommodated on 20,000 square feet of area or less; and

(c) The Orange County Planning Department, in consultation with Orange County Environmental Health and/or the Orange County Staff Engineer has determined that encroachment of the structure into the stream buffer and/or encroachment of the septic system or repair area into the stream buffer or reservoir setback is necessary in order to provide adequate area for septic disposal and repair while maintaining required separations between wells, septic systems, structures and property lines; and

(d) The Orange County Planning Department, in consultation with Orange County Environmental Health and/or the Orange County Staff Engineer, has determined that the relative locations of the well, septic system and structure maximize the amount of watershed protection that can be achieved while allowing development of the lot. Generally, an exception to setbacks for repair area is preferable to an exception for the initial septic system, and encroachment of structures or gravity septic systems into the setback is preferable to the installation of a septic system pump.

(e) The amount of encroachment into the stream or reservoir buffer is the minimum amount which can be obtained while meeting the criteria in (a) through (d).

### 4.2.3 Land Use Restrictions

All uses and activities allowed in the underlying zoning district are permitted with the following exceptions:

**TABLE 4.2.3 LAND USE RESTRICTIONS**

| DISTRICT | RESTRICTIONS |
|---|---|
| UNIV-CA<br>UNIV-PW<br>CANE-CA<br>U-ENO-CA | No new landfills are permitted.<br>No commercial or industrial uses are permitted except for commercial development, in accordance with the provisions of the Ordinance, located within established Nodes as detailed within the Orange County Comprehensive Plan.<br>No new golf courses are permitted |
| UNIV-CA<br>CANE-CA<br>U-ENO-CA | No residual (sludge/biosolids) application is permitted. |
| CANE-PW<br>U-ENO-PW<br>HYCO-PW<br>LITTLE-PW<br>BACK-PW<br>FLAT-PW<br>HAW-PW<br>L-ENO-PW<br>JORDAN-PW | No discharging landfills are permitted. Industrial use is limited to nonhazardous light industrial uses characterized by low water use (less than 10,000 gpd, excluding domestic water (25 gpd per employee) and water used for heating and air conditioning). |

**APPROVED 4/7/2020**

**MINUTES**
**BOARD OF COMMISSIONERS**
**BUSINESS MEETING**
**March 10, 2020**
**7:00 p.m.**

The Orange County Board of Commissioners met in a Business Meeting on Tuesday, March 10, 2020 at 7:00 p.m. at the Whitted Human Services Center in Hillsborough, N.C.

**COUNTY COMMISSIONERS PRESENT**: Chair Penny Rich and Commissioners Jamezetta Bedford, Sally Greene, Earl McKee, Mark Marcoplos, and Renee Price
**COUNTY COMMISSIONERS ABSENT**: Commissioner Dorosin
**COUNTY ATTORNEYS PRESENT**: John Roberts
**COUNTY STAFF PRESENT**: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren, and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below.)

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

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

Chair Rich proposed the following items be added to the agenda:
- pink sheet: Xenophobia Resolution, as item 4-c
- Presentation in re: COVID-19 with Health Director Quintana Stewart and Kirby Sanders, Emergency Services Communications.
- Additional Closed Session item:

§ 143-318.11. a "(5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

A motion was made by Commissioner Price, seconded by Commissioner Bedford to add the Xenophobia resolution, the presentation on COVID-19 and the additional closed session to the meeting.

**VOTE: UNANIMOUS**

Chair Rich noted the following items at the Commissioners' places
- Proposed resolution for item 4-c
- Hand out for item 5-a
- PowerPoint for item 5-a
- Letter from Mayor Lavelle in re: Southern Branch Library, for item 6-a

**PUBLIC CHARGE**

Chair Rich acknowledged the public charge.

**Arts Moment**

Orange County Arts Commission (OCAC) Member Tim Hoke introduced Cassie Lipton: Cassie Lipton is a senior at Orange High School. She enjoys writing, and recently won a Silver Key in Poetry from the Scholastic Art and Writing awards. She is a dedicated member of the

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Orange County, North Carolina do hereby encourage all residents of Orange County to share only confirmed and verifiable information provided by organizations such as the World Health Organization, the Centers for Disease Control and Prevention, the North Carolina Department of Health and Human Services Division of Public Health and the Orange County Public Health Department, to ensure that it is accurate and does not stoke unfounded fears.

BE IT FURTHER RESOLVED that the Board of Commissioners of Orange County encourages Orange County residents to denounce any racist and xenophobic rhetoric targeting members of our community and ensure that we act swiftly to condemn and address violent racism and mitigate any economic loss, rooted in fear and misinformation.

This the 10th day of March, 2020.

A motion was made by Commissioner Price, seconded by Commissioner Bedford to approve and authorize the Chair to sign the resolution.

**VOTE: UNANIMOUS**

Chair Rich suggested it be sent to the Town Clerks to distribute to all elected officials.

**5. Public Hearings**

**a. <u>Unified Development Ordinance (UDO) Text Amendments – Clarification of Setbacks from the West Fork on the Eno Reservoir</u>**

The Board held a public hearing, receive the Planning Board recommendation and public comment, and consider action on Planning Director initiated Unified Development Ordinance (UDO) text amendments revising/updating existing guidelines associated with the enforcement of reservoir setbacks for structures and septic systems.

Michael Harvey, Current Planning, presented the information below:

**PURPOSE:**
To hold a public hearing, receive the Planning Board recommendation and public comment, and consider action on Planning Director initiated Unified Development Ordinance (UDO) text amendments revising/updating existing guidelines associated with the enforcement of reservoir setbacks for structures and septic systems.

Specifically, the amendment seeks to establish the effective date for the expansion of the West Fork on the Eno reservoir. If approved, the amendment will create an exemption for parcels and development (i.e. structures and septic systems) established prior to the creation/expansion of the reservoir, specifically February 12, 1997.

The amendment also updates existing references to the final normal pool elevation (NPE) of the reservoir, which according to the Town of Hillsborough is going to be 642 ft. In the summer of
2019, the Town indicated the NPE for the reservoir was going to be 643.9 ft. and staff proceeded with an amendment based on this information. After being notified of the updated NPE, the amendment now references a NPE of 642 ft.

**BACKGROUND**:
Section 6.13.4 *Minimum Buffer Widths for Watershed Protection Overlay Districts* of the UDO establishes a 150 ft. wide setback around reservoirs. This area is intended to be left in an undeveloped state. Additionally, Section 4.2.9 *Water Supply / Sewage Disposal Facilities* of the UDO establishes a 300 ft. setback for septic tanks from a reservoir.

Section 4.2.2, specifically subsections (F) through (I), of the UDO establishes the applicability of watershed protection standards including establishing criteria defining those properties (developed and undeveloped) considered to be 'grandfathered' with respect to applicable buffer (i.e. stream and reservoir) standards.

In the 1990's, the Town of Hillsborough began the necessary permitting processes at the State level to construct the West Fork on the Eno reservoir within the Cedar Grove Township of the county.

Work was broken down into two phases, with Phase 1 including the Town purchasing property to expand the reservoir. The final boundary of the reservoir was established on February 11, 1997 with the recording of plats within the Orange County Registrar of Deeds Office denoting the Town's purchase of property along the West Fork of the Eno. Attachment 1 contains maps of the existing reservoir boundary, based on 2017 aerial photographic data, denoting the aforementioned 150 ft. (structure) and 300 ft. (septic) setback areas.

Phase 2 of the project involves the actual clearing of property and expanding the existing NPE of the reservoir. The Town has already begun Phase 2 of the project, including land clearing and increasing the elevation of the dam.

While the Town purchased sufficient property to accommodate the approved expansion of the actual reservoir, the required reservoir setback could still potentially impact adjacent parcels of property. Adjacent property owners have expressed concern the UDO does not specifically reference the expansion of the reservoir thereby making their properties potentially nonconforming to applicable watershed management regulations (i.e. required reservoir setbacks).

In an effort to address this concern, staff proposed a text amendment (Attachment 6) to reference the expansion of the West Fork on the Eno from the date the Town secured property allowing for the approved expansion. In consultation with the County Attorney office, staff has determined this date is February 12, 1997.

While property owners are still required to abide by applicable setbacks per Section(s) 4.2.9 and
6.13.4 of the UDO, they will have greater latitude in demonstrating compliance with applicable standards. This amendment will not necessarily allow for additional development of structures closer to the actual reservoir. It will, however, recognize the conforming status of existing development and not arbitrarily make same non-conforming. The status can be important with respect to property transactions and mortgage applications.

This proposal was reviewed at the November 6, 2019 Ordinance Review Committee (ORC) meeting. Notes from this meeting are contained within Attachment 2.

Analysis: As required under Section 2.8.5 of the UDO, the Planning Director is required to: '*… cause an analysis to be made of the application and, based upon that analysis, prepare a recommendation for consideration by the Planning Board and the Board of County Commissioners*'.

The amendments are necessary to address current inconsistencies within the UDO relating to the definition of what constitutes 'existing lots' and/or 'existing development' with respect to compliance with applicable reservoir setbacks. This amendment should likely have been completed in 1997 when the Town was purchasing property to establish the reservoir.

Planning Board Recommendation: At its February 5, 2020 regular meeting, the Planning Board voted unanimously to recommend **approval** of the Statement of Consistency and the proposed UDO text amendment. Excerpts of the draft minutes from this meeting, as well as the Board's signed Statement of Consistency, are included in Attachment 3. Agenda materials from the meeting can be viewed at: https://www.co.orange.nc.us/AgendaCenter/Planning-Board-26.

It should be noted the amendment presented to the Planning Board referenced changing the NPE for the West Fork on the Eno from 643 ft. to 643.9 ft. This was based on data from the Town. The amendment package now reflects the Town's corrected NPE for the reservoir of 642 ft. resulting in a slight reduction in the 150 ft. (structure) and 300 ft. (septic) setback areas around the reservoir.

Planning Director Recommendation: The Planning Director recommends approval of the Statement of Consistency, as contained in Attachment 5, and the UDO Text Amendment, as contained within Attachment 6.

Michael Harvey made the following PowerPoint presentation:

**ITEM 5 (a) - PUBLIC HEARING**
**Unified Development Ordinance (UDO) Text Amendment – West Fork on the Eno Reservoir Setbacks**

**Background:**

- County enforces setbacks for structures and septic systems as part of its Watershed Management Protection Program (Section 4.2 of the UDO inclusive) from a reservoir;
- Structures are required to be 150 ft. and septic systems are required to be 300 ft. from the Normal Pool Elevation (NPE) of a reservoir;
  - **STAFF COMMENT**: We currently exceed State minimum requirements.
- NPE of the reservoir is defined/referenced within Section 4.2.2 (E) of the UDO;

**West Fork of the Eno (aerial map)**
**Background (continued)**

- Section(s) 4.2.2 (F) and (I) establishes applicability of setback standards, specifically:
  - Section 4.2.2 (F) *Existing Development* - structures/septic systems installed prior to establishment of final reservoir boundary (i.e. NPE) can be replaced provided same: *does not result in an increase in the amount of impervious surface, and does not encroach any farther into stream buffers or setbacks from reservoirs than the previous development.*
  - Section 4.2.2 (I) *Existing Lots* - lots legally created prior to the establishment of the final boundary (i.e. NPE) of a reservoir;

- An 'existing lot' qualifies for an administrative waiver where Planning Director, in consultation with the Health Department, can modify the 300 ft. reservoir setback for septic systems based on established criteria;
- Amount of encroachment allowed is the minimum that can be obtained while meeting applicable criteria.

**IMPACTS OF AMENDMENTS:**

- Clarifies/updates the NPE of the reservoir from 643 ft. to 642 ft.
  - **This change will result in a reduction of the amount of land area subject to reservoir setback;**
- Establishes what constitutes existing development and an existing lot around the reservoir (i.e. development installed, and lots created, prior to February 12, 1997);

**WHAT THIS AMENDMENT DOES NOT DO:**

- Condemn or take property;
- Establish more restrictive regulations;
  - Current regulations do not specifically reference expansion of the West Fork on the Eno reservoir.
  - Staff is currently required to use January 1, 1994 to define existing development/lots (existing language).
- Prevent/restrict property owners from applying for variances from structure/septic setbacks off of a reservoir;
  - Appropriate fees have to be paid. No guarantee request will be approved.

**Staff Findings:**

- The amendment addresses existing deficiencies within the UDO referencing appropriate date for reservoir expansion;
- Provides clear direction on what constitutes existing development and/or lot around the West Fork on the Eno Reservoir;
- Corrects final NPE of reservoir;
- Provides property owners with definitive information on where required setbacks are measured from.

**PLANNING BOARD RECOMMENDATION:**

- Reviewed item at its February 5, 2020 regular meeting;
- Voted to recommend approval
  - STAFF COMMENT: Amendment referenced changing the NPE for the reservoir from 643 ft. to 643.9 ft. based on data from the Town;
  - Current amendment package corrected to reference the 642 ft. NPE of reservoir;
  - Planning Board does not need to re-review as resulting change constitutes reduction in the 150 ft. (structure) and 300 ft. (septic) calculated setback area around the reservoir (i.e. does not create a more restrictive standard that originally proposed)

**RECOMMENDATION(S):**

The Manager recommends the Board:

1. Receive the request;
2. Conduct the public hearing and accept comment;

3. Close the public hearing. (Note that, because this is a legislative decision, additional comments at a later date are permitted);
4. Approve Statement of Consistency (Attachment 5) and the UDO Text Amendment (Attachment 6).

Commissioner Price asked if this change will create a financial hardship for existing homeowners.

Michael Harvey said no, and the intent of the amendment is to clearly define what constitutes existing lots and existing developments, which should lessen any potential burden. He said there are properties that have been subdivided after 1997, which have been held to the appropriate reservoir standard and set back. He said there are several 10-acre lots, and larger, that benefit from existing development definitions. He said adding the 1997 date will only solidify claims to be classified as such.

Commissioner Price clarified that there will be no negative impacts for future development.

Michael Harvey said no, but one will have to comply with the code.

Commissioner Marcoplos asked if one can subdivide one's property, with the expectation of developing it, only to find out that it was actually undevelopable.

Michael Harvey said not during his tenure with the County.

A motion was made by Commissioner McKee, seconded by Commissioner Price to open the public hearing.

**VOTE: UNANIMOUS**

**PUBLIC COMMENT:**

Tim Boomhower declined to comment.

Melody Boomhower declined to comment.

Rob Bush said he owns property on Carr Store Road, and he asked the Board not to approve the date in this amendment as February 1997. He said it would be more reasonable to set the date to a future one, when the reservoir is filled to its new level. He said it seems unjust for the department that approved site plans to label homes as non-conforming. He said he lives in a tiny house, which he started building in 2013, and the site plan was approved by the Planning Department, and, to his knowledge, was not contingent to a previous mobile home that was removed from the property around 2003/2004. He said there was no mention of a future expansion of the reservoir, and he only learned this years later. He said in May 2019, he found out that his home would have restrictions put on it, and he could not be told if he would be permitted to rebuild in the case of a disaster. He said he was very concerned about this lack of information, and believes his current home site to be the only suitable one on his property, due to a lack of perkable soil. He said he immediately asked the Planning Director for a variance for buffer reduction. He said in July 2019 he was told his request would not be handled as an individual variance, but rather by a County-initiated text amendment, as many properties are affected around the reservoir. He said he was told this would come before the BOCC in the fall of 2019, but he received no information about the text amendment details until late January 2020. He said the amendment did not seem to address his concerns, and the variance was not given to reduce buffers around his home. He said he spoke with staff, and it was determined he would be allowed to add on or rebuild to the original mobile home's impervious area footprint. He said this was better than his original options, but he would still like a buffer reduction around his house to allow for more expansion on the already restricted lot, due to the lack of perk sites on his property. He said he would like to know why community

residents were not aware of these restrictions on their lots, pertaining to the raising water levels. He said, as the Planning Department approved all existing buildings, no existing building, regardless of date, should be labeled as non-conforming. He said homeowners should have the freedom to identify a septic repair area in the future, to prevent their homes from being phased out, due to a failed leach field, if that were to occur. He said he has worked hard on his house, and sees this amendment as negatively affecting his investment.

Dean Barnes said she lives on Governor Hunt Street, and if her water or septic tank were to be affected in the future, she does think this would negatively impact her property. She said she would like to know why Jordan Properties were approved for sale, knowing this change would be coming.

James Kennedy said he also lives on Governor Hunt Street, and he previously served on the boundary review board and board of equalization. He said Michael Harvey is lying, and property values are based on what people will pay, as well as comparables. He said if people hear that properties have restrictions, specifically water restrictions, the property values will go down, as will the community at large.

Ann Roberts said Michael Harvey said there would not be any hardships, but she received a letter that her property (which she has only owned for 4 months) would be condemned and she would only receive its tax value, which is much less than what it is worth. She said this is her home, in an established neighborhood, and she does not want to see it condemned.

Scott Atkins said the reservoir butts up against his property, where he has lived for 16 years. He said he is 6 years away from having his mortgage paid off. He said his septic tank does not fall within the qualified distance, and he does not want his house condemned. He said he would like to know the restrictions that exist because of the reservoir, and asked if he can hunt or fish near it. He said he unaware of the rules.

Calvin Parrish said he is worried, and wants to know why the properties were sold knowing it was going to be condemned, due to the expansion of the reservoir. He said it is unfair and unjust to kick people out of their homes.

Commissioner McKee asked if Michael Harvey would address some of the public comments.

Michael Harvey said neither the County, nor the Town of Hillsborough, have sent out letters condemning any properties. He said a member of the community has stirred up a lot of sentiment without first gathering the facts. He said the Town of Hillsborough has already secured all the necessary property for the reservoir expansion, and the County is not condemning any properties.

Commissioner McKee asked if Michael Harvey could speak to the issue of septic tanks being too close.

Michael Harvey said the neighborhood in question has lots that were established prior to 1997, meaning they qualify for existing lots, as well as existing development, and if septic systems have to be replaced, they will benefit from the current regulatory standards that say they can be replaced.

Commissioner McKee referred to the map, and said the setbacks completely encompass several of these lots of Governor Hunt Road.

Michael Harvey said this subdivision was created before the reservoir boundary was set, so it would qualify for an existing lot, as well as existing development.

Commissioner McKee referred to a lot that is completely encompassed by the two setbacks, and asked, if the septic failed, would the property owner be able to fix the problem.

Michael Harvey said County staff would help find a way to replace the septic on the property because it qualifies as an existing lot.

Commissioner McKee said even if that new septic field was within 150-foot boundary.

Michael Harvey said yes, because that is why there is the definition of existing lot and existing development. He said staff has to grant as much leeway as humanly possible, as stipulated by the ordinance. He read the ordinance.

Commissioner McKee clarified that this answer would address the resident who spoke of his 300 square foot tiny house.

Michael Harvey said Mr. Bush was allowed to take advantage of existing development, when he built his house in 2013. He said he personally processed this request. He said Mr. Bush was allowed to place a house where a mobile home had previously been, because it constituted existing development. He said the septic system was approved with the issuance of a permit by the Health Department in 1987, and also qualifies as an existing development. He said part of the problem Mr. Bush is experiencing is the fact that some of his property has been subdivided and sold to neighbors, which has reduced the overall lot area from 30-acres (in 1979) to a 7-acre parcel currently, with the last recording of an exempt subdivision plat in 2018.

Commissioner Greene asked if these lots are now considered non-conforming.

Michael Harvey said no. He said if a property meets the definition of an existing lot, or existing development, it is not non-conforming, but rather these properties are subject to the rules and standards within those two sub-sections, but staff does not declare the lot of as non-conforming. He said it was created in compliance with the legal standards that existed at the time, and at the time before the reservoir boundary was set, it meant all applicable criteria. He said the establishment of the reservoir boundary, in the late 1990s, does not make the lot non-conforming, but it is governed by existing development/existing lot under section 4.2.

Commissioner Greene said it sounds like the reservoir in non-conforming.

Michael Harvey said the reservoir is not non-conforming. He said the reservoir is the reservoir, and its boundary was established with the recordation of plats in 1997 to create the boundary.

Commissioner Greene asked if the subdivision predates the reservoir.

Michael Harvey said yes, the subdivision was in process before the final boundary of the reservoir was established.

Commissioner Greene said that was unwise.

Michael Harvey said he is at a loss as to why the staff did not amend the ordinance in 1997.

Commissioner Price asked if Mr. Bush were to sell his property, would the new owner be able to build a bigger home on that same property.

Michael Harvey said potentially, but he would need to see a site plan first, which would have to demonstrate that it met existing development, or that it is outside of the 150-foot buffer for setback structures. He said the bigger issue is the lack of perkable soil on the property, which may not be able to support a larger house.

Commissioner Price said she meant an expansion of the existing footprint.

Michael Harvey said yes, there is opportunity for an expansion of the existing residence.

Commissioner Price clarified that nothing has been issued about condemnation.

Michael Harvey said that is correct, and he has not authored or authorized any letters stating condemnation of any property as a result of this action. He said this reaction is the result of one community member seeking to stir up emotions, and while this is an emotional issue for some, he does not believe the insinuations in the resident's letter have any merit.

Commissioner Price asked if Michael Harvey has seen a letter from a resident.

Michael Harvey said no.

Chair Rich said some residents recently purchased homes, and asked if staff has been discussing this issue for some time.

Michael Harvey said yes, since the beginning of 2019.

Chair Rich asked if all of the homes around the reservoir were notified.

Michael Harvey said no because this is an UDO text amendment.

Chair Rich asked if some of the homes will be less valuable if this amendment is approved.

Michael Harvey said he is not a tax person and cannot speak to those questions, but these lots are not considered non-conforming under the County UDO, as they are considered to be existing lots, or to have existing development. He said the County does not treat these properties as non-conforming, but rather as lots and parcels that were in existence prior to the reservoir being established and wants to give them leeway in terms of compliance.

Chair Rich asked if the year that the reservoir was established could be identified.

Michael Harvey said the plats were recorded on February 12, 1997, which is when the Town secured the final property purchase, which secured the final boundary of the lots. He said picking this date is consistent with how the County has treated other reservoirs.

Commissioner Price said the minutes refer to a property that has been sub-divided many times since 1997, and will not qualify as an existing lot, but the date has not yet been established, as the BOCC has not yet voted.

Michael Harvey said he based his answer of the proposal made by staff, and that it did not constitute a lot of record based on how staff was interpreting how the UDO needed to be modified to reference the establishment of the West Fork in the Eno Reservoir.

Commissioner Price said his sub-division exists now, and the BOCC has not voted on the date. She asked how it is possible that staff can already say that this resident's actions would disqualify him as existing lots.

Michael Harvey said he is basing his answer on staff's proposal of the date of February 12, 1997 being the logical date to establish when the normal pool elevation for the West Fork of the Eno was established. He said this is his answer.

Commissioner Price said the BOCC has not yet established this date.

Michael Harvey said the BOCC could change the date, and that may change the answer.

Commissioner Price said she is not asking to change the date, but is pointing out that the date has not yet been voted on. She said all of this will be retroactive.

Michael Harvey said the only date he can use, as articulated in his abstract and presentation, is January 1994.

Commissioner Price said she is not concerned about the date, but wants to know if this would be retroactive.

Michael Harvey said he has answered the question to the best of his ability.

Commissioner Price said the Town of Hillsborough had to negotiate with the property owners to secure the property necessary to accommodate the reservoir, and asked if this pertained to current negotiations, or years past.

Craig Benedict, Planning Director, said years ago. He said in the present code, an existing lot is defined as January 1, 1994, and this is the date that staff has used as this is when the watershed regulations went into effect. He said, in absence of this new amendment, the date could be as late as February 12, 1997. He said the date previously used was January 1, 1994 prior to the amendments that may be made tonight.

Craig Benedict said when Hillsborough chose to build reservoir phases one and two, in the mid 1990s, the Town bought properties to accommodate this. He said all of the land that Hillsborough needed for these two phases was purchased by 1997.

Commissioner Marcoplos asked if the bottom line is that a house could be rebuilt, and possibly expanded, if it were to be destroyed by a natural even, such as a tornado.

Craig Benedict said the house could be rebuilt to whatever approved existing septic systems exist. He said any expansion to septic systems would have to be approved through the Health Department.

Craig Benedict said as soon as the reservoir was contemplated, people started subdividing around the lake, as was done at Lake Orange as well. He said during his tenure with the County, staff has had to make determinations that the lots were roughly concurrent with the reservoir, and people want to live next to a future reservoir. He said people can rebuild to the standards of the size of their house.

Commissioner Marcoplos asked if a resident has perkable land, can the resident extend the septic, add another bedroom, etc.

Craig Benedict there is a four-bedroom maximum.

Commissioner Marcoplos asked if anyone will be prevented from replacing a septic system.

Craig Benedict said no, everyone can replace the septic system, as long as it meets Health Department standards.

Commissioner Marcoplos asked if the reservoir would impact the issue of a septic system meeting Health Department standards.

Craig Benedict said it would be the same standard as if it were next to a reservoir, or not, except the resident would have to work with the Planning Department to find out which location is best. He said around Lake Orange, there are one or two cases where a resident cannot fit a septic field, because of the land size, and there are other devices that are approved by the State, which can replace the normal, conventional septic system.

Commissioner Marcoplos asked if there is anything Hillsborough could have done to make this process better from the beginning.

Craig Benedict said that is conjecture. He said reservoirs are rarely built, but when they are it is rare for excess land to be purchased. He said his reading of the issue is that they do not purchase out to 300-feet beyond where the water level will be. He said if the Town had purchased out that far, then all lands would have been unencumbered by the setbacks, but this is not the County's standard to take a look at.

Marie Strandwitz, Utilities Director for Town of Hillsborough, said she appreciated the staff presentations. She said it is her understanding that the Town planned the reservoir starting around 1993. She said the Town started acquiring properties, and is some cases there was condemnation, and other times the Town was able to negotiate successfully for the land. She said the permit from the Corps was issued in the fall of 1997, or early 1998, which consisted of both phases. She said the Town had the foresight to see that it would need more water one day, and the permit from the Corps, and accompanying 401 permit from the State, covered both phases. She said the 1994 date correctly had the 643 elevation based on the datum used by surveyors at that time. She said since 1994, the UDO has stated the correct phase 2 elevation (or expansion), and to get to this point the Town has conducted public hearings, and all the property owners around the reservoir boundary, at that time, were notified. She said anyone who had purchased a property since that time has been subject to the set back that already exists in the UDO. She said she does not know if realtors have communicated this information to the property owners at time of purchase. She said expansion of phase 2 physically started in 2018, as the permit from the Corps was set to expire. She said the Town did not need the extra water at that time, but as the permits are difficult to obtain, the Town chose to move forward with the phase 2 expansion. She said the raising of the damn structure has been completed, as well as the clearing around the damn structure. She said the Town has approved for its Manager to sign the contract to raise the surrounding roads, which is the last piece of the puzzle before the Town can start letting the reservoir fill to its new level, which is contour 642.2, according to the new survey datum of NAVD 88.

Marie Strandwitz referred to the question about fishing and hunting, and said as part of the state mitigation, the Town is to put the area around the reservoir in a conservation easement. She said she has seen documents that state the Town has bought all the necessary

property to encompass the phase 2 level, as well as the State buffer. She said the Town did not go further into the County setbacks, as it held public hearings at that time. She said the Town is working with the State to put its properties into a restrictive deed, which are areas well outside the buffer that the State wants the Town to maintain. She said the restrictive deed includes no trespassing, no swimming, hunting, fishing, and camping. She said the Town is required to post signage to this effect.

Marie Strandwitz said the Town has not sent any letters of commendation.

**PUBLIC COMMENT**

Amber Broadwell said she has lived in the area for some time, and has fished the entire time, and she wants to know why fishing is not allowed.

Marie Strandwitz said the State will not allow these types of activities, per the permit that was obtained in the 1990s. She said it requires the Town to keep protection of its water supply, which is why the County is having extra setbacks. She said it is a watershed protection area, and is the water supply for the Town. She said people may have been fishing for years, but should not have been doing so.

Calvin Parrish asked if it is known who would be financially responsible, if a septic tank needs replacing.

Michael Harvey said he feels inadequate to answer the question, but if the septic system fails, there is no provision in the UDO mandating the Town to pay for this.

Commissioner Price asked if the expansion is expected to affect septic tanks.

Michael Harvey said he does not have data to definitively answer that question, but the setbacks are in place to avoid such issues. He said such issues would have to be addressed as they arise.

Commissioner McKee asked if staff knows if any of these septic fields will be submerged by the new water level.

Michael Harvey said no, based on the information he has, there should be no submerging of septic fields.

James Kennedy said this amendment will devalue the properties. He said any restriction to a property will scare off buyers.

Chair Rich said currently these properties are following the UDO.

Michael Harvey said the restriction has existed since 1997, and staff is not adding a restriction but rather clarifying what constitutes an existing lot and existing development for the purposes of permitting.

A motion was made by Commissioner Bedford, seconded by Commissioner McKee to close the public hearing. (Note that, because this is a legislative decision, additional comments at a later date are permitted).

Michael Harvey said since this is not quasi-judicial process, he said there can be additional comments made after the hearing is closed.

Commissioner McKee said he was around when this reservoir was planned and built, and it was contentious to the point that there were threats of vigilante action. He said perhaps the Town should have put easements up to the setbacks, but that is irrelevant at this point. He said he wants to make sure that residents are not adversely affected.

Commissioner Price asked if the BOCC must make a decision tonight, or can it just close the public hearing.

Michael Harvey said staff has made a recommendation, but the BOCC can close the hearing and take whichever action it sees fit.

**VOTE: UNANIMOUS**

Commissioner Greene said she would like more time to think about this topic, and gather more information. She said she does not feel fully informed to vote this evening.

A motion was made by Commissioner Greene, seconded by Commissioner Price to defer this item to the April 7, 2020 Board of Commissioners' Business Meeting.

**VOTE: Ayes, 5; Nays, 1 (Commissioner Marcoplos)**

**b. <u>Public Hearing on the Financing of Various Capital Investment Plan Projects</u>**

The Board conducted a public hearing on the issuance of approximately $45,500,000 to finance capital investment projects and equipment for the fiscal year; and consider voting to approve a related resolution supporting the County's application to the Local Government Commission (LGC) for its approval of the financing arrangements.

Gary Donaldson, Chief Financial Officer, presented the information below.

**BACKGROUND:**
County staff estimates that the total amount to be financed for capital investment projects and equipment will be approximately $45,500,000. The statutes require that the County conduct a public hearing on the proposed financing. A copy of the published notice of this hearing is provided (Attachment 1).

The notice of public hearing was advertised in *The Herald Sun* and the *News of Orange*.

After conducting the public hearing and receiving public input, the Board may consider the adoption of the resolution (Attachment 2). The resolution formally requests the required approval from the North Carolina Local Government Commission (LGC) for the County's financing, and makes certain finding of fact as required under the LGC's guidelines. County staff has been in contact with the LGC staff, and staff expects no issues in receiving LGC approval.

If the Board adopts the resolution indicating its intent to continue with the financing plan, the Board will be asked to consider a resolution giving final approval to the financing plans at its April 7, 2020 meeting. Under the current schedule, County staff expects to set the final interest rates and close by the end of April.

**FINANCIAL IMPACT:** There is no financial impact related to this action. However, there will be a financial impact in proceeding with the financing. A preliminary estimate of maximum debt service applicable to the capital investment projects and equipment financing would require the highest debt service payment of $4.2 million in FY 2021-22. The tax rate equivalent for the estimated highest debt service payment is approximately $2.23 cents.

Gary Donaldson made the following PowerPoint presentation:

**<u>Series 2020 Limited Obligation Bonds</u>**
**<u>Spring Financing Resolution</u>**
**<u>March 10, 2020</u>**

**<u>Purpose</u>**

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

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

ORANGE COUNTY
NORTH CAROLINA

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

# MEMORANDUM

**TO:** Orange County Board of Commissioners
Bonnie Hammersley, County Manager
Travis Myren, Deputy County Manager
**CC:** Michael Harvey, Current Planning Supervisor
**FROM:** Craig N. Benedict, AICP, Planning & Inspections Director
**DATE:** March 6, 2020
**RE:** BOCC Meeting 3/10/20 Item 5A-Resident concern: Address 2520 Carr Store Road Cedar Grove

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Please see the attached letter which has a relationship to item 5A of tonight's agenda. The letter to the property owners was not included as an attachment to agenda item 5a because the Public hearing for the UDO is broader than this single issue.

The first memo was to the Bush and Trogdon family of 2520 Carr Store Road. The memo states the limits of development on their land and the options for further development.

They were hoping that the West Fork Eno Reservoir amendment proposed tonight would liberalize the future or further use of their land. The amendment does not since their lot was not a lot of record in 1997. They may speak to this item tonight.

The amendment clarifies the maximum flood pool of which setbacks and septic buffers are established, as well as the effective dates.

Michael or I can speak to this issue tonight if requested.

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

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**Hillsborough, NC 27278**

February 27, 2020

Robert Bush and Tabetha Trogdon
1329 Newton Pleasant Loop Road
Hurdle Mills, NC 27541

Dear Mr. Bush and Ms. Trogdon:

In or around May 2019, you contacted the Orange County Planning Department about your parcel (PIN 9848-51-5777) near the West Fork Reservoir. You heard the Town of Hillsborough was initiating phase 2 of reservoir construction and would ultimately raise the reservoir level by 10' vertical feet. You were concerned about how the changes to the reservoir would impact your property.

The County requires a 150' building setback and a 300' septic field setback from the reservoir. Michael Harvey, Current Planning Supervisor, has drafted a UDO text amendment about the West Fork reservoir, but the amendment will not reduce the required setbacks. However, you still have some development relief under UDO Section 4.2 *Watershed Protection.*

The following letter gives a brief history of your property and the pending text amendment. It also outlines your development opportunities in relation to the reservoir under zoning.

**Pending Text Amendment**
Michael Harvey has drafted a UDO text amendment about the West Fork reservoir, but the amendment will not reduce the 150' and 300' setbacks. It will do the following:

1. Update the Normal Pool Elevation to 643', which will be the final level of the reservoir after the Town completes phase 2 of construction; and

2. Expand UDO Section 4.2.2 (F) *Existing Development* to include an exception for structures constructed near the reservoir before February 11, 1997. That is the date the Town secured property to expand the West Fork reservoir.

**Case History**
Here is a brief history of development on your parcel from 1987 to present:

- Orange County Environmental Health issued a Construction Authorization for a septic system for a mobile home on November 9, 1987 (CAH74291).

- A plat titled "Division of Property of Wesley W. Blythe and Beverly A. Blythe" dated 09/03/1997 shows a mobile home on the property measuring 68' x 16' (Plat Book 79, Page 5

in the OC Register of Deeds). The mobile home was later removed from the property (exact date of removal unknown).

- You purchased the property and applied for a residential building permit in 2013 (CB13-00751). You submitted plans for a 528 sq. ft. dwelling (384 sq. ft. of habitable space and 144 sq. ft. of decking).

- Michael Harvey approved the site plan for CB13-00751 on June 12, 2013. Building Inspections issued the Certificate of Occupancy for the dwelling on September 25, 2014.

Based on the information above, Michael Harvey has made the following determinations:

- Environmental Health records indicate the 68' x 16' (1,088 sq. ft.) mobile home was permitted and on the property prior to January 1, 1994.

- Based on that determination, the mobile home is considered "existing development" under UDO Sec. 4.2.2 (F) (1) *Existing Development*.

- Therefore, you are entitled to redevelop your property in accordance with UDO 4.2.2 (H) *Redevelopment*, which reads as follows:

  *"The rebuilding or replacement of [a structure defined] as existing development according to subsection (F) above is allowed,* ***provided that the rebuilding or replacement does not result in an increase in the amount of impervious surface and does not encroach any farther into stream buffers or setbacks from reservoirs than the previous development…***

  ***A structure [that] is rebuilt or replaced in accordance with these provisions is deemed conforming with respect to setbacks from streams and reservoirs*** *required by Section 6.13 of this Ordinance."*

**Development Opportunities**
You have several development options that would comply with Section 4.2.2 (H). These options include, but are not necessarily limited to, the following:

1. **Add onto the existing dwelling.**
   You can increase the dwelling to a total of 1,088 sq. ft. impervious surface area, which would be consistent with the impervious surface coverage of the original mobile home. However, you cannot build the addition any closer to the reservoir than the mobile home was.

   Note that this is feasible depending on the septic, repair, and well locations. Sunny Lane is a private easement, not a right-of-way. So there is no building setback from the edge of the easement. You would just need to build the addition so it meets the following requirements:

   - 20' setback from side and rear lot lines;
   - Outside of the Sunny Lane private easement;
   - No expansion of the existing septic system; and
   - No closer to the reservoir.

2. **Move the existing dwelling.**
   Although this option may sound simplistic, it is still a possibility. Being only 528 sq. ft., the dwelling likely could be moved outside the reservoir setback. Then you could expand the dwelling without worrying about the reservoir restrictions.

3. **Use the dwelling as an "efficiency unit."**
   It is my understanding that you may wish to sell this property. If you do list the parcel, you could market the existing dwelling as a "non-conforming efficiency unit."

   Each residentially zoned lot in Orange County is entitled to one primary dwelling and one efficiency unit. The primary dwelling can be whatever size the septic permit and impervious surface limit will allow. In contrast, an efficiency unit must meet the following criteria:

   - Maximum of 1,000 sq. ft. gross floor area;
   - Maximum of 800 sq. ft. heated/cooled, habitable space;
   - Held in the same ownership as the primary dwelling; and
   - Comply with required setbacks, impervious surface limitations, etc.

   The buyer would be able to build a new home and keep the existing dwelling as an efficiency unit—one that is closer to the water's edge than would be allowed today.

***

As proposed, the pending text amendment with not reduce the required reservoir setbacks. However, your parcel qualifies for some relief under UDO Section 4.2. Under this section, you could move or expand the existing dwelling. You could also elect to market the dwelling as a "non-conforming efficiency unit." These options, although perhaps not ideal, provide some flexibility.

I hope this letter helps clarify your development options in relation to the West Fork Reservoir. Thank you for your patience as we work with the Town

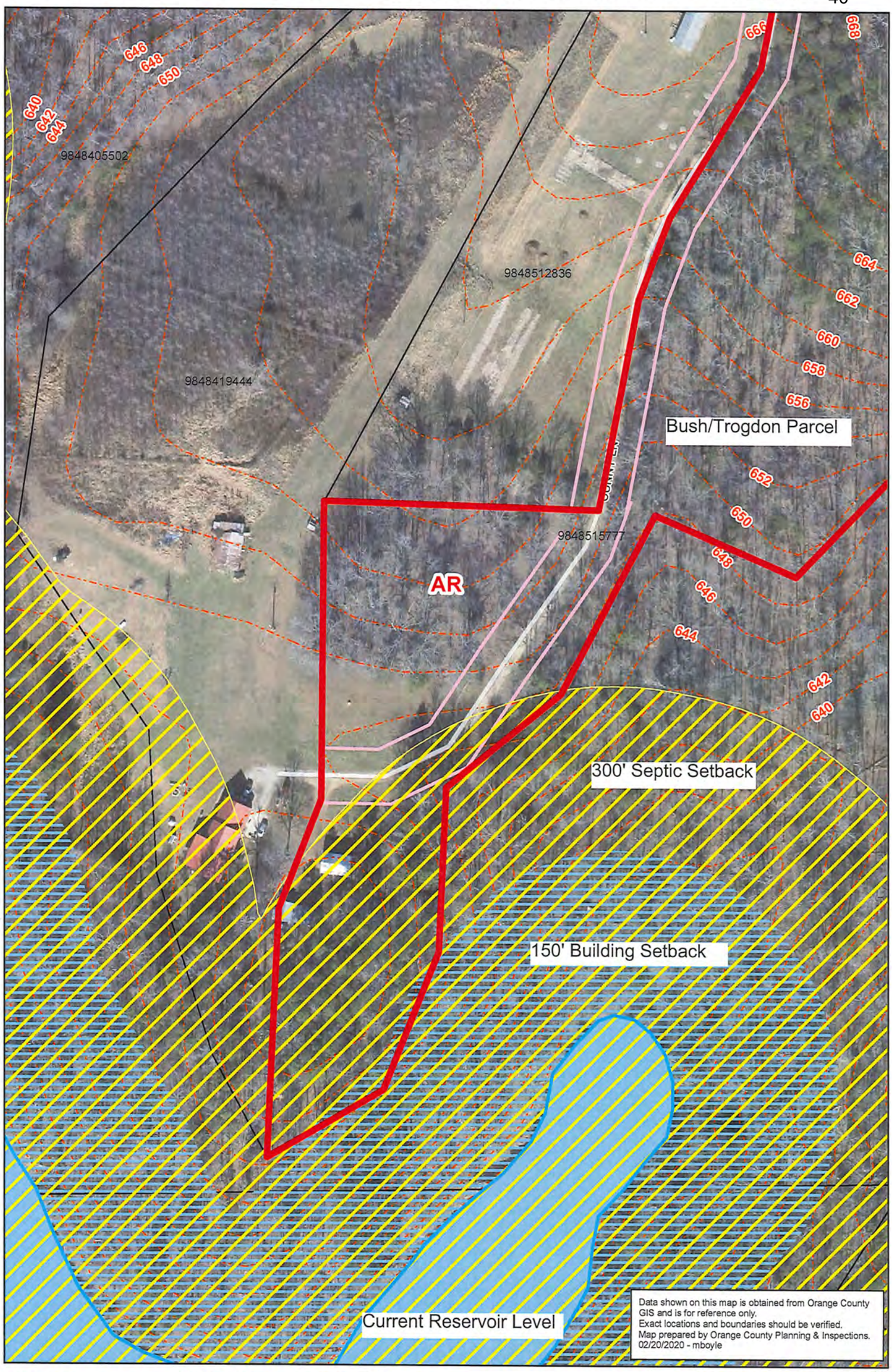
Best Regards,

Craig Benedict, AICP
Planning Director

Enclosures: Map of Setbacks from Phase 1 (Current) Reservoir Level
Map of Setbacks from Phase 2 (Final) Reservoir Level
Draft of Reservoir Text Amendment

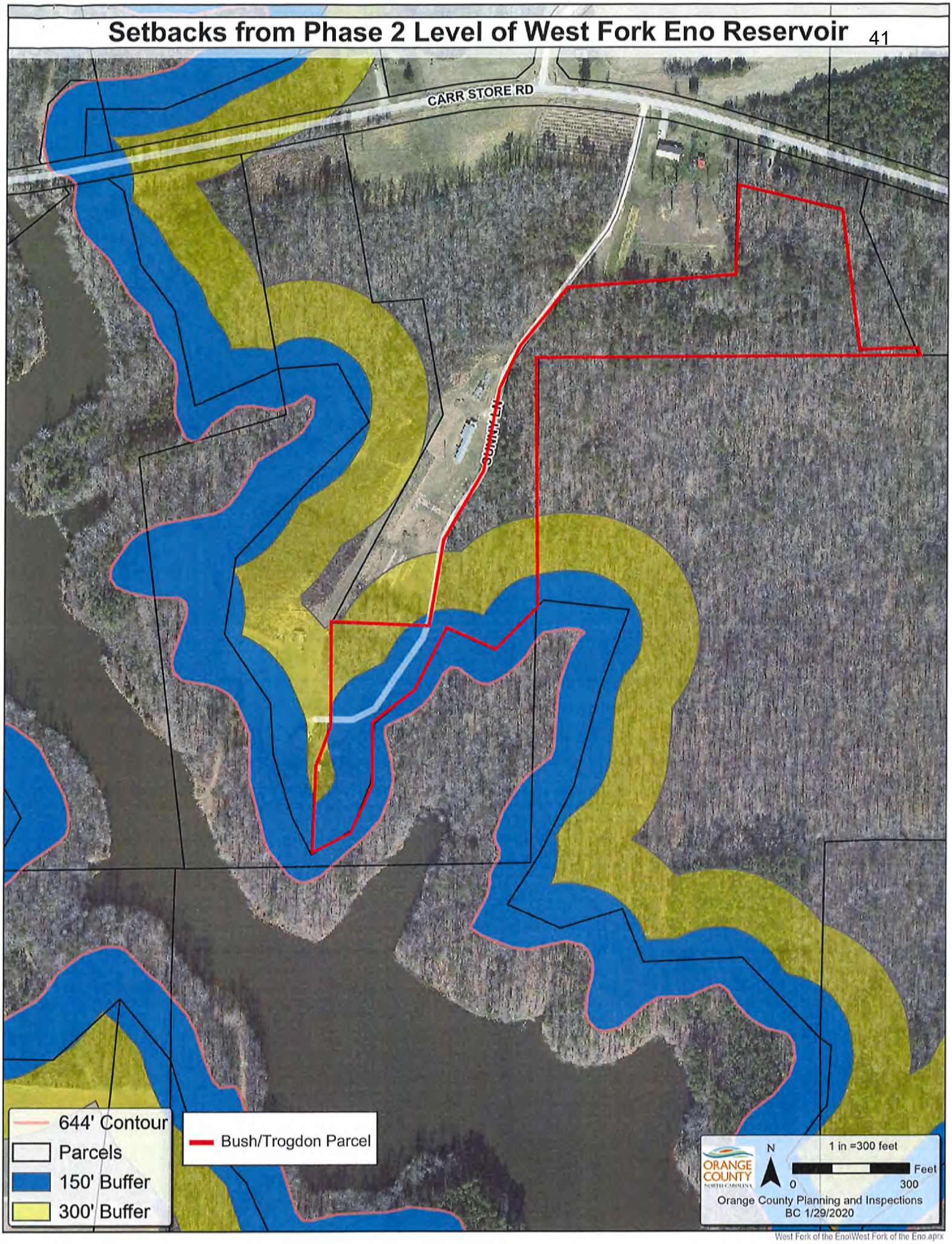
# Setbacks from Phase 1 Level of West Fork Eno Reservoir





# Setbacks from Phase 2 Level of West Fork Eno Reservoir






West Fork of the Eno\West Fork of the Eno.aprx

# ARTICLE 4: OVERLAY ZONING DISTRICTS

## SECTION 4.1: GENERALLY

### 4.1.1 Description, Standards, and Conflicts

**(A)** Overlay districts are supplemental to general zoning district classifications and are applied in combination to address special situations or to accomplish specific planning and land use goals.

**(B)** Unless otherwise expressly stated, all applicable regulations of the underlying district apply to property in an overlay district.

**(C)** Unless otherwise stated, all applicable standards of this Ordinance apply to property in an overlay district.

**(D)** When overlay district standards conflict with standards that otherwise apply in the underlying district, the regulations of the overlay district always govern.

## SECTION 4.2: WATERSHED PROTECTION

### 4.2.1 Purpose and Intent

**(A)** The purpose of the Watershed Protection Overlay Districts is to prevent significant future water quality deterioration in existing or potential future drinking water reservoirs which receive stormwater runoff from land within Orange County.

**(1)** Protection of all water supplies within the State in accordance with minimum standards was mandated by NCGS §143-214.5.

**(2)** The quality of water in drinking water reservoirs can be affected by human activities including farming, construction of highways and roads, subdivision development, industrial development, and other land-disturbing activities. Types of water pollutants resulting from these activities include sediment, bacterial contamination, heavy metals, synthetic organic compounds and low-level radioactivity.

**(B)** The intent of the Watershed Protection Overlay Districts is to apply a set of regulations involving land use and, in some cases, structural best management practices which protect the watersheds by reducing the pollution from future development which enters drinking water supplies.

**(1)** Land use management practices involve minimum lot size and impervious surface restrictions, since impervious surfaces such as roads, roof tops and driveways are a major source of pollution.

**(2)** Structural best management practices allow for more intensive land use by providing for temporary detention of stormwater runoff so that pollutants may settle.

### 4.2.2 Applicability

**(A)** The Watershed Protection Overlay Districts as established herein overlay other zoning districts established in this Ordinance. The new use of any land or new structure within any Watershed Protection Overlay District shall comply with the use regulations applicable to the underlying zoning district as well as the requirements of the applicable Watershed Protection Overlay District.

**(B)** A Watershed Protection Overlay District shall be applied to the Orange County portion of watersheds which have been classified as WS-II, WS-III or WS-IV watersheds by the North Carolina Environmental Management Commission in its implementation of NCGS

§143-214.5. In accordance with the State Mandate, 13 Watershed Protection District Overlays, as listed in the table in subsection (D), are hereby established.

**(C)** Areas designated as "Critical Area" under the Orange County designation are hereby established using the following criteria:

**(1)** The land area in the Upper Eno watershed (straight line distance) within one-half mile of the normal pool elevation (NPE), or nearest available contour line used for the calculation, of an existing Class I or Class II reservoir or proposed water supply reservoir designated for protection, or the ridgeline of the sub-watershed, whichever is less; and

**(2)** The land area within one-half mile on each side for an upstream distance of 2.5 miles (straight line distance) of any fifth order or higher stream flowing into a Class I reservoir, or the ridgeline of the sub-watershed, whichever is less; and

**(3)** The land area within one-half mile on each side of a fourth order or higher stream flowing between any Class II and Class I reservoir; and

**(4)** The land area within one-half mile on each side for an upstream distance of 1.5 miles (straight line distance) of a third or fourth order stream flowing directly into any Class I reservoir; and

**(5)** The land area within one-half mile on each side for an upstream distance of 1.0 mile (straight line distance) of a third or fourth order stream flowing into a fourth order or higher stream that is within 1.0 miles (straight line distance) of a Class I reservoir; and

**(6)** Any isolated areas within the overall critical area boundary that drain into any of the streams listed above.

**(7)** Areas designated as Transition Areas on the Land Use Element Map of the Orange County Comprehensive Plan are excluded from designation as a Critical Area, except for land areas located within one-half mile from the normal pool elevation of a Class I reservoir.

**(8)** The land area north of the centerline of West Ten Road and west of the centerline of the Interstate 85/U.S. 70 Connector is excluded from designation as a Critical Area, except for land areas located within one-half mile from the normal pool elevation of a Class I reservoir.

**(D)** The designation of "Protected" applies to areas of watersheds classified as WS-II, WSIII, or WS-IV outside of areas designated as "Critical Area."

**(E) General Locations of Watershed Protection Overlay Districts**

**TABLE 4.2.2.E: WATERSHED PROTECTION OVERLAY DISTRICTS**

| | DISTRICT | GENERAL LOCATION |
|---|---|---|
| UNIV-CA | University Lake Critical Area | One-half mile from the normal pool elevation of University Lake, or to the ridgeline of the watershed, whichever is less. |
| UNIV-PW | University Lake Protected Watershed Overlay District | The portion of the drainage basin of University Lake not covered by UNIV-CA. |
| CANE-CA | Cane Creek Critical Area Overlay District | One-half mile from the normal pool elevation of Cane Creek Reservoir, or to the ridgeline of the watershed, whichever is less. |
| CANE-PW | Cane Creek Protected Watershed Overlay District | The portion of the drainage basin of Cane Creek Reservoir not covered by CANE-CA. |
| U-ENO-CA | Upper Eno Critical Area Overlay District | One-half mile from the normal pool elevation, or to the ridgeline of the watershed, whichever is less, of the following Class I reservoirs: Corporation Lake (538' actual NPE, 540' contour line used) and Lake Ben Johnson (515' NPE and contour line used). One-half mile (straight line measurement) from the normal pool elevation, or to the ridgeline of the watershed, whichever is less, of the following Class II |

| TABLE 4.2.2.E: WATERSHED PROTECTION OVERLAY DISTRICTS | | |
|---|---|---|
| DISTRICT | | GENERAL LOCATION |
| | | reservoirs: Lake Orange (615' NPE and contour line used) and West Fork on the Eno (643.9' NPE, 6440' contour line used)[1]; and the land area within one-half mile (straight line measurement) on each side of other streams designated for protection. These protected streams include portions of: Eno River, Seven Mile Creek, West Fork of the Eno River, East Fork of the Eno River, Rocky Run, Stream ID 1625, Stream ID 1498, Dry Run Creek, Crabtree Creek, and Stream ID 2109. (Source of elevation data: Atlantic Technologies Ltd., 1998 planimetric project approved by Orange County GIS). |
| U-ENO-PW | Upper Eno Protected Watershed Overlay | The portion of the Upper Eno drainage basin not covered by U-ENO-CA. |
| L-ENO-PW | Lower Eno Protected Watershed Overly | The Orange County portion of the Eno River Watershed within ten miles of the City of Durham Emergency Water Intake east of US 501 (Roxboro Road). |
| LITTLE-PW | Little River Protected Watershed Overlay District | The portion of drainage basin of the Little River Reservoir which is located in Orange County. |
| BACK-PW | Back Creek Protected Watershed Overlay District | The portion of the drainage basin of Back Creek which is located in Orange County. |
| HYCO-PW | South Hyco Creek Protected Watershed Overlay District | The portion of the drainage basin of South Hyco Creek which is located in Orange County. |
| FLAT-PW | Flat River Protected Watershed Overlay District | The portion of the drainage basin of the Flat River which is located in Orange County. |
| HAW-PW | Haw River Protected Watershed Overlay District | The portion of the drainage basin for the Haw River which is located in Orange County |
| JORDAN-PW | Jordan Lake Protected Watershed Overlay District | The Orange County portion of the Jordan Lake Watershed which extends five miles from the normal pool elevation of the impoundment. |

**(F) Existing Development**

The following residential or non-residential structures shall be considered existing development for the purpose of determining compliance with or applicability of Sections 4.2 and 6.13.3, 6.13.4, 6.13.6, 6.13.8, 6.14.4, 6.14.10, 6.14.11, and 6.15.7(B)(3):

**(1)** Was either constructed prior to, or constructed in accordance with a valid building permit issued prior to, or was included as part of a Site Specific Development Plan approved by the Board of County Commissioners prior to January 1, 1994; or

**(2)** Was either constructed prior to, or constructed in accordance with a valid building permit issued prior to, or was included as part of a Site Specific Development Plan approved by the Board of County Commissioners prior to February 11, 1997 with respect to the Town of Hillsborough purchase of property associated with expanding the West Fork of the Eno reservoir; or[2]

[1] The UDO made reference to what was identified as the normal pool elevation of the reservoir. Based on recent information from the Town, the expansion of the reservoir will result in a normal pool elevation of 643.9 ft. Staff is tweaking existing language to reference the correct normal pool elevation and identify the methodology staff will utilize to map the new boundary of the reservoir for regulatory compliance purposes.

[2] This language is consistent with how the UDO currently references what constitutes 'existing development'. What the proposal does is formalize what constitutes existing development as it relates to the West Fork on the Eno.

~~(2)~~(3) Was either constructed prior to, or constructed in accordance with a valid building permit issued prior to, or was included as part of a Site Specific Development Plan approved by the Board of County Commissioners prior to October 19, 1999 with respect to the October 19, 1999 amendments related to the CANE-CA and CANE-PW districts, or

~~(3)~~(4) Was either constructed prior to, or constructed in accordance with a valid building permit issued prior to, or was included as part of a Site Specific Development Plan approved by the Board of County Commissioners prior to September 19, 2001 with respect to the Stream Buffer/Usable Lot amendments, or

~~(4)~~(5) Was either constructed prior to, or constructed in accordance with a valid building permit issued prior to, or was included as part of a Site Specific Development Plan approved by the Board of County Commissioners prior to May 20, 2003 with respect to the Stream Classification Amendments, or

~~(5)~~(6) Had otherwise established a vested right under North Carolina Zoning law prior to January 1, 1994, or October 19, 1999 with respect to the October 19, 1999 amendments related to the CANE-CA and CANE-PW districts, or September 19, 2001 with respect to the Stream Buffer/Usable Lot amendments, or May 20, 2003 with respect to the Stream Classification Amendments.

**(G)** Existing development is hereby deemed to be conforming with respect to requirements of Sections 4.2, 6.13.3, 6.13.4, 6.13.6, 6.13.8, 6.14.4, 6.14.10, 6.14.11, and 6.15.7(B)(3) of this Ordinance. Periodic updates to FEMA maps may affect structures located within the special flood hazard area of specific streams.

**(H) Redevelopment**

**(1)** The rebuilding or replacement of residential or nonresidential structures which are defined as existing development according to subsection (F) above is allowed, provided that the rebuilding or replacement does not result in an increase in the amount of impervious surface, and does not encroach any farther into stream buffers or setbacks from reservoirs than the previous development.

**(2)** A structure which is rebuilt or replaced in accordance with these provisions is deemed conforming with respect to setbacks from streams and reservoirs required by Section 6.13 of this Ordinance.

**(I) Existing Lots**

**(1)** An existing lot, for the purpose of determining compliance with Sections 4.2 and 6.13.3, 6.13.4, 6.13.6, 6.13.8, 6.14.4, 6.14.10, 6.14.11, and 6.15.7(B)(3), is defined as:

(a) A lot which was created prior to January 1, 1994, or

(b) A lot within the Upper Eno watershed which was created prior to February 11, 1997 with respect to the Town of Hillsborough purchase of property associated with development of the West Fork on the Eno reservoir; or

~~(b)~~(c) A lot within the Cane Creek watershed which was created prior to October 19, 1999, with respect to the October 19, 1999, amendments related to the CANE-CA and CANE-PW districts, or

~~(c)~~(d) Non-conforming lots of record.

**(2)** Stream buffers as required by Section 6.13, and setbacks for septic systems as required by Section 4.2.9 may be reduced to the extent necessary to allow development of the lot, provided that all of the following criteria are met:

(a) The septic system is sized to serve no more than four bedrooms; and

(b) The septic tank, drainfield and repair area (where required) can be accommodated on 20,000 square feet of area or less; and

(c) The Orange County Planning Department, in consultation with Orange County Environmental Health and/or the Orange County Staff Engineer has determined that encroachment of the structure into the stream buffer and/or encroachment of the septic system or repair area into the stream buffer or reservoir setback is necessary in order to provide adequate area for septic disposal and repair while maintaining required separations between wells, septic systems, structures and property lines; and

(d) The Orange County Planning Department, in consultation with Orange County Environmental Health and/or the Orange County Staff Engineer, has determined that the relative locations of the well, septic system and structure maximize the amount of watershed protection that can be achieved while allowing development of the lot. Generally, an exception to setbacks for repair area is preferable to an exception for the initial septic system, and encroachment of structures or gravity septic systems into the setback is preferable to the installation of a septic system pump.

(e) The amount of encroachment into the stream or reservoir buffer is the minimum amount which can be obtained while meeting the criteria in (a) through (d).

### 4.2.3 Land Use Restrictions

All uses and activities allowed in the underlying zoning district are permitted with the following exceptions:

**TABLE 4.2.3 LAND USE RESTRICTIONS**

| DISTRICT | RESTRICTIONS |
|---|---|
| UNIV-CA<br>UNIV-PW<br>CANE-CA<br>U-ENO-CA | No new landfills are permitted.<br>No commercial or industrial uses are permitted except for commercial development, in accordance with the provisions of the Ordinance, located within established Nodes as detailed within the Orange County Comprehensive Plan.<br>No new golf courses are permitted |
| UNIV-CA<br>CANE-CA<br>U-ENO-CA | No residual (sludge/biosolids) application is permitted. |
| CANE-PW<br>U-ENO-PW<br>HYCO-PW<br>LITTLE-PW<br>BACK-PW<br>FLAT-PW<br>HAW-PW<br>L-ENO-PW<br>JORDAN-PW | No discharging landfills are permitted. Industrial use is limited to nonhazardous light industrial uses characterized by low water use (less than 10,000 gpd, excluding domestic water (25 gpd per employee) and water used for heating and air conditioning). |

### 4.2.4 Residential Density

Maximum residential density shall be as indicated in the Table in this subsection, or as required by the underlying zoning district, whichever is less.

**TABLE 4.2.4 RESIDENTIAL DENSITY**

| DISTRICT | MAXIMUM DENSITY |
|---|---|

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

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

ORANGE COUNTY
NORTH CAROLINA

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



# MEMORANDUM

**TO:** Board of County Commissioners (BOCC)
Bonnie Hammersley, County Manager
Travis Myren, Deputy County Manager

**FROM:** Michael D. Harvey AICP, CFM, CZO – Current Planning Supervisor

**DATE:** March 5, 2020

**SUBJECT:** REVIEW of Status of 2520 Carr Store Road (PIN 9848-51-5777)

---

This memorandum provides a synopsis on the impacts of a pending Unified Development Ordinance (UDO) text amendment, related to setbacks for structures and septic systems from the West Fork on the Eno reservoir, on a parcel of property located at 2520 Carr Store Road within the Cheeks Township of Orange County.

The parcel, further identified utilizing Parcel Identification Number (PIN) 9848-51-5777, is approximately 7.8 acres in area and is zoned Agricultural Residential (AR) Upper Eno Critical Watershed Protection Overlay District. The property is currently developed, specifically with a 588 sq.ft. structure purportedly used as a single-family residence. As currently configured, the parcel was created with the recordation of an exempt subdivision plat within Plat Book 119 Page 69 of the Orange County Registrar of Deeds office on October 10, 2018. As staff understands it, the property owner sold/transferred acreage to an adjacent property owner reducing the subject parcel from 11 to 7.8 acres in size (hereafter 'the property').

Please refer to Attachment 1 for a map of the property.

**BACKGROUND**: As detailed within the March 10, 2020 BOCC public hearing abstract, the UDO establishes setback standards for structures and septic systems from a reservoir. Section(s) 4.2.2 (F) and (I) of the UDO establishes applicability of these standards, including criteria defining properties (developed and undeveloped) considered to be 'grandfathered' with respect to applicable setbacks.

The proposed amendment establishes the effective date for the final boundary of the West Fork on the Eno reservoir, which is February 12, 1997 (i.e. the date the Town

purchased property allowing for the expansion of the reservoir) and updates existing references to the final normal pool elevation (NPE) of the reservoir, which according to the Town of Hillsborough is now going to be 642 ft.

**IMPACTS TO THE PROPERTY**: The proposed amendments have the following impact on the property:

1. Amendment of Section 4.2.2 (E) *General Locations of Watershed Protection Overlay Districts* updating references to the NPE of the West Fork on the Eno Reservoir from 643 ft. to 642 ft.

   STAFF COMMENT: Originally, the amendment referenced changing the NPE for the reservoir from 643 ft. to 643.9 ft. based on data supplied by the Town. Recently, the Town provided additional information to staff indicating the NPE for the reservoir would actually be 642 ft. This results in a slight reduction in the required 150 ft. (structure) and 300 ft. (septic) setback areas around the reservoir.

   **IMPACTS**: Less area of the property is encumbered within established structure and septic setbacks for a reservoir. Attachment 2 provides a map denoting the revised setback areas for the property.

2. Amendment of Section 4.2.2 (F) *Existing Development* of the UDO to include references to the February 12, 1997 date at which the final boundary of the West Fork on the Eno reservoir was established.

   STAFF COMMENT: Structures/septic systems installed with valid permits prior to the date the final boundary of the reservoir was established, in this case February 12, 1997, qualify as 'existing development'.

   Existing development is allowed to be 'replaced' provided: *… the rebuilding or replacement does not result in an increase in the amount of impervious surface, and does not encroach any farther into stream buffers or setbacks from reservoirs than the previous development.*

   **IMPACTS**: The property had a 3-bedroom septic system installed in 1987 with a valid permit issued by Orange County Health – Well and Septic Division. This system is considered to be 'existing development' and can be maintained as currently located.

   There was a mobile home on the property prior to February 12, 1997. In 2013 staff allowed the property owner to place a new single-family residence on the property consistent with the location of the aforementioned mobile home, previously removed, as it was viewed to constitute 'existing development' (i.e. the mobile home was installed prior to established dates and the replacement did not result in an increase in impervious surface area and did not encroach any farther into the 150 ft. reservoir setback than the aforementioned mobile home).

   The property owner has already benefitted from the provisions of Section 4.2.2 (F) and the proposed amendment will not impact the existing septic system or residence. The property owner can even expand the existing residence so long as said expansion is outside of the 150 ft. structure setback from a reservoir.

3. Amendment of Section 4.2.2 (I) *Existing Lots* of the UDO to include references to the February 12, 1997 date at which the final boundary of the West Fork on the Eno reservoir was established.

   STAFF COMMENT: This section of the UDO is utilized to identify an 'existing lot' (i.e. lots legally created prior to the establishment of the final boundary of the reservoir). For the West Fork on the Eno reservoir, an existing lot is one created on or before February 12, 1997 (i.e. the date the Town completed purchasing of property allowing for the expansion of the reservoir).

   Parcels meeting the definition of an 'existing lot' can qualify for an administrative waiver where the Planning Director, in consultation with the Health Department – Well and Septic Division, can modify the 300 ft. reservoir setback for septic systems based on the following criteria:

   1. The septic system is sized to serve no more than four bedrooms;
   2. The septic tank, drainfield and repair area can be accommodated on 20,000 square feet of area or less;

   Staff is required to officially determine the encroachment of the septic system/repair area into the reservoir setback is necessary in order to provide adequate area for septic disposal and repair while maintaining required separations between wells, septic systems, structures and property lines and that the relative locations of the well, septic system and structure maximize the amount of watershed protection that can be achieved while allowing development of the lot.

   Per the UDO, the amount of encroachment into the reservoir setback buffer is the minimum amount which can be obtained while meeting applicable criteria.

**IMPACTS**: The lot was originally created with the recordation of a plat within Plat Book 77 Page 126 of the Orange County Registrar of Deeds Office on February 11, 1997. This plat was associated with the Town of Hillsborough purchasing property for the reservoir. With the recording of this plat (i.e. Plat Book 77 Page 126) the parcel (Original PIN 9848-51-1449) was approximately 31 acres in area and qualified as an 'existing lot' under Section 4.2.2 (I) of the UDO.

The parcel has been subdivided a total of 3 times from 1997 to 2018 resulting in the property as it exists today. The property **does not** qualify as an 'existing lot' under the provisions of Section 4.2.2 (I) of the UDO, meaning an administrative waiver allowing for the reduction of the reservoir setback for a structure or septic system cannot be granted by staff.

It should be noted the lot ceased to qualify as an 'existing lot' when subdivided in 2000 by the former property owner.

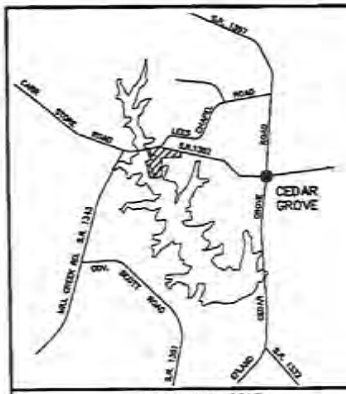
If the current property owner seeks to modify applicable setbacks (i.e. 150 ft. for structures and 300 ft. for septic systems), they will have to apply for a variance in accordance with provisions of Section 2.10 of the UDO.

Attachment 3 provides copies of the various plats associated with the property.

BOOK 77 PAGE 126

TOTAL TRACT AREA: 47.700 AC.
AREA ACQUIRED FROM PB 61 PG 170

FILED
BOOK/~~Film~~ 77 PAGE(S) 126
'97 FEB 11 AM 8 28
REGISTER OF DEEDS
ORANGE COUNTY, N.C.




LOCATION MAP

I, M.M. WEEKS, do hereby certify that this plat creates a subdivision in an area that is regulated by a local agency. Witness my hand and seal this 29TH day of January, 1996 1997

Surveyor

NORTH CAROLINA
WAKE COUNTY

I, M.M. WEEKS, certify that this plat was drawn under my supervision from an actual survey made under my supervision using references as shown, that the ratio of precision as calculated by latitude and departures is 1/10,000; that the boundaries not surveyed are shown as broken lines plotted from references shown hereon, that this plat was prepared in accordance with G. S. 47-30 as amended. Witness my original signature, registration number and seal this 29TH day of January, 1996 1997

Surveyor

L-2792
Registration Number

NORTH CAROLINA REGISTERED SEAL L-2792 LAND SURVEYOR M. M. WEEKS

NORTH CAROLINA
WAKE COUNTY

I, a Notary Public of the County and State aforesaid, certify that M. M. WEEKS, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and seal this 29 TH day of JANUARY, 1996 1997

Notary Public

My Commission Expires 7/6/2000

WILLIAM A. SWANEY NOTARY PUBLIC WAKE COUNTY, N.C.

NOTES:
1. ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES. NO GRID OR SCALE FACTORS USED. ALL IRON PIPE SET ALONG ACQUISITION LINE ARE 3/4" IRON PIPES WITH YELLOW CAPS STAMPED "RESERVOIR BOUNDARY".
2. MONUMENTATION SET REPRESENTS A #8 (1 INCH) REBAR WITH ALUMINUM CAP STAMPED "RESERVOIR BOUNDARY" WITH MONUMENTATION # (RB-1,ETC.).

N. C. Grid North (NAD 83)

WILBER T. OAKLEY, JR., ET AL.
DB 640 PG 121

LEES CHAPEL RD. S.R. 1360

TM 2.32..43A

TM 2.32..43

CARR STORE RD. S.R. 1004

MILL CREEK RD. S.R. 1343

MABLE TRIMM SUMNER
DB 74 PG 371

LINE ESTABLISHED AS PER PB 61 PG 170 AND AGREED TO BY ADJOINING LAND OWNER

CHRISTINE A. HUGHES
AND
ROBERT E. HUGHES, JR.
DB 105 PG 324-1/2
WB 15-182

PROPOSED ACQUISITION AREA: 11.883 ACRES

OLD HIGH ROCK ROAD

CHRISTINE A. HUGHES
AND
ROBERT E. HUGHES, JR.
DB 105 PG 324-1/2
WB 15-182

| LINE | DIRECTION | DISTANCE |
|---|---|---|
| L1 | S 88°20'17" W | 782.10 |
| L2 | N 13°47'46" W | 1083.98 |
| L3 | N 73°54'33" E | 366.31 |
| L4 | N 10°11'28" W | 150.28 |
| L5 | N 85°42'44" E | 158.30 |
| L6 | S 29°14'20" E | 170.36 |
| L7 | S 48°11'27" W | 203.06 |
| L8 | S 43°39'23" W | 290.11 |
| L9 | S 08°15'56" W | 199.71 |
| L10 | S 33°34'17" E | 213.54 |
| L11 | S 03°14'38" E | 131.00 |
| L12 | S 17°07'22" E | 172.67 |
| L13 | S 27°58'34" E | 105.91 |
| L14 | N 58°34'25" E | 122.90 |
| L15 | N 21°47'19" E | 135.20 |
| L16 | N 02°34'15" E | 149.98 |
| L17 | N 50°38'23" E | 135.07 |
| L18 | N 27°41'03" E | 184.15 |
| L19 | S 66°30'26" E | 139.31 |
| L20 | N 43°40'04" E | 152.20 |
| L21 | S 90°15'28" E | 645.54 |

RECORDED EASEMENTS AS OBTAINED FROM "PRELIMINARY OPINION ON TITLE":
1) UTILITY EASEMENTS TO DUKE POWER COMPANY RECORDED IN DB 682, PG 236, AND IN DB 128, PG 403, ORANGE COUNTY REGISTRY.

NOTE: SEE PLAT BOOK 77 PAGE 117 FOR CONTROL TIE (N.C. GRID)

I hereby certify that the division of property shown and described hereon is exempt from the Orange County Subdivision Regulations by definition.

Planning Director or Authorized Agent — Date

| N.C. GRID COORDINATES | | |
|---|---|---|
| RB-41 | N 881,659.789 | E 1,944,674.550 |
| RB-42 | N 881,047.091 | E 1,945,352.402 |
| RB-43 | N 880,401.560 | E 1,945,355.307 |

NOTE: CONTROL SURVEY BY THE WOOTEN CO., FEB-JUNE, 1994 (COMBINED GRID FACTOR: .9999687)

9843-41 - 9656 9843-42

NO CHANGE IN PROPERTY LINES DUE TO OWNERSHIP DIFFERENCE. NEED DEED(S) TO CHANGE ORANGE CTY. LAND RECORDS.

I hereby certify that the subdivision of land shown and described hereon is not a subdivision of land subject to the Orange County Subdivision Regulations. The Orange County Planning Department has made no determination as to the accuracy or the correctness of this plat or any certification hereon, other than what is certified in this certification.

Planning Director or Authorized Agent — 2/6/97 Date

ACQUISITION PLAT: PROPERTY OF
WESLEY W. & BEVERLY A. BLYTHE

Deed Book 677 Page 153 — Plat Reference PB 61 PG 170

# HILLSBOROUGH RESERVOIR

CEDAR GROVE TOWNSHIP — ORANGE COUNTY

NORTH CAROLINA

300' 150' 0' 300' 600' 900'
SCALE IN FEET

THIS PLAT RECORDED IN:
PLAT BOOK ____ PG ____

TAX MAP AND PARCEL NUMBER
TM 2.32..39B

LEGEND
- Acquisition Line
- Property Lines
- Reservoir Boundary Line
- EIP ● Existing Iron Pipe
- ECM ○ Existing Concrete Monument
- NS ▪ Nonmonumentation Set
- CP ▪ Computed Point
- IPS ▪ Iron Pipe Set
- R/W Right of Way
- DB Deed Book
- PG Page Number

REVISIONS

SURVEYED AND MAPPED BY:
M. M. WEEKS LAND SURVEYING
P.O. BOX 36027, RALEIGH, NORTH CAROLINA 27606
(919) 469-1006

DRAWN BY: SBC | CHECKED BY: MW | DATE: JANUARY 17, 1997

PREPARED BY
The Wooten Company
ENGINEERING PLANNING ARCHITECTURE
RALEIGH, N.C. GREENVILLE, N.C. SINCE 1924

BOOK 77 PAGE 126

13

Attachment 3

50

FILED
25 APR 1997, at 12:16:42pm
Book 1576, Page 30 - 30
Betty June Hayes,
Register of Deeds,
Orange County, N. C.

PUBLIC NOTICE

SPLIT

NORTH CAROLINA
ORANGE COUNTY

BOOK 1576 PAGE 30

PRINTOUT PIN

9848-41-9656
parcel identifier number

| 2 | 32 | | 39B | 194903 | 250318 | 43.07 Ac |
|---|---|---|---|---|---|---|
| twp | map | blk | lot | Account # | Tract # | Size |

==========

New Parcel Identifier Number

9848-51-1449 31.19Ac 16
Size Rate Code

| 2 | 32 | | 39B | | |
|---|---|---|---|---|---|
| twp | map | blk | lot | Account # | Tract # |

Revenue Stamps 0.00 Book/Page 1154 / 346

Description: P/O TR B REC FLINT BLYTHE ETAL

Comments:

Name: BLYTHE, WESLEY W. & BEVERLY A.

Address: 1208 CARR STORR RD., CEDAR GROVE RD., CEDAR GROVE, NC 27231

==========

New Parcel Identifier Number:

9848-40-5502 11.88Ac 16
Size Rate Code

| 2 | 32 | | 39D | | |
|---|---|---|---|---|---|
| twp | map | blk | lot | Account # | Tract # |

Revenue Stamps _____ Book/Page ____ / ____

Description: S/O SR 1004 - TOWN HILLSBOROUGH RESERVOIR

Comments: P 77/126

Name: HILLSBOROUGH, CITY OF

Address:

==========

ADDITIONAL PARCELS: YES ____ NO ✓

==========

Split by: Plat ____ / ____ Deed 1576 / 31 Admin. ____ Date 4/25/97
Pre-assigned : Other 9-18-96

Prepared by: [illegible] Date 4/25/97 Keyed by: ____ Date ___/___/___

Book 79 Page 5

FILED
BOOK/PAGE 79 PAGE 5
'97 SEP 3 P 2:32
BETTY JUNE HAYES
REGISTER OF DEEDS
ORANGE COUNTY, N.C.

I hereby certify that the subdivision of land shown and described hereon is not a subdivision of land subject to the Orange County Subdivision Regulations. The Orange County Planning Department has made no determination as to the accuracy or the correctness of this plat or any certification hereon, other than what is certified in this certification.

Planning Director or Authorized Agent — Date 6.5.97

SEE: Plat "HILLSBOROUGH RESERVOIR" PB 77 pg 126

LEE'S CHAPEL ROAD (SR 1360)

CARR STORE ROAD (SR 1004)

N 78°06'27" E 294.96'
N 81°51'53" E 322.79'
S 83°37'31" E 278.24'
80'
30.00'
N 10°11'38" E 564.35'
S 10°11'38" E 427.70'
714.67'
N/F
Road

— DRIVEWAY C/L DATA —

| LINE | DIRECTION | DISTANCE |
|---|---|---|
| D1 | S 11°44'00" W | 133.90' |
| D2 | S 17°09'43" W | 159.27' |
| D3 | S 26°12'12" W | 47.80' |
| D4 | S 36°53'50" W | 103.19' |
| D5 | S 36°51'17" W | 123.48' |
| D6 | S 34°36'21" W | 193.70' |
| D7 | S 19°31'51" W | 124.06' |
| D8 | S 10°19'50" W | 159.32' |
| D9 | S 31°14'58" W | 180.29' |
| D10 | S 20°42'03" W | 80.48' |
| D11 | S 10°51'15" W | 195.60' |
| D12 | S 24°00'22" W | 59.04' |
| D13 | S 33°38'53" W | 169.17' |
| D14 | S 30°41'58" W | 52.05' |
| D15 | S 70°35'34" W | 38.42' |
| D16 | S 88°41'31" W | 88.38' |

D
11.01 Ac.

N/F Mark A. Harris
DB 1480 pg 50

N 85°42'44" E 131.07'

Wesley W. Blythe and Beverly A. Blythe (20.16 Ac. remaining)

SEE: Boundary Agreement recorded in Book ____ page ____.

S 85°42'44" W 166.30'
150.25'
N 69°14'20" W 172.36'
CONCRETE MONUMENT
S 73°04'33" W 396.31'
N 46°11'27" E 205.08'
S 10°11'38" E 363.36'

Town of Hillsborough Reservoir Aquisition

N 43°39'23" E 250.11'
N 08°15'39" E 199.71'
N 45°57'12" W 215.54'
N 02°10'38" W 131.00'
N 17°17'22" W 172.57'
N 27°59'04" W 103.37'
N 59°34'26" E 122.40'
S 02°28'10" W 227.38'
S 21°12'31" W 106.76'
S 07°34'48" W 232.35'
S 38°17'15" W 65.56'
S 27°41'02" E 184.16'
N 50°38'23" E 156.07'
N 21°47'19" E 135.36'
N 02°34'15" E 146.88'
S 88°30'26" E 130.81'
N 45°41'04" E 152.20'
Shed
Barn
Shed
Dwelling
Dwelling
Shed
15.00'

VICINITY MAP

— DIVISION OF —
PROPERTY OF
# WESLEY W. BLYTHE and BEVERLY A. BLYTHE

CEDAR GROVE TWP., ORANGE CO., NORTH CAROLINA
MAY 19, 1997

SCALE 1"=100'
100 0 100 200

- Existing Iron Stake
- Existing Conc. Mon.
- Iron Stake Set
- Conc. Mon. Set
- Mathematical Pt.
- Nail Set

NOTE: Areas by coordinate computation.

REVISED 6/5/97 (Driveway C/L added)

NORTH CAROLINA REGISTERED SEAL L-2793 LAND SURVEYOR STEVE F. YUHASZ

I, Steve F. Yuhasz, L-2793, certify that this plat was drawn from an actual field survey performed under my direction and supervision; the ratio of precision is 1:10,000+ ; lines not surveyed are shown broken, and plotted from the referenced information; this map was prepared in accordance with G.S. 47-30, as amended; this survey is of a recombination of existing parcels of land, a court ordered survey, or other exception to the definition of subdivision.

Witness my original signature, registration number, and seal this 5TH day of JUNE, 1997.

Land Surveyor

NORTH CAROLINA-ORANGE COUNTY

The foregoing certificate(s) of W. R. Bullock, Jr.

Notary Public of the designated governmental units is/are certified to be correct.

Filed for registration on the 3 day of Sept 1997 at 2:32 o'clock P.M. in Book 79 Page 5

This the 3 day of Sept 1997

Betty June Hayes, Register of Deeds

By: Deborah B. Brooks Asst/Deputy

W. R. BULLOCK JR. NOTARY PUBLIC ORANGE COUNTY, NC

NORTH CAROLINA, ORANGE COUNTY

I, a Notary Public of the County and State aforesaid, certify that Steve F. Yuhasz, a Registered Land Surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and seal this 5TH day of JUNE 1997.

Notary Public

My commission expires: 5/25/98

N/F Mark A. Harris
DB 1480 pg 50

OWNER: Wesley W. Blythe
Beverly A. Blythe
1208 Carr Store Road
Cedar Grove, NC 27231

This property was acquired by the owner by deed recorded in Book 677 page 153.

TM 2.32.39B
PIN 9848-51-1449 (20.16Ac= 9848-51-4826) (11.01Ac= 9848-41-9444)

N/F Christine A. Hughes

Town of Hillsborough Reservoir Aquisition

ENT Land Surveyors, Inc.
226 S. Churton St., Hillsborough, NC
732-5262

97\055-B1

MC 5/19 Book 79 Page 5

BOOK 1627 PAGE 569

PUBLIC NOTICE

SPLIT

FILED
03 SEP 1997, at 02:32:32pm
Book 1627, Page 569 - 569
Betty June Hayes,
Register of Deeds,
Orange County, N. C.

NORTH CAROLINA
ORANGE COUNTY

PRINTOUT PIN

9848-51-1449
parcel identifier number

| 2 | 32 | | 39B | 214679 | 255675 | 31.19AC |
|---|---|---|---|---|---|---|
| twp | map | blk | lot | Account # | Tract # | Size |

==========

New Parcel Identifier Number

9848-51-4826 20.18AC 16
Size Rate Code

| 2 | 32 | | 39B | | |
|---|---|---|---|---|---|
| twp | map | blk | lot | Account # | Tract # |

Revenue Stamps _____ Book/Page 677/153

Description: S/S CARR STORE RD

Comments: _____

Name: Blythe, Wesley W & Beverly A

Address: 1208 Carr Store Rd Cedar Grove NC 27231

==========

New Parcel Identifier Number:

9848-41-9444 11.01AC 16
Size Rate Code

| 2 | 32 | | 39E | | |
|---|---|---|---|---|---|
| twp | map | blk | lot | Account # | Tract # |

Revenue Stamps _____ Book/Page ____/____

Description: *D Wesley Blythe P 79/5

Comments: _____

Name: Blythe, John Wesley & Katherine Robin

Address: 2522 Carr Store Rd Cedar Grove NC 27231

==========

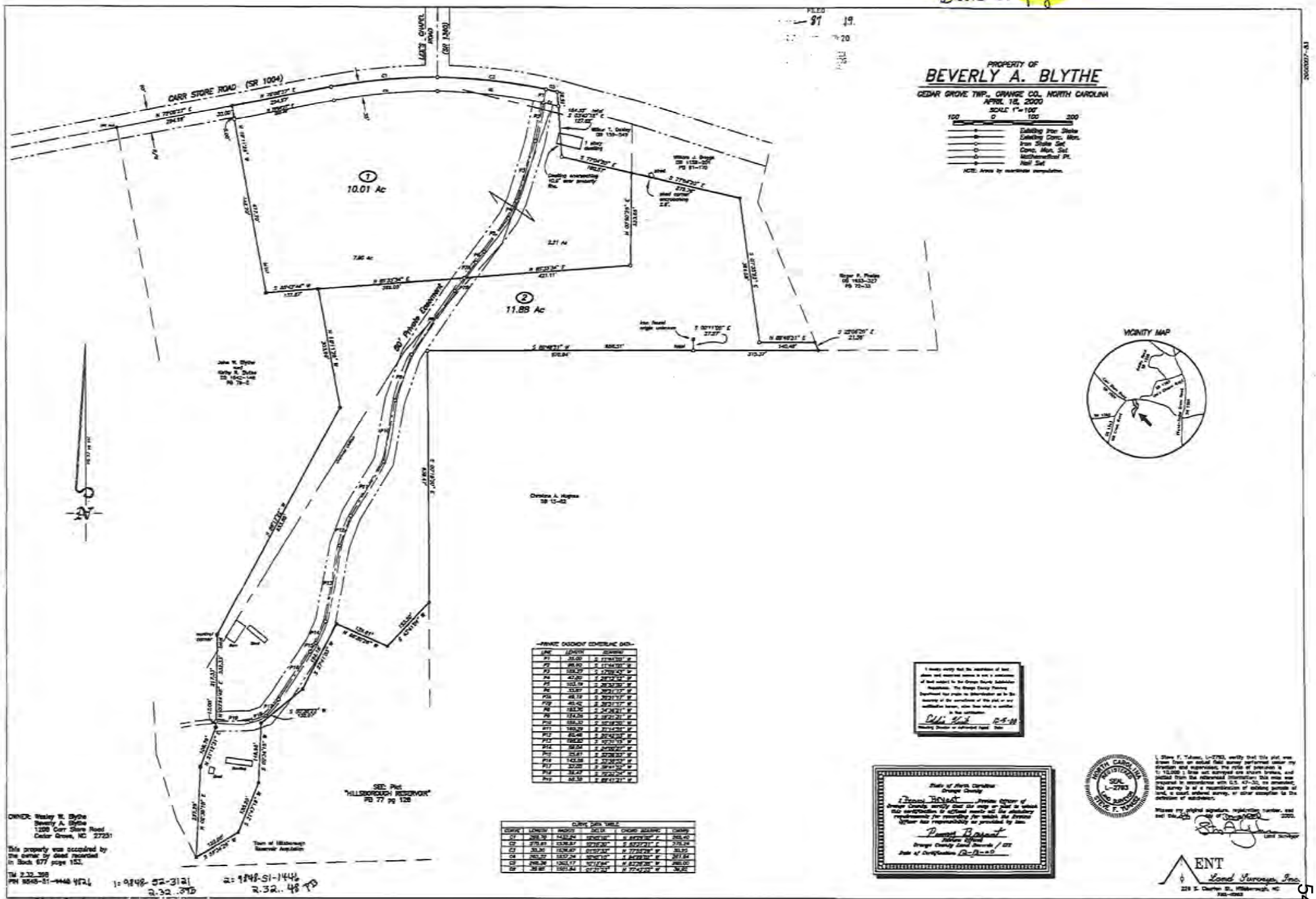
ADDITIONAL PARCELS: YES _____ NO ✓

==========

Split by: Plat ___/___ Deed ___/___ Admin. ___ Date 9/3/97

Prepared by: ag Date 9/3/97 Keyed by: ___ Date __/__/__
6-9-97

Book 87 page 19



PAGE 1 OF 1
Document: 9848514826

BOOK 2171 PAGE 181

PUBLIC NOTICE

SPLIT

FILED
13 DEC 2000, at 03:20:02pm
Book 2171, Page 181 - 181
Joyce H. Pearson
Register of Deeds,
Orange County, N. C.

NORTH CAROLINA
ORANGE COUNTY

PARENT PIN: 9848-51-4826
TMBL: 2.32..39B
Account #: 217493 Tract #: 256434
Size: 20.18 A

---

New Parcel

9848-52-3121

Tmbl: 2.32..39B Account #:
Tract #: Size: 10.01 A
Book/Page: 1154/346 Ratecode: 16
Revenue Stamps:_____
Description 1: 1 BEVERLY BLYTHE P 87/19
Description 2:
Comments:
Name: BLYTHE, WESLEY W. & BEVERLY A.
Address: 1208 CARR STORE RD
City: CEDAR GROVE State: NC Zipcode: 27231

---

New Parcel

9848-51-1446

Tmbl: 2.32..48 Account #:
Tract #: Size: 11.88 A
Book/Page: SAME Ratecode: 16
Revenue Stamps:_____
Description 1: 2 BEVERLY BLYTHE P 87/19
Description 2:
Comments:
Name: SAME
Address:
City: State: Zipcode:

ADDITIONAL PARCELS: NO

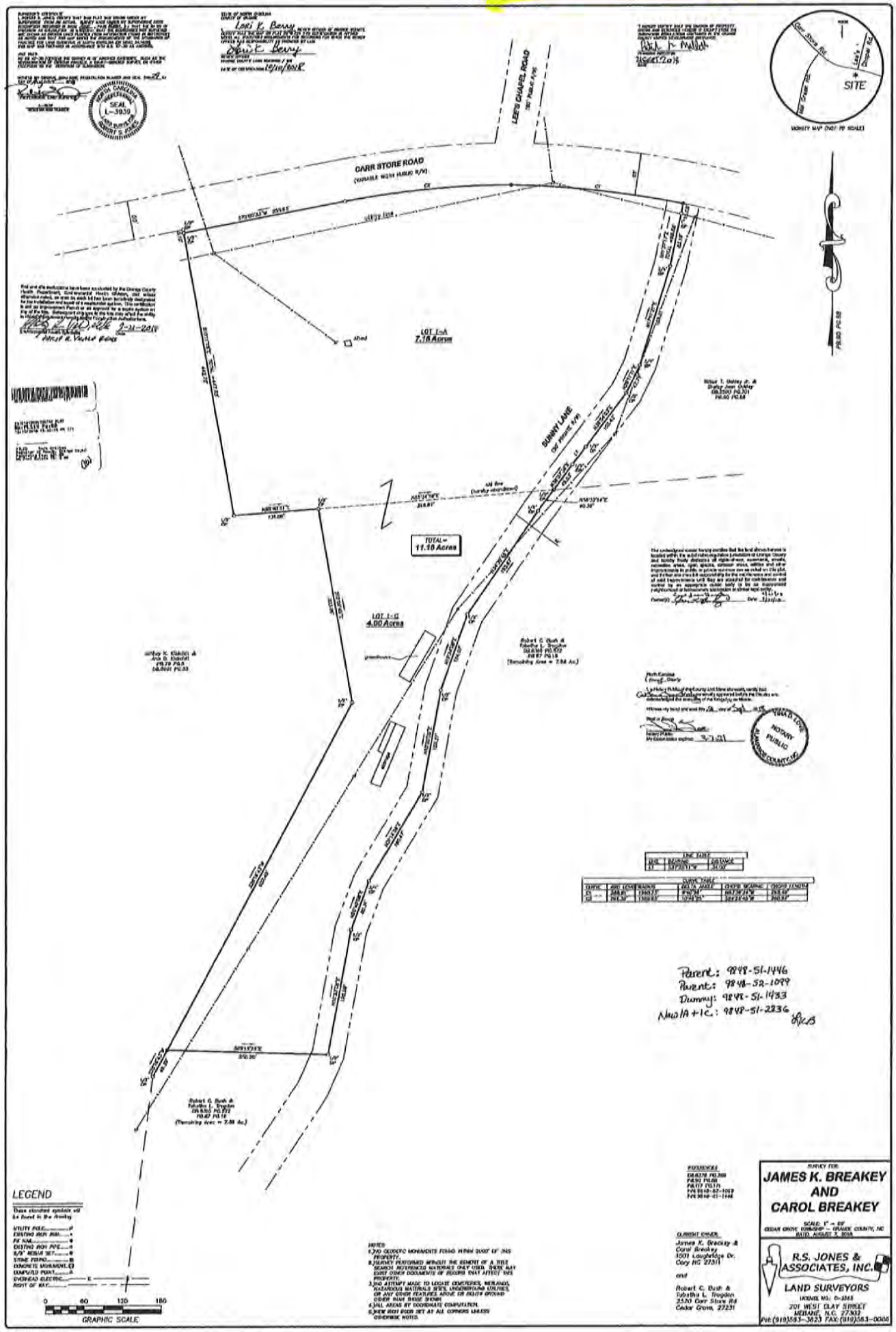
---

Split By: Plat 87/19 Deed____/____ Admin. Date____/____/____
Prepared By: PB Date 12/13/00 Keyed By: Date / /

10-25-00

PB 119 PG 69




CARR STORE ROAD
(VARIABLE WIDTH PUBLIC R/W)
LEE'S CHAPEL ROAD
(80' PUBLIC R/W)
SUNNY LANE
(20' PRIVATE R/W)
SITE
LOT 1-A
7.18 Acres
LOT 1-C
4.00 Acres
TOTAL=
11.18 Acres
Parent: 9848-51-1446
Parent: 9848-52-1099
Dummy: 9848-51-1433
N/A/A+I.C.: 9848-51-2236
LEGEND
GRAPHIC SCALE
0
60
120
180
JAMES K. BREAKEY
AND
CAROL BREAKEY
R.S. JONES &
ASSOCIATES, INC.
LAND SURVEYORS
207 WEST CLAY STREET
MEBANE, N.C. 27302
Ph:(919)563-3623 FAX:(919)563-0066




DOCUMENT: 9848511446_100918

PAGE 1 of 1

NORTH CAROLINA
ORANGE COUNTY

PUBLIC NOTICE
SPLIT

2018101000192730 SPLIT
Bk:RB6530 Pg:336
10/10/2018 12:46:03 PM 1/1

PIN: 9848-51-1446
Township: 2
Size: 11.88 A

FILED Mark Chilton
Register of Deeds, Orange Co,NC
Recording Fee: $.00
NC Real Estate TX: $.00

aw

NEW PARCEL
PIN: 9848-51-5777 Township: 2 Parcel Size: 7.88 A
Book/Page: 6310/572 Rate Code: 16
Revenue Stamps:
Description: MAJ 2 BEVERLY BLYTHE P87/19

Comments:
Owner: BUSH ROBERT C & TROGDON TABETHA L

Address: 2520 CARR STORE RD

City: CEDAR GROVE State: NC Zipcode: 27231

NEW PARCEL
PIN: 9848-51-1433 Township: 2 Parcel Size: 4 A
Book/Page: 6310/572 Rate Code: 16
Revenue Stamps:
Description: 1C JAMES K BREAKEY & CAROL BREAKEY P119/69

Comments: DUMMY
Owner: BUSH ROBERT C & TROGDON TABETHA L

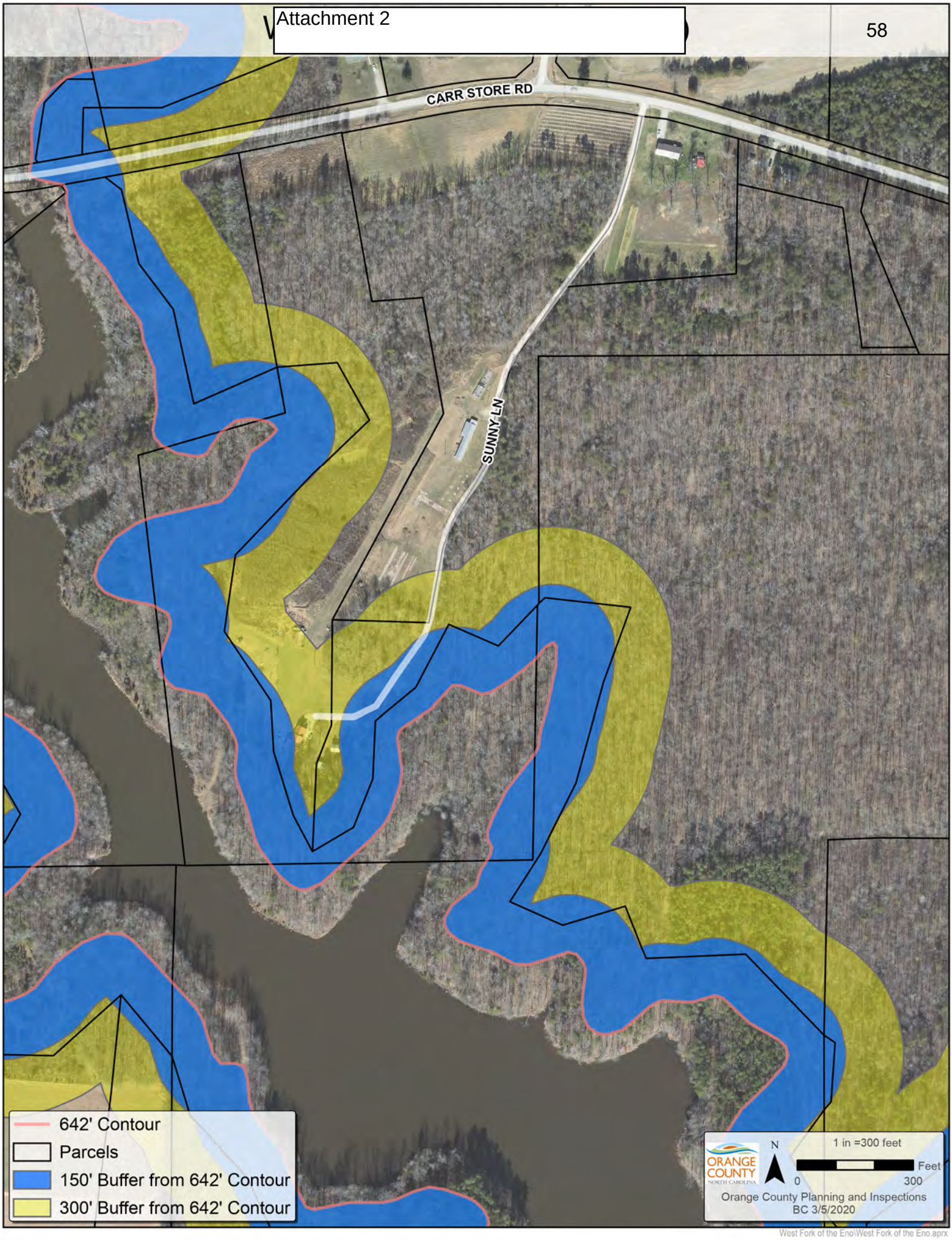
Address: 2520 CARR STORE RD

City: CEDAR GROVE State: NC Zipcode: 27231

ADDITIONAL PARCELS: NO

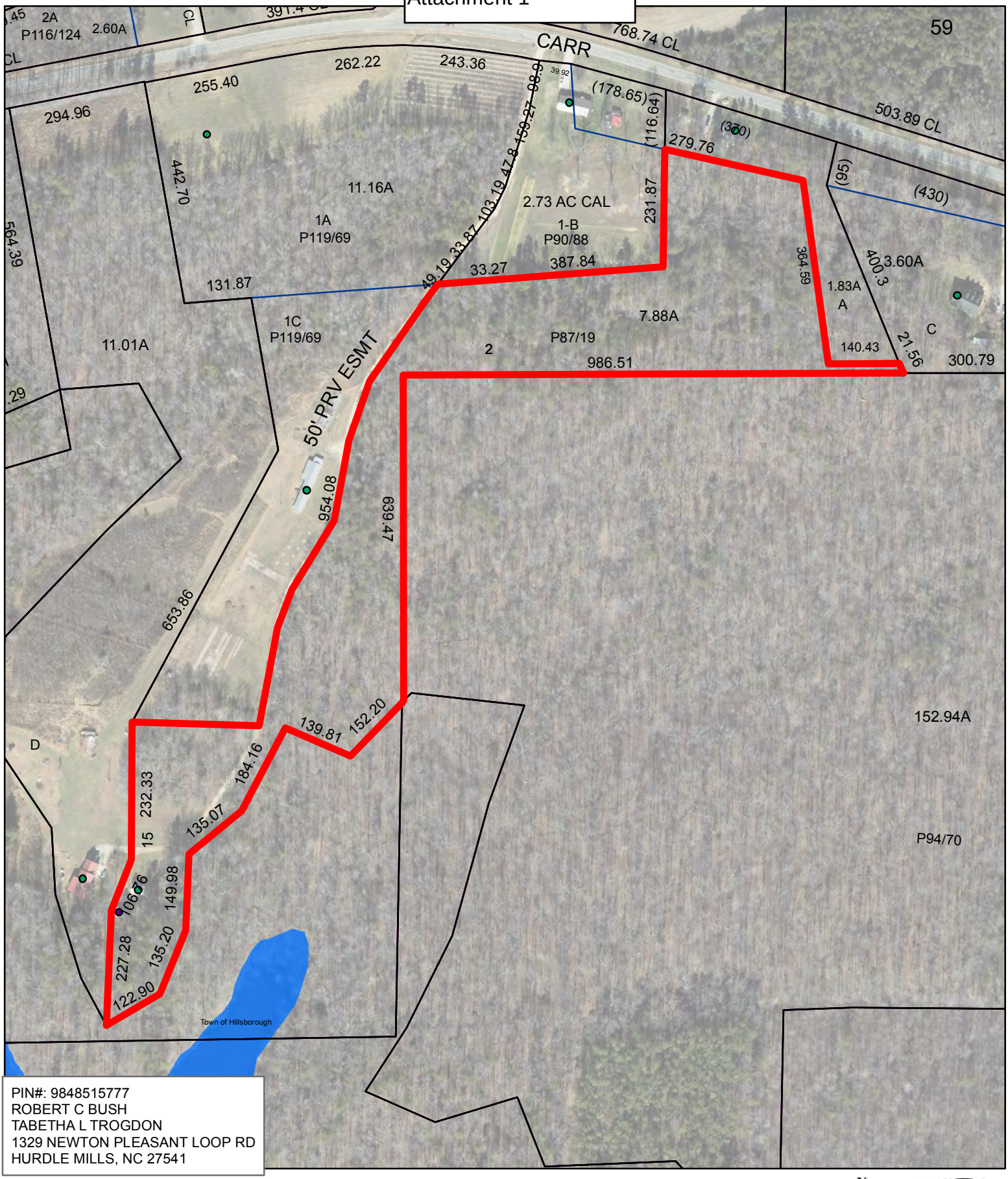
Split By: Plat 119/69 Deed ___/___ Admin. Date: ___/___/___

Prepared By: RLB Date: 10/10/2018 Keyed By: ___ Date: ___/___/___




West Fork of the Eno\West Fork of the Eno.aprx

Attachment 1




PIN#: 9848515777
ROBERT C BUSH
TABETHA L TROGDON
1329 NEWTON PLEASANT LOOP RD
HURDLE MILLS, NC 27541

1% Annual Chance of Flooding (Previously referred to as the 100-year flood zone)

**Addresses**

**STATUS**
- Active
- Retired

**Parcel_Lines**

**LINE_CODE**
- Old Lot Line
- Parcel Line
- USGS Stream
- Parcels

N
W E
S

1 inch = 245 feet

300 150 0 300 Feet

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** September 1, 2020

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

**SUBJECT:** Resolution to Adopt Juneteenth as a County Holiday

**DEPARTMENT:** Human Resources

**ATTACHMENT(S):**

Resolution Designating Juneteenth as an Official County Paid Holiday
Governor's Proclamation
Orange County Code of Ordinance Section 28-33. - Holidays and Holiday Pay

**INFORMATION CONTACT:**
Commissioner Renee Price, (919) 245-2126
Brenda Bartholomew, Human Resources Director, (919) 245-2552
Travis Myren, Deputy County Manager, (919) 245-2300

**PURPOSE:** To adopt Juneteenth as a paid holiday for Orange County Government thus providing an opportunity to cherish freedom, but also poignantly acknowledge the history of slavery in the country.

**BACKGROUND:** Many people in the United States recognize Juneteenth as the holiday that celebrates Emancipation Day, the day in history when the last state ratified the Emancipation Proclamation. This date marks the time when African Americans in Texas received notice from President Abraham Lincoln that slavery had been abolished, a declaration that was codified in the 13th Amendment of the Constitution of the United States of America. June 19th also marks the day that African Americans in the southern states exercised independence from those who benefitted from their labors in the founding of this nation.

The journey of African Americans represents both great achievements and great hardship, and the nation continues to witness the injustice of the African American journey. This injustice has existed far too long. This Juneteenth celebration weighs heavily on hearts and minds in the aftermath of the murder of George Floyd in 2020, and is a reminder of others who have not been treated equally under the law.

The Governor of the State of North Carolina encourages people to observe Juneteenth as an opportunity to reflect, rejoice, and plan for a brighter future as society continues to address racial injustices. Juneteenth is not a federal holiday, but many states and the District of Columbia recognize it as a state or ceremonial holiday.

Juneteenth will be observed on June 19th each year. If June 19th falls on a Saturday, the holiday will be observed on Friday, June 18th, and if June 19th falls on a Sunday, the holiday will be observed on June 20th.

**FINANCIAL IMPACT:** The total annual cost for FY2020-2021 for permanent salaries, social security, Medicare and retirement is $63,733,708. A daily cost of $245,129. The financial impact of adding an extra holiday (changing from a regular workday to a holiday) is on average approximately $61,000.

**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 are no Orange County Environmental Responsibility Goal impacts associated with this abstract.

**RECOMMENDATION(S):** The Manager recommends that the Board approve and authorize the Chair to sign the proposed Resolution recognizing June 19, Juneteenth, as a paid holiday for Orange County government employees effective upon approval by the Board, and approve the atached revision to Article IV – Employee Benefits Section 28-33 – Holidays and Holiday Pay of the Orange County Code of Ordinances.

**ORANGE COUNTY BOARD OF COMMISSIONERS**
**RESOLUTION DESIGNATING JUNETEENTH AS AN OFFICIAL COUNTY PAID HOLIDAY**

WHEREAS, on January 1, 1863, President Abraham Lincoln issued the Emancipation Proclamation, a document that declared: “all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free;” and

WHEREAS, the Emancipation Proclamation, primarily a wartime measure, intentionally excluded people in the slave-holding border-states and the areas of the Confederacy that already had come under Union control; and

WHEREAS, on April 9, 1865, General Robert E. Lee surrendered to United States General Ulysses S. Grant at the Appomattox Court House in Virginia, and on April 26, 1865, US Major-General W. T. Sherman and General Joseph E. Johnston finalized the terms of surrender at the Bennett Farm House in Orange County [now Durham]; and

WHEREAS, on June 10, 1865, Major General Gordon Granger was given command of the Department of Texas, and on June 19, 1865, two and one-half years after the signing of the Emancipation Proclamation, the Union soldiers led by Major General Granger arrived at Galveston, Texas with the long-awaited news that the Civil War had ended and that enslaved people were now free; and

WHEREAS, upon his arrival in Galveston, Major General Granger read General Order Number 3, which began: "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 rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and free laborer"; and

WHEREAS, Juneteenth – also known as Freedom Day, Jubilee Day, Liberation Day, and Emancipation Day – has become a special day among African Americans to celebrate the day when all the enslaved sons and daughters of Africa in America realized their freedom; and

WHEREAS, only the State of Texas currently recognizes Juneteenth as an official state holiday; and

WHEREAS, in June 2010, Governor Beverly Eaves Perdue proclaimed the observance of Juneteenth in North Carolina, and on June 19, 2020, Governor Roy Cooper proclaimed Juneteenth Day in North Carolina; and

WHEREAS, members of the United States Congress, including Senator Kamala Harris of California and Senator Cory Booker of New Jersey, recently have introduced legislation to recognize Juneteenth as a federal holiday;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Commissioners hereby designates Juneteenth as an official County paid holiday, thus providing the opportunity for employees and the community-at large to join together with

the descendants of enslaved Africans to observe the end of slavery and the liberation of all people in the United States of America; and

BE IT FURTHER RESOLVED, that the Orange County Board of Commissioners urges state and federal legislators to sponsor legislation making Juneteenth an official state and federal holiday; and

BE IT MOREOVER RESOLVED, that the Orange County Board of Commissioners directs the Clerk to the Board's Office to forward a copy of this resolution to the Chapel Hill Town Council, the Carrboro Town Council, the Hillsborough Board of Commissioners, the Chapel Hill Carrboro City Schools Board of Education, and the Orange County Schools Board of Education.

This the 1st Day of September, 2020.

_____

Penny Rich, Chair
Orange County Board of Commissioners

# State of North Carolina

**ROY COOPER**
GOVERNOR

**JUNETEENTH DAY**

**2020**

**BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA**

**A PROCLAMATION**

**WHEREAS,** on September 22, 1862, President Abraham Lincoln issued the Emancipation Proclamation, declaring that as of January 1, 1863, all slaves in the rebellious states would be then, thenceforward, and forever free; and

**WHEREAS,** it took almost three more years of conflict and loss to bring about the end of the Civil War and in December 1865, the Thirteenth Amendment to the United States Constitution was nationally ratified, ending the sanctioned institution of slavery; and

**WHEREAS,** the news of freedom disseminated gradually throughout the nation; on June 19, 1865, Union Soldiers, led by General Gordon Granger, arrived in Galveston, Texas and issued General Order No. 3 announcing freedom to some of the last enslaved people in America; and

**WHEREAS,** June 19, or Juneteenth, became nationally recognized as National Freedom Day, commemorating the abolition of sanctioned slavery in the United States; and

**WHEREAS,** on this anniversary each year, organizations and individuals throughout North Carolina and our nation celebrate African American heritage, history, freedom, and culture with events and ceremonies that reflect the power of community, family, art, and tradition in the face of oppression; and

**WHEREAS,** the State of North Carolina encourages people to observe Juneteenth as an opportunity to reflect, rejoice, and plan for a brighter future as we continue to address racial injustices in our society today;

**NOW, THEREFORE,** I, ROY COOPER, Governor of the State of North Carolina, do hereby proclaim June 19, 2020, as **"JUNETEENTH DAY"** in North Carolina, and commend its observance to all citizens.

**Roy Cooper**
Governor

**IN WITNESS WHEREOF,** I have hereunto set my hand and affixed the Great Seal of the State of North Carolina at the Capitol in Raleigh this sixteenth day of June in the year of our Lord two thousand and twenty and of the Independence of the United States of America the two hundred and forty-fourth.

Sec. 28-33. - Holidays and holiday pay.

This policy covers the observance and payment of holidays.

(a) *Holidays.*

(1) Orange County grants 12 holidays each year as follows:

a. New Year's Day

b. Martin Luther King, Jr.'s Birthday

c. Easter Holiday

d. Memorial Day

e. Juneteeneth Day

f. Independence Day

g. Labor Day

h. Thanksgiving Day

i. Day after Thanksgiving

j. Christmas (3 days)

(b) *Holiday Schedule.* The holiday schedule is issued on a calendar year basis to each department head. Department heads post and advise employees of the holiday schedule.

(c) *Holiday Pay.*

(1) The County provides Holiday Pay for Permanent employees, both Full Time and Part Time (regularly scheduled at least 20 hours each workweek). This includes an employee appointed to a permanent position serving a probationary period.

(2) Temporary employees do not receive pay for a holiday not worked.

(3) Holiday Pay is the equivalent of the straight time pay for the employee's regular daily work hours.

Examples

| For an employee regularly scheduled to work: | Holiday Pay is the straight time equivalent of: |
|---|---|
| 8 Hours | 8 Hours |
| 12 Hours | 12 Hours |
| 4 Hours | 4 Hours |

(4) To be eligible to receive Holiday Pay, the employee must be in pay status the day before and the day after the holiday.

(5) The County Holiday Schedule is set for those permanent employees whose regular work schedule is Monday through Friday. When a County Holiday falls outside the employee's

regular work schedule, the employee receives Holiday Pay for the Holiday which falls outside of the work schedule and does not receive time off.

In this way, each eligible employee receives the 12 authorized holidays.

Example: Bernice Jones, Deputy Sheriff, is scheduled to work Tuesday through Saturday. The Memorial Day holiday falls outside of her work schedule. She does not work on Memorial Day. She receives Holiday Pay for the Memorial Day holiday and does not receive time off on another date.

(6) Holidays which occur during an employee's Sick Leave or Vacation Leave are not charged as Sick or Vacation Leave.

Exception: For an EMS or Sheriff's Department employee, approved leave is required for any absence on a scheduled holiday and such leave is paid in addition to holiday pay.

(7) Holiday Pay is not included in any lump sum payment to an employee for accumulated Vacation Leave upon separation.

(d) *Compensation for Holiday Worked.*

(1) The department head approves in advance that the employee's services are required on any scheduled holiday.

(2) Each eligible non-exempt employee under the Federal Fair Labor Standards Act (FLSA) who is required to work on a holiday receives Holiday Pay as well as compensation for the hours worked on the holiday. Compensation for hours worked on a holiday normally is as pay.

Example: Bob Smith, Telecommunicator, is regularly scheduled to work 12 hours each workday. Mr. Smith is required to work 12 hours on Independence Day. He receives:

-12 hours pay for the 12 hours worked on the holiday and

-Holiday Pay (equivalent to 12 hours straight time pay) for the holiday.

The Department Head may allow the employee to elect time off in lieu of pay if department operating requirements permit. Any such time off must be taken by the end of the calendar year or it is paid.

(3) If the hours worked on the holiday are less than the employee's regularly scheduled hours, the employee is compensated for the regularly scheduled hours.

Example: Bob Smith, Solid Waste Collector, is regularly scheduled to work eight hours each workday. Mr. Smith is required to work six hours on Independence Day; that is, two hours less than his regular work schedule. He receives:

-Eight hours pay for the six hours worked on the holiday and

-Holiday Pay (equivalent to eight hours straight time pay) for the holiday.

(4) In urgent operating circumstances, the Manager may authorize pay for holiday work as provided in Subsection 28-21 for an eligible FLSA exempt employee.

(5) Holiday Pay is a separate consideration from and has no bearing on overtime pay. An eligible employee who works on a holiday receives Holiday Pay and compensation for the hours worked as noted in Subsections 28-33(d)(2) and 28-33(d)(3). In addition, he or she receives overtime pay for which eligible, if any.

(Ord. of 06-07-1976, eff. 08-01-1976; Amend. of 01-04-1993, Art. IV § 4.0, eff. 01-10-1993; Amend. [of] 03-20-2001, eff. 03-20-2001)

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** September 1, 2020

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

**SUBJECT:** Veterans Memorial Construction Approval

**DEPARTMENT:** Asset Management Services

**ATTACHMENT(S):**
1) Certification of Adequate Development and Construction Funds
2) Phase II Veterans Memorial Design
3) Ownership, Operations and Maintenance Agreement
4) PowerPoint Presentation

**INFORMATION CONTACT:**
Steven Arndt, 919-245-2658

**PURPOSE:** To:
1) Review and approve the certified budget and project design for Phase II of the Veterans Memorial project at the Southern Campus;
2) Authorize construction of the project, and authorize the County Manager to sign the construction contract and any amendments/change orders up to the $137,542 budgeted amount; and
3) Review and authorize the County Manager to sign the Ownership, Operations and Maintenance Agreement.

**BACKGROUND:** Over the past several years, interested Orange County residents and supporters have organized in an effort to raise funds for the construction of a Veterans Memorial to honor the contributions and service of Orange County military veterans.

At the May 5, 2015 Board of County Commissioners Business meeting, the board voted to:
1) Approve the site for a Veterans Memorial on the former Hoyle home site at the Southern campus.
2) Authorize the Manager and staff to participate in the ongoing project planning process.
3) Reserve the right of final construction approval contingent upon Board approval of:
   a) Ownership of the Memorial
   b) Design
   c) Budget and certification of adequate development and construction funds raised; and
   d) Ongoing operations and maintenance agreement for the Memorial.

Phase I of the project was completed in 2016 at a cost of $13,000. It was comprised of an information kiosk, gravel path and a temporary, telescoping flag pole.

Over the past five years, fundraising efforts have progressed and funds accumulated now total $137,542. Attachment 1 provides a certification of adequate development and construction funds.

Swanson & Associates, a local Landscape Architecture firm, prepared design drawings for a flagpole, concrete and stone plaza and stone bench that would comprise Phase II of the memorial. Attachment 2 provides an overview of the design.

The project was placed out to bid in early October 2019 and bids were opened on October 15, 2019. Unfortunately, the apparent low bid received was $232,425. Subsequent value engineering efforts failed to reconcile the difference between available funding and the scope/cost of work. The architect then revised the design and on April 30, 2020, obtained two additional quotes with the low bidder, Custom Stone NC provided a quote of $98,000. The architect received a separate quote of $10,000 for associated electrical lighting.

Attachment 3 is an agreement for the Ownership, Operations and Maintenance of the Veterans Memorial. The agreement stipulates that upon completion of construction, the Memorial will become the property of Orange County and the County will be responsible for operations and maintenance of the Memorial and surrounding site. The agreement also requires the Orange County Veterans Memorial, Inc. to provide Orange County with $500/year for ongoing maintenance and upkeep of the Memorial.

**FINANCIAL IMPACT:** The costs for design and construction of the project are contained within the chart below:

| Project Component | | | Cost |
|---|---|---|---|
| Design | | | $15,000 |
| Construction | | | |
| | Custom Stone | $98,000 | |
| | Electrical | $10,000 | |
| Construction Total | | | $108,000 |
| Contingency 5% | | | $5,900 |
| Project Total | | | $128,900 |

Ongoing annual Operations and Maintenance (O&M) costs amount to $2,500.

**SOCIAL JUSTICE IMPACT:** There is no Orange County Social Justice Goal impact associated with this item. However, the project will provide visible recognition to honor the service and sacrifice of Orange County veterans.

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

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

1) Review and approve the certified budget and project design (Attachment 2) for Phase II of the Veterans Memorial project at the Southern Campus;
2) Authorize construction of the project, and authorize the County Manager to sign the construction contract and any amendments/change orders up to the $137,542 budgeted amount; and
3) Review and authorize the County Manager to sign the Ownership, Operations and Maintenance Agreement (Attachment 3).

ORANGE COUNTY, NORTH CAROLINA

# Veterans Memorial

169 Boone Square St, #223
Hillsborough, NC 27278
1 June 2020

VETERANS MEMORIAL STEERING COMMITTEE

**Fred Black,** *Colonel, US Army (Retired); Vietnam*
**David Chandler,** *Colonel, US Air Force (Retired), Middle Eastern Wars*
**Bud Hampton,** *Major, USMC (Retired); WWII, Korea*
**Lee Heavlin,** *Master Chief Petty Officer, US Navy (Retired); Vietnam, Korea Defense*
**Jim Merritt,** *former Chapel Hill Town Councilman; US Army; Vietnam*
**James Parise,** *Staff Sergeant, US Army*
**Bruce Runberg,** *Captain, CEC, US Navy (Retired); Vietnam*

AT-LARGE COMMITTEE MEMBERS

**Allen Buansi,** *Liaison, Chapel Hill Council Member*
**Barbara Foushee,** *Liaison, Carrboro Alderwoman*
**Renee Price,** *Liaison, Orange County Commissioner*

Steven Arndt
Department Head of Asset Management Services
Orange County ,NC
Hillsborough NC 27278

Dear Steve,

As discussed earlier, on behalf of the OC Veterans Memorial I hereby certify that our organization has the following funds available for award of Phase 2 of the memorial. We have $79,709.00 in our account with the County and $57,833.00 in our 3 accounts at Sun Trust for a total of $137,542.00. Thanks for your help in this matter.

Sincerely yours,

Bruce Runberg

Bruce Runberg
Captain, CEC, USN (RET)
Committee Co-Chair

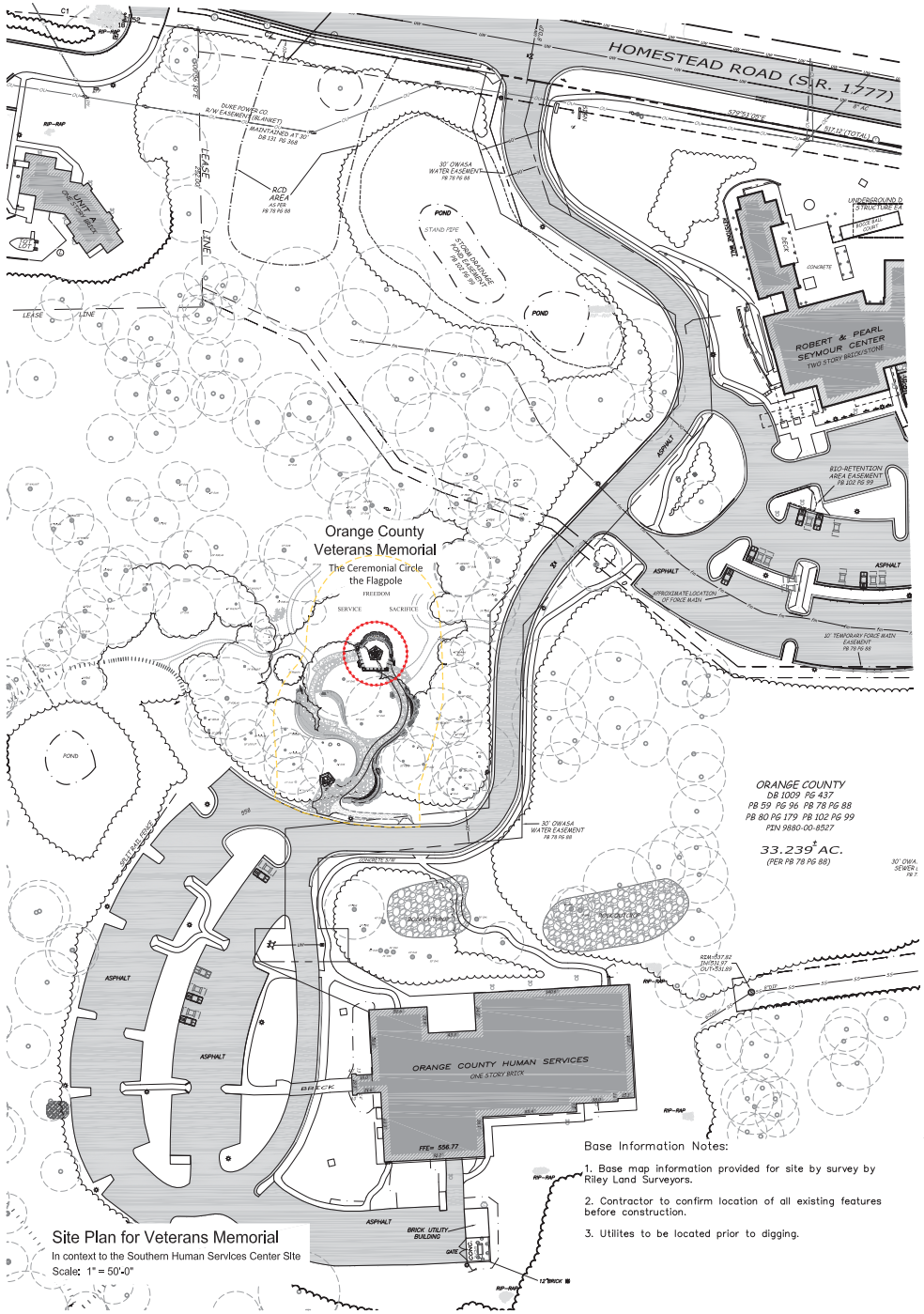
Copy to Co-Chairs:
David Chandler
Jim Merritt

ORANGE COUNTY
NORTH CAROLINA
*A 501c3 partner of the Orange County Community Giving Fund*

Your generosity will make it possible to build a memorial reflecting our eternal gratitude.

Please make checks payable to:
Orange County Veterans Memorial
169 Boone Square Street, #223
Hillsborough, NC 27278

# Attachment 2




Site Plan for Veterans Memorial
In context to the Southern Human Services Center SIte
Scale: 1" = 50'-0"

Base Information Notes:

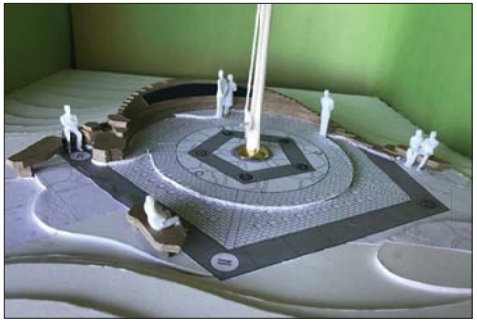
1. Base map information provided for site by survey by Riley Land Surveyors.
2. Contractor to confirm location of all existing features before construction.
3. Utilites to be located prior to digging.







Veterans Memorial showing views with future buildout



Veterans Memorial Model (by Dan Hassell)

LIST OF DRAWINGS

| | | |
|---|---|---|
| L - 1.0 | Cover Site Context Project Summary | |
| L - 1.1 | Existing Conditions | (1"=10' scale) |
| L - 2.0 | Site Plan | (1"=10' scale) |
| L - 2.1 | Grading Plan Erosion Control | (1"=10' scale) |
| L - 3.0 | Detail Ceremonial Circle Plan Details | |

GENERAL NOTES:

Pre-Construction:

1. Location of staging area will be identified during the pre-bid conference. The existing parking area off Southern Human Service Center Drive will be used for access and construction parking for the site during the time period. Other times will be the responsibility of the contractor to determine access to site and construction parking and staging of materials.

2. PROPOSED SCHEDULE: Contractor shall bring in all necessary construction materials and store on-site. Contruction to begin Fall, 2019 (date to be determined).

3. Contractor shall verify all existing conditions and dimensions in the field.

4. Contractor to coordinate with Orange County Southern Human Services and Utility Locating Service to verify locations of underground utilities and easements.

GENERALIZED SCOPE OF PROJECT

BASE BID: By Contractor

Pre-Construction: (By Contractor)

- Install construction management signs
- Install Tree Protection Fencing
- Provide Gravel access drive (20'x20') and Silt Fencing during Construction.

New Construction: (By Contractor)

- Grading and drainage work to swale around the ceremonial circle. Extend existing drain pipe and make drainage improvements and catch basin as indicated.
- Install stone paving and concrete pavers (including donor pavers).
- Install bluestone border and medallions as shown.
- Install Flagpole and associated hardscape.
- Install Landscape Lighting to uplight flagpole.
- Clean job site of construction materials upon completion of Hardscape Improvements. (By Contractor)

BY OTHERS – Orange County (OWNER):

- Remove selected trees (dead or dying or in way of construction). Thin and prune and tree management for existing trees to remain.
- Provide electrical stub to site from existing meters and electric transformer at Southern Human Services site. Contractor to provide junction box.
- Provide site furnishings (future site benches, signage and trash containers).

SWANSON and ASSOCIATES P.A.
LANDSCAPE ARCHITECTURE
108 E. Carr Street
Carrboro, NC 27510
Ph.: (919) 929-9200
info@swansonlandscapearchitecture.com

Danny W. Hassell, LTC
(ret), U.S. Army
ArcLand Designs, L.L.C.



# Orange County Veterans Memorial

## Orange County Southern Human Services Center

Homestead Road
Chapel Hill, NC

July 22, 2019
Rev. Addendum 1 Sept. 27, 2019
Rev. Phase 2A reduced Scope October 23, 2019

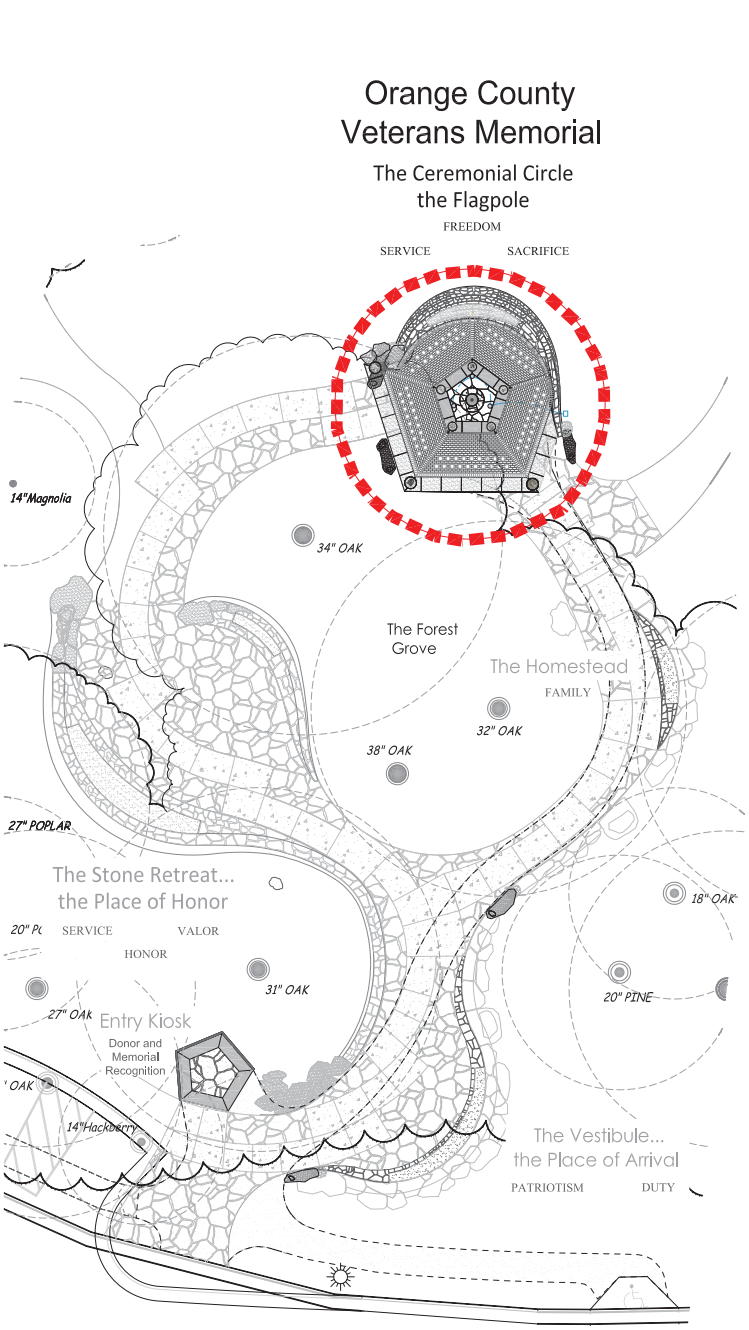
Phase 2A - Ceremonial/Flagpole Space

NORTH

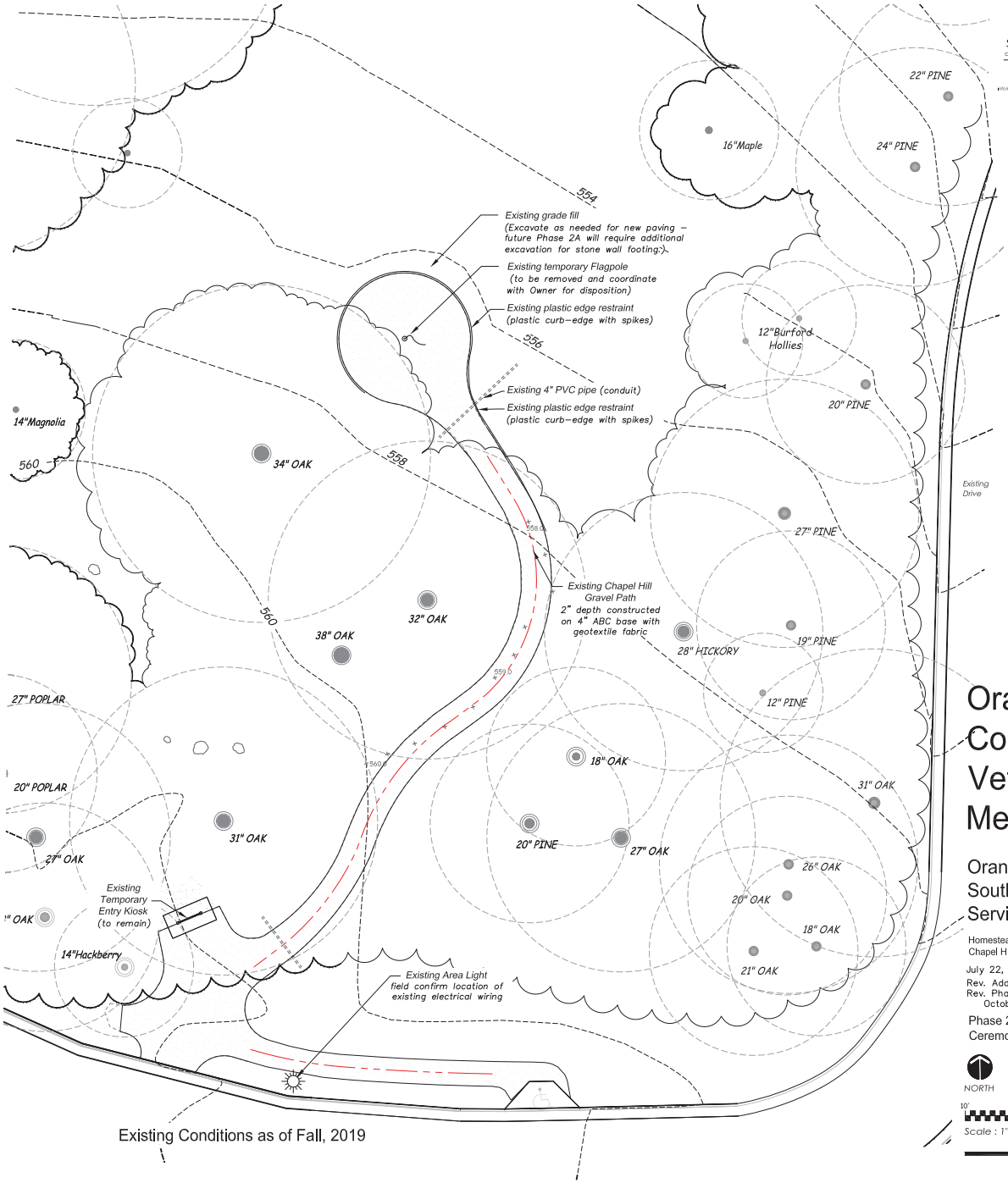
50' 0 50' 100'

Scale : 1" = 50'-0"

L-1.0




Site Plan showing Phase 2 with Future Buildout




Existing Conditions as of Fall, 2019

SWANSON
and ASSOCIATES P.A.
LANDSCAPE ARCHITECTURE
100 E. Carr Street
Carrboro, NC 27510
Ph.: (919) 929-4500
info@swansonphdscapearchitecture.com

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ArcLand Designs, L.L.C.

# Orange County Veterans Memorial

## Orange County Southern Human Services Center

Homestead Road
Chapel Hill, NC

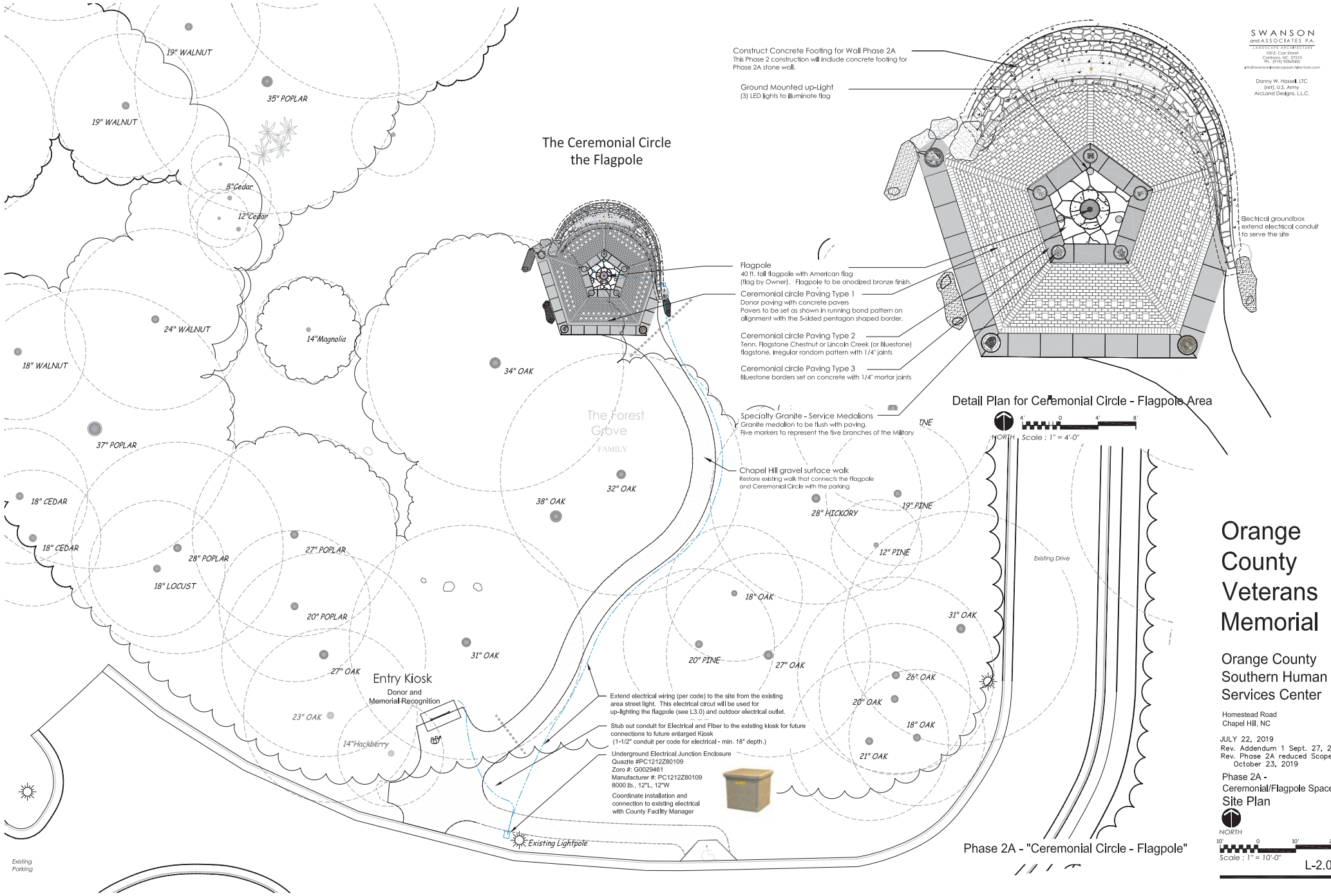
July 22, 2019
Rev. Addendum 1 Sept. 27, 2019
Rev. Phase 2A reduced Scope October 23, 2019

Phase 2A -
Ceremonial/Flagpole Space

NORTH

10' 0 10' 20'
Scale : 1" = 10'-0"

L-1.1




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100 E. Carr Street
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info@swansonlandscapearchitecture.com

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# Orange County Veterans Memorial

## Orange County Southern Human Services Center

Homestead Road
Chapel Hill, NC

JULY 22, 2019
Rev. Addendum 1 Sept. 27, 2019
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Phase 2A - Ceremonial/Flagpole Space Site Plan

NORTH
Scale : 1" = 10'-0"

L-2.0A

SWANSON
and ASSOCIATES P.A.
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# Orange County Veterans Memorial

## Orange County Southern Human Services Center

Homestead Road
Chapel Hill, NC

JULY 22, 2019
Rev. Addendum 1 Sept. 27, 2019
Rev. Phase 2A reduced Scope October 23, 2019

Phase 2A - Ceremonial/Flagpole Space

Grading Plan
Site Access Plan

NORTH

10' 0 10' 20'
Scale : 1" = 10'-0"

L-2.1

### Site Work Guidelines

The tree protection fencing and silt fencing should be installed prior to deconstruction, demolition and the grading operations and continue until all major construction and utility work has been completed.

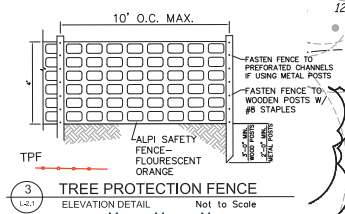
Contact appropriate utility companies and protect existing utility connections.

### Tree Protection Notes

1. Any tree roots exposed by construction shall be severed cleanly with a pruning tool.
2. Do not dispose of any chemicals or remove soil outside the limit of work.
3. When installing new landscape plants, do not drive equipment upon or disturb the soil within the critical root zone of existing trees.
4. A preconstruction conference must be held before any site work begins.

### Construction Sequence

1. Obtain appropriate permits.
2. Hold preconstruction conference.
3. Erect tree protection fencing–flagging before substantial work with any equipment an/or utility work. Install soil and erosion control measures.




3 L-2.1 TREE PROTECTION FENCE
ELEVATION DETAIL Not to Scale

**Staging area**
(stockpile materials and excavated soil material in this location).

**Limits of Construction / Site Access**
(construction equipment to access site from end of asphalt drive and extend through opening in existing trees).
Do not encroach existing tree root area under canopy.
Restore access path back to natural condition upon completion of project.
Field determine and mark with flagging tape the recommended access to bring stone, concrete and other materials to site. Mulch travel way to avoid impact to tree roots.
Repair any rutting or other disturbance upon completion of project.

**Gravel Construction Entrance**
Install min. 20 ft. x 20 ft. of #57 washed stone at edge of existing asphalt paving for vehicle tire cleanout during wet conditions. Clean any residual mud or debris and do not allow mud to get tracked on the pavement surface.

Contractor to use back parking during construction.

Contractor to provide portable toilet for duration of construction work.

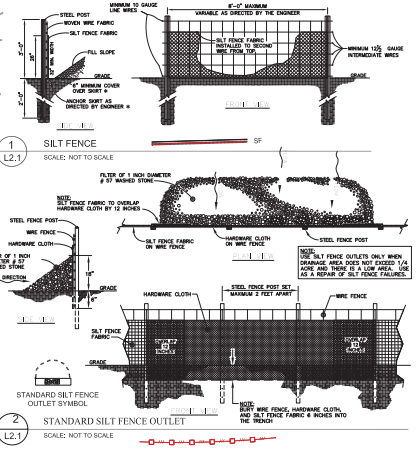
Grading intent
build up this area so the flagpole base is ~ elev 558 and pavement slopes in all directions away from the flagpole and around sides of stone wall at 2% slope.

Do not use existing Chapel Hill gravel walk for construction access.
Any damage to existing walk to be repaired.

Extend electrical wiring (min. 18" depth per code) to the site from the existing light. This electrical circut will be used for up-lighting the flagpole (see L3.0) and outdoor electrical outlet.

Stub out conduit for Electrical and Fiber to the existing kiosk for future connections to future enlarged Kiosk (1-1/2" conduit per code for electrical - min. 18" depth.)

Underground Electrical Junction Enclosure
See L2.0




Phase 2 - "Ceremonial Circle - Flagpole"

| LEGEND - Site Work | |
|---|---|
| Existing Contour (2 ft Interval) | 556 |
| Proposed Contour | 558 |
| Silt Fence | Silt Fence |
| Existing Significant Tree | 12" Holly |
| Proposed Drainage direction | |

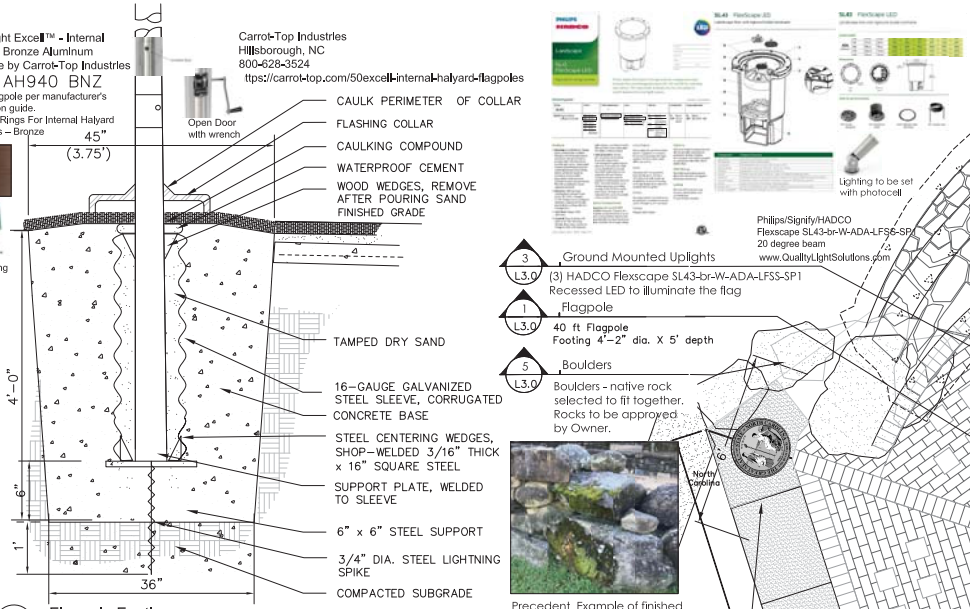
40' height Excell™ - Internal Halyard Bronze Aluminum Flagpole by Carrot-Top Industries
SKU AH940 BNZ
Install flagpole per manufacturer's installation guide.
Retainer Rings For Internal Halyard Flagpoles – Bronze

Carrot-Top Industries
Hillsborough, NC
800-628-3524
ttps://carrot-top.com/50excell-internal-halyard-flagpoles

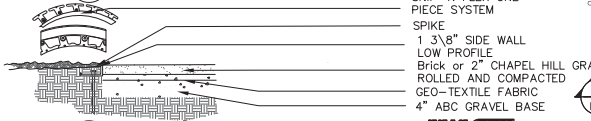

Bronze


Revolving Truck


Open Door with wrench

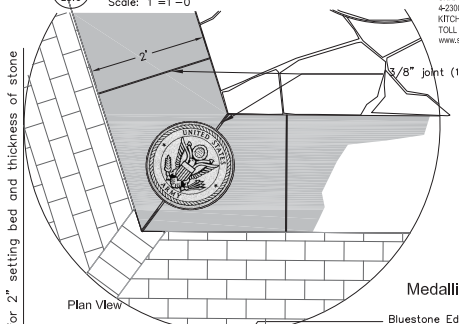



1 L3.0 Flagpole Footing
Scale: 1"=1'-0"

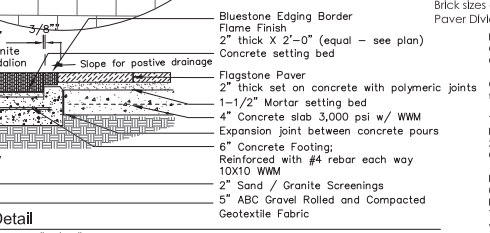



2 L3.0 Gravel Walk and Edging
Scale: 1"=1'-0"

SNAPEDGE
4-2300 SHIRLEY DRIVE,
KITCHENER, ON N2B 3Y2
TOLL FREE: 1-800-720-7627
www.snapedge.ca




Medallion Detail




3 L3.0 Paving Detail
Scale: 1"=1'-0"




Philips/Signify/HADCO
Flexscape SL43-br-W-ADA-LFSS-SP1
20 degree beam
www.QualityLightSolutions.com

3 L3.0 Ground Mounted Uplights
(3) HADCO Flexscape SL43-br-W-ADA-LFSS-SP1
Recessed LED to illuminate the flag

1 L3.0 Flagpole
40 ft Flagpole
Footing 4'-2" dia. X 5' deep

5 L3.0 Boulders
Boulders - native rock selected to fit together. Rocks to be approved by Owner.




Precedent Example of finished stone wall to boulder placement.
Chatham stone boulders mixed with varied sizes and boulders to be mortared in place.

4 L3.0 Stone Benches (by Owner)
~6" thick stone bench to be dowled into bench support. Bench to be 16" height (typ).

1 L3.0 Flagstone Paving
Bluestone Full Range
(alt. Lincoln Creek)
Irregular/Random
2" thickness paver with 1/2" joint - grout with polymeric sand joints
Provide joint where solid concrete base meets paving surround due to settling difference.

3 L3.0 Bluestone Edging Border
2" thick set on concrete slab base - Flame finish
2'-0" X 3'-3 1/2" (typ).
1/2" joint with Type 2 concrete

3 L3.0 Concrete Pavers (Donor Pavers)
Set 4x8 conc. pavers and 8X8 pavers (2-3/8" thickness) on 2" sand setting bed with min. 4" ABC gravel base.
Set pavers with handtight joints in running bond pattern as shown.
Brick sizes are standard 4X8 and allow spacing for 8X8 Donor Pavers.
Paver Divider equal as shown on intersection of pentagram.

Pavers to match already purchased Donor Concrete Pavers.
Contact information for pavers obtained by Orange County Veterans Memorial Committee;

Grey 02 color (light concrete, 6,000 psi concrete) to be matched with standard I.C.P.I. colors

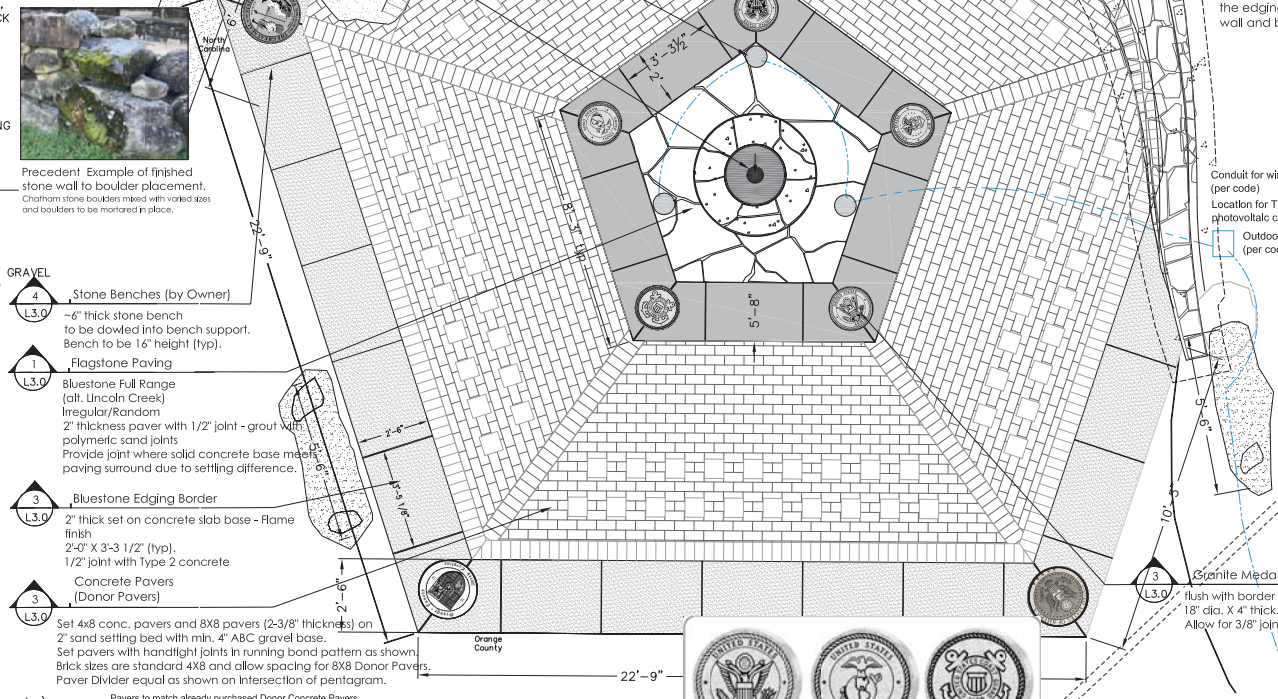
Tri Circle Pavers
Ft Myers, Fl.
239-332-2325
Contact Francisco Lozono

Polar Engraving
6166 Taylor Rd., #105
Naples, FL 34109
Tele: 1-800-546-7993
www.polarengraving.com
contact: Olivia Hollander, Office Manager






Specialty Granite Medallion 1




Concrete Footing

2 L3.0 Snap Edge
Contain pavers with Snap Edge and be sure edge restraint is staked per manufacturer requirement

Phase 2A is shown for clarity only - Some of the edging will be removed when the future wall and border paving gets installed.

Conduit for wiring for well uplights (per code)
Location for Transformer and photovoltaic cell
Outdoor recepticle (per code)

3 L3.0 Granite Medallion 1
flush with border paver
18" dia. X 4" thick.
Allow for 3/8" joint

3 L3.0 Ch Hill Gravel Paving
2" depth over 4" ABC base with Snap Edge to contain the gravel. Blend in to merge with existing walk.

SWANSON and ASSOCIATES P.A.
LANDSCAPE ARCHITECTURE
106 E. Carr Street
Carrboro, NC 27510
Ph: (919) 929-9020
info@swansonandassociatesarchitecture.com

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# Orange County Veterans Memorial

## Orange County Southern Human Services Center

Homestead Road
Chapel Hill, NC

July 22, 2019
Rev. Addendum 1 Sept. 27, 2019
Rev. Phase 2A reduced Scope October 23, 2019

Phase 2A - Ceremonial/Flagpole Space

Detail Plan

Scale : 1/2"=1'-0" (1" = 2'-0")

L-3.0A

SWANSON
and ASSOCIATES P.A.
LANDSCAPE ARCHITECTURE
106 E. Carr Street
Carrboro, NC 27510
Ph.: (919) 929-4500
info@swansonlandscapearchitecture.com

Danny W. Hassell, LTC
(ret), U.S. Army
ArcLand Designs, L.L.C.





Boulders to be selected from this wall of boulders
This is a local source within 1 mile of the site.

Section

Flagpole
40 ft. tall Excell TM flagpole mounted per manufacturer recommendation.
Pole to have internal halyard for 6X10 ft American flag (flag by Owner).
3-6 ft. dia. concrete collar to be finished with trowel finish smooth texture and 1" chamfer edge to be faced with flagstone. Slope for drainage.

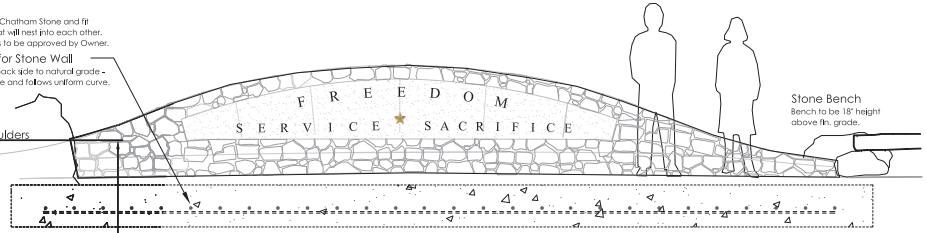
Ceremonial circle
Donor paving to be 4x8 concrete paver blocks and 8x8 Donor Pavers. Concrete pavers to be set on min. 4" ABC base with 2" sand setting bed/screenings with hand-tight joints

Rock Boulders
native rock to match the Chatham Stone and fit together. Select rocks that will nest into each other. Selection of rock boulders to be approved by Owner.

Concrete Footing for Stone Wall
Wall to slope (batter) on back side to natural grade - top of wall to be ~ 12" wide and follows uniform curve.

Stone Boulders

Stone Bench
Bench to be 18" height above fin. grade.



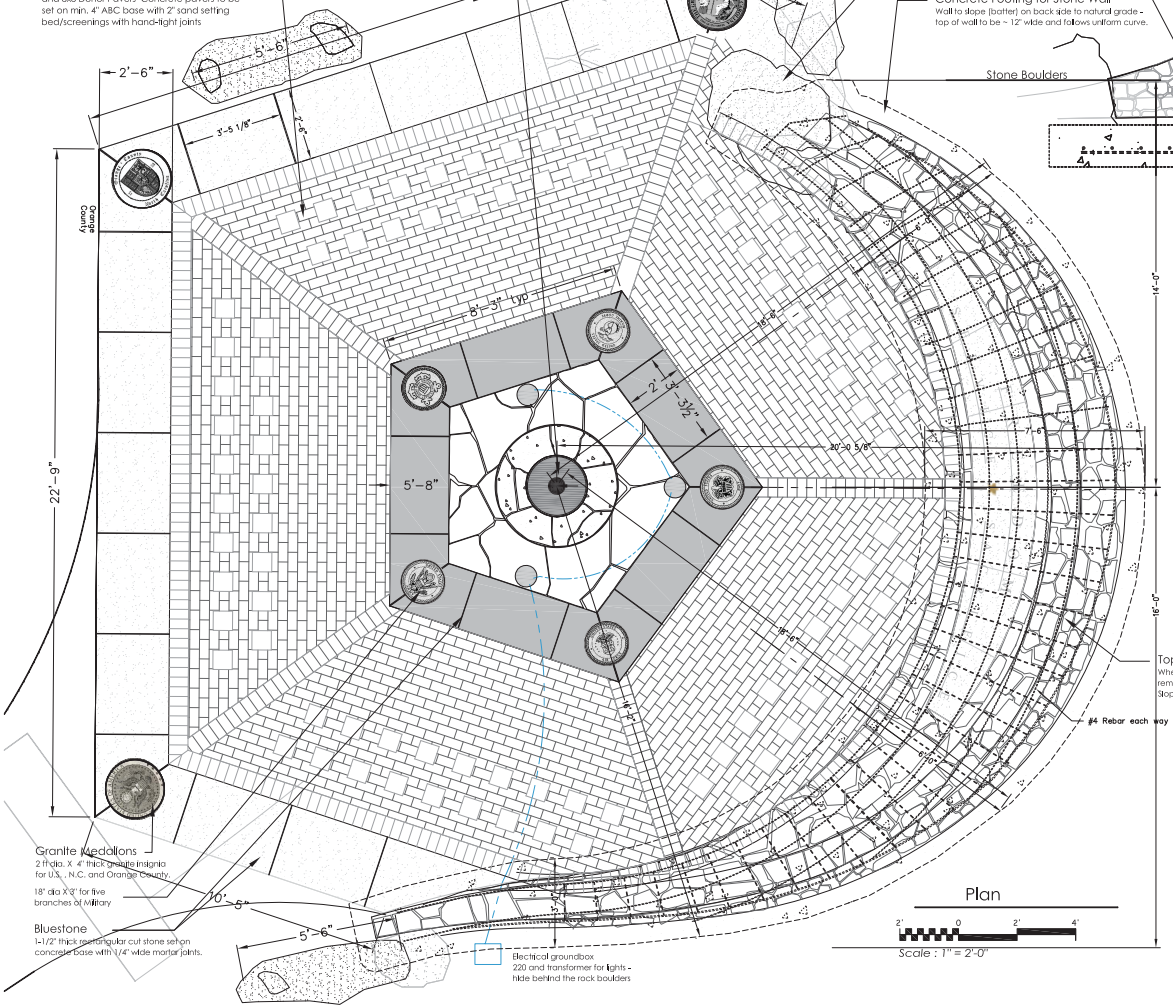

1 / 3.1 Wall Footing Elevation
Scale: 1"=1'-0"





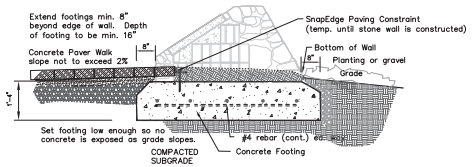


3 / L3.1 Stone Bench Scale: n.t.s.
Precedent Examples
By Owner -
Simchock Stone
5404 Old Hillsborough Rd. (Hwy 10)
Durham NC (919) 382-8773
www.simchockstone.com




Topsoil fill over footing for Phase 2
When Phase 2A gets constructed, the topsoil will be removed for stone wall construction. Slope to grade.

Plan
Scale : 1" = 2'-0"




2 / L3.1 Wall Section
Scale: 1"=1'-0"

Phase 2 - "Ceremonial/Flagpole Space"

# Orange County Veterans Memorial

## Orange County Southern Human Services Center

Homestead Road
Chapel Hill, NC

July 22, 2019
Rev. Addendum 1 Sept. 27, 2019
Rev. Phase 2A reduced Scope October 23, 2019

Phase 2A -
Ceremonial/Flagpole Space

Details

**OWNERSHIP, OPERATIONS AND MAINTENANCE AGREEMENT between ORANGE COUNTY and the ORANGE COUNTY VETERANS MEMORIAL, INC.**

WHEREAS, on 5 May 2015 **ORANGE COUNTY by and through its Board of County Commissioners** voted to approve a site for the establishment of a veteran's memorial to honor the veterans of Orange County on what has been commonly referred to as the former Hoyle home site located on the Orange County Southern Governmental Campus, being located on Homestead Road in Orange County, NC, and;

WHEREAS, the Board of County Commissioners authorized the County Manager and necessary staff to participate in an ongoing process with **ORANGE COUNTY VETERANS MEMORIAL, INC.,** a North Carolina Nonprofit Corporation (herein after sometimes referred to as "OCVM") to engage in dialogue to establish a Veteran's Memorial (herein after sometimes referred to as "memorial") on said property subject to the approval of **ORANGE COUNTY** of the design of the memorial, the ownership of the memorial, budget for construction and maintenance of the memorial, and;

WHEREAS, the parties **ORANGE COUNTY and ORANGE COUNTY VETERANS MEMORIAL, INC.** for good and valuable consideration, receipt of which is hereby acknowledge, hereby agree as follows:

**1. General**

This agreement shall be between **ORANGE COUNTY and ORANGE COUNTY VETERANS MEMORIAL, INC.**

The parties hereby acknowledge that **ORANGE COUNTY VETERANS MEMORIAL, INC.** is also known as the **"Orange County Veterans Memorial Steering Committee"** and are the same entity. Any memorial to be constructed shall be located on the property on what has been commonly referred to as the former Hoyle home site located on the Orange County Southern Governmental Campus, located on Homestead Road in Chapel Hill, North Carolina, The term of this agreement shall be from _____ until _____ and shall be renewed as provided herein upon mutual consent of the parties.

Unless otherwise specified in this agreement, the only obligation that **ORANGE COUNTY VETERANS MEMORIAL, INC.** is payment of the funds outlined in paragraph 2 below which **ORANGE COUNTY** shall cause to be applied towards electricity use at the site.

**2. Ownership**

Upon completion, the parties agree that the any improvements made to the property shall be the sole property of **ORANGE COUNTY** and **ORANGE COUNTY VETERANS MEMORIAL, INC.** relinquishes any interest that it has in the same. Furthermore, the parties agree that **ORANGE COUNTY** will assume all responsibility for the operations and maintenance of the memorial site.

## 3. Use and Operations

**ORANGE COUNTY VETERANS MEMORIAL, INC.** shall, subject to County approval on a case-by-case basis shall have full use of the facilities to conduct veteran recognition ceremonies and other activities. In exchange for use of the facilities, **ORANGE COUNTY VETERANS MEMORIAL, INC.** shall pay to the County the sum of $500.00 (FIVE HUNDRED DOLLARS AND NO CENTS) to be paid on or before the 1st day of April, 2021, and on the 1st day of April each year thereafter. The County shall invoice this amount yearly and if not paid within 30 days after the 1st Day of April each year, the County may terminate this agreement. The funds shall be used to offset the costs of electricity to be used at the site, and other expenses as deemed necessary by **ORANGE COUNTY** and no accountings for the use of said funds shall be required.

Upon use, **ORANGE COUNTY VETERANS MEMORIAL, INC** shall leave the facility in a clean and orderly state and reimburse County promptly for any damage caused to County property, by any employees, volunteers, customers, guests, or invitees beyond reasonable wear and tear and shall comply with all applicable federal, state, and local laws, ordinances, rules, or policies. In the event of damage to the facility or County property **ORANGE COUNTY VETERANS MEMORIAL, INC.** shall reimburse the County for the same within 10 business days after demand. **ORANGE COUNTY VETERANS MEMORIAL, INC.** acknowledges that the memorial is on County property and is subject to use by the general public as a whole. The County has sole discretion of the use of the memorial and the **ORANGE COUNTY VETERANS MEMORIAL, INC.** hereby acknowledges that in the execution of this agreement it acquires no interest in the real or personal property that is the subject of this agreement as is further set forth in detail below.

**A. Use Guidelines -** The County's Facility Use Policy will serve as guidelines for conducting activities at the site, unless a contrary policy is set forth in this agreement. Smoking is prohibited. No staff or visitor shall be permitted under any circumstances to use tobacco products in or on the grounds of any County property, including the Center. The use of open flames, gambling, and alcoholic beverages are also prohibited unless appropriately permitted and/or approved in writing by the County Manager as may be required by law. Absolutely no weapons of any kind are allowed on the Center premises. **ORANGE COUNTY VETERANS MEMORIAL, INC** shall ensure all persons abide by County policies, rules, and ordinances while on Center premises.

**B. Indemnification -** OCVM shall indemnify, defend, and hold harmless the County, its officers, agents, and employees, from and against all claims, actions, demands, costs, damages, losses and/or expenses of any kind whatsoever, in whole or in part, resulting from or connected with any acts of OCVM Employees, Regular and/or Temporary Volunteers, or program participants resulting from the omission or commission of any act, lawful or unlawful, by OCVM, its agents, and/or Employees or Regular and/or Temporary Volunteers, including but not limited to court costs and attorney's fees incurred by the County in connection with the defense of said matters. This section should not be interpreted to apply to any claims related to negligence or intentional acts committed by the County, its employees, or agents. It is the intent of this Section that OCVM indemnify the County to the maximum extent authorized by law.

**C. Relationship of the Parties -** OCVM is not a contractor of County. OCVM is not a partner, agent, employee, or joint venture of the County and neither Party shall hold itself out contrary to these terms by advertising or otherwise. Neither Party shall be bound by any representation, act, or omission whatsoever of the other. The term of this Agreement shall be for five (5) years. This Agreement may be renewed for up to three (3) additional five year terms only by joint written agreement of both Parties. This Agreement may be terminated by mutual agreement of the Parties. At any time, County may terminate this Agreement and any renewal thereof immediately and without prior notice to OCVM if County determines in its sole discretion that the health, safety, or well-being of County employees, guests, customers, or invitees are jeopardized by OCVM's operation of the Center. Both OCVM and the County agree to hold annual evaluation review meetings to assess the success and direction of the operation of the Center.

**D. Maintenance and Upkeep** – Orange County will be responsible for all maintenance and upkeep of the memorial and surrounding grounds. Typical maintenance will include, but is not limited to, mowing, fertilizing and leaf raking of grounds surrounding the memorial, an annual maintenance inspection of the memorial and surrounding grounds, periodic power washing of memorial, re-caulking of joints in concrete, and pointing of mortar in stone bench. Orange County will also be responsible for the utility bills (electric, water) associated with the memorial.

**E. Insurance** – Orange County will be responsible for providing property insurance for the Veterans Memorial.

**F. Approvals, Amendments, Notices -** Any approval or notice required by the terms of this Agreement shall be in writing and executed by the appropriate party. This Agreement may be amended only by written amendments duly executed by and between both Parties.

**G. North Carolina Law -** North Carolina law will govern the interpretation and construction of this Agreement.

**H. Entire Agreement -** This Agreement constitutes and expresses the entire agreement and understanding between the Parties concerning the subject matter of this Agreement. This document and any other document incorporated in this Agreement by reference supersede all prior and contemporaneous discussions, promises, representations, agreements and understandings relative to the subject matter of this Agreement.

**I. Severability.** If any provision of this Agreement shall be declared invalid or unenforceable, the remainder of the Agreement shall continue in full force and effect.

SIGNATURE PAGE TO FOLLOW

Signers for **ORANGE COUNTY VETERANS MEMORIAL, INC.** and the County certify that they are authorized to enter this agreement.

**ORANGE COUNTY VETERANS MEMORIAL, INC.**

_____
President

_____ _____
Printed Name Date

**ORANGE COUNTY**

_____
Orange County Manager

_____ _____
Printed Name Date

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

_____
Office of the Chief Financial Officer




# Veterans Memorial Construction Approval

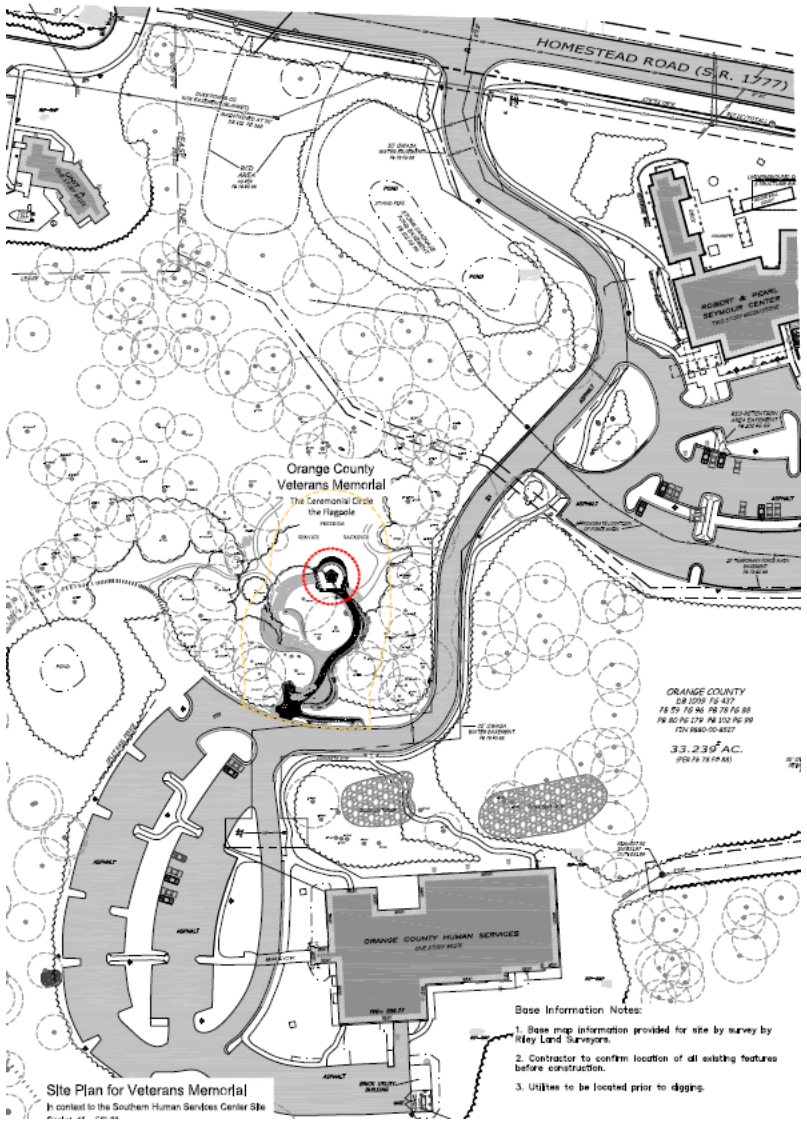
Orange County Board of County Commissioners Meeting

September 1, 2020

# Background

At May 5, 2015 BOCC Business meeting, the board voted to:

1) **Approve the site** for a Veterans Memorial on the former Hoyle home site at the Southern Campus
2) Authorize the County manager and staff to **participate in the project planning process**



# Background

The BOCC also reserved the right of final construction approval contingent upon:

1) Ownership of the Memorial
2) Design
3) Budget Certification
4) Operations and Maintenance Agreement



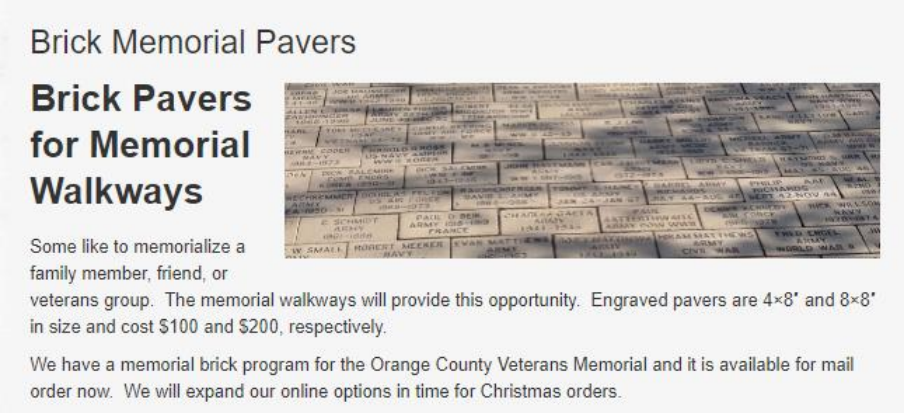
Veterans Memorial showing views with future buildout

# Funding

- Over the past five years, Orange County Veterans have held numerous events and raised $137,542.
- Budget certification attached.





# Budget

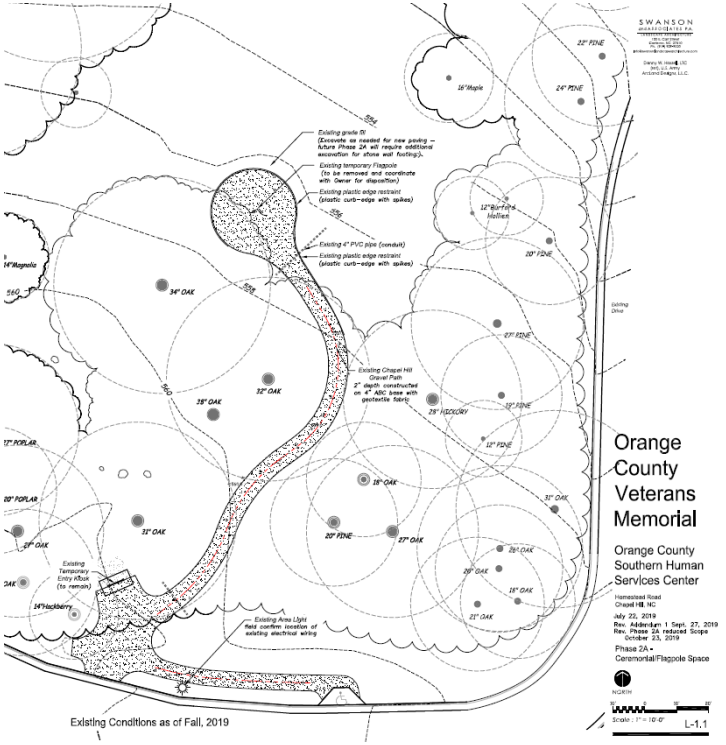
| Project Component | | | Cost |
|---|---|---|---|
| Design | | | $15,000 |
| Construction | | | |
| | Custom Stone | $98,000 | |
| | Electrical | $10,000 | |
| Construction Total | | | $108,000 |
| Contingency 5% | | | $5,900 |
| Project Total | | | $128,900 |

# Design

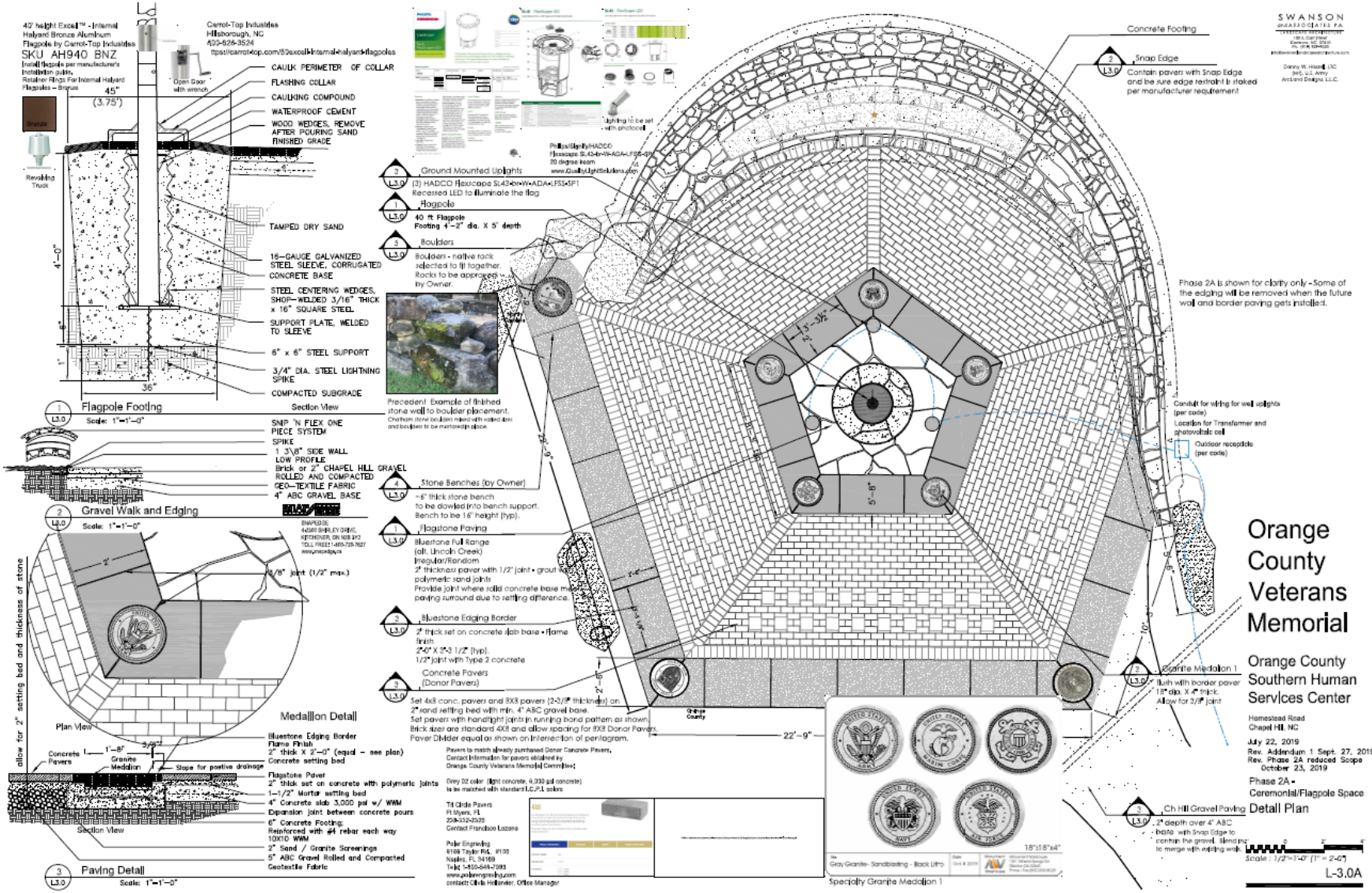
Existing Conditions

- Gravel path
- Telescoping flagpole
- Kiosk

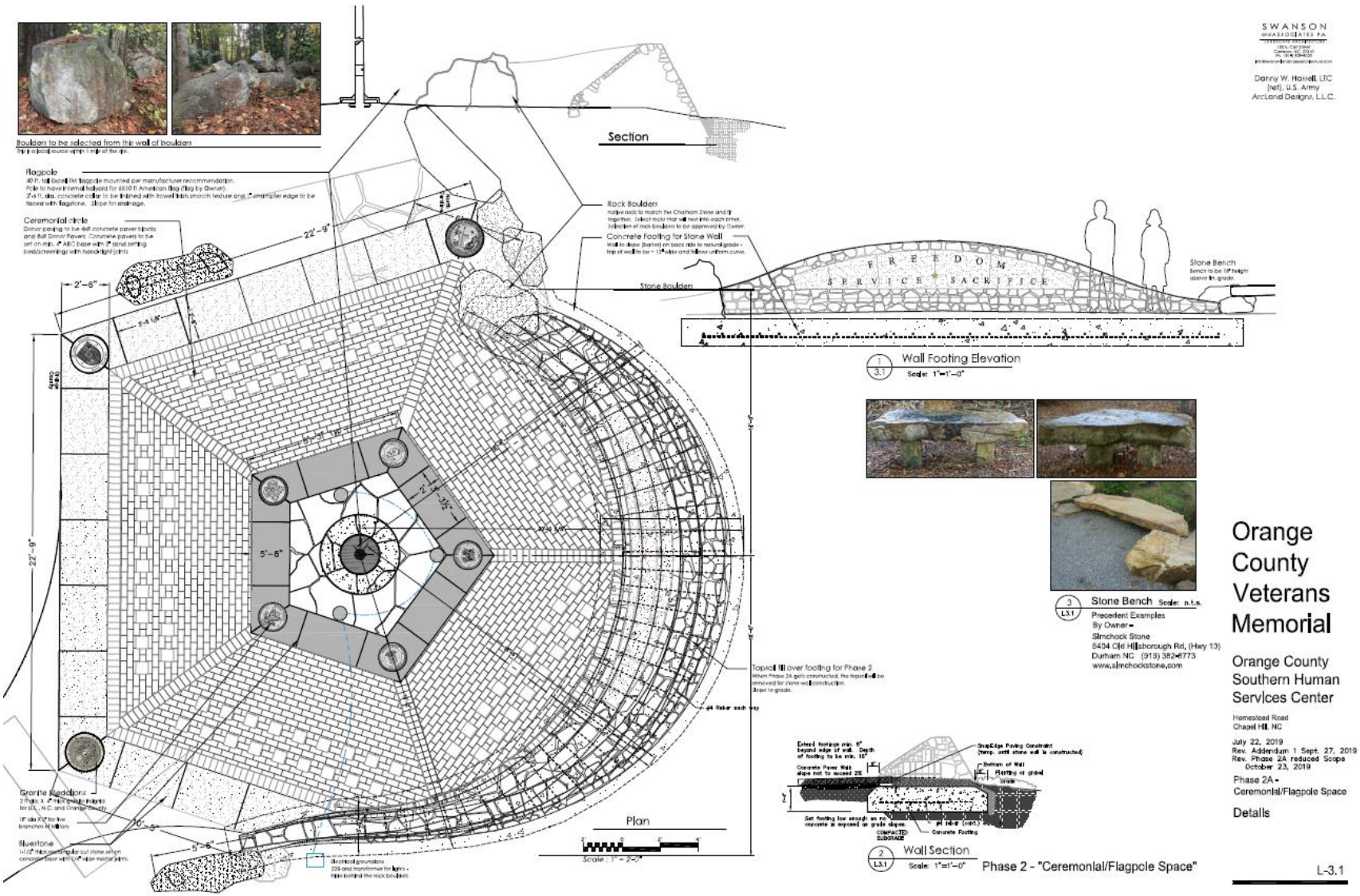




# Design


Flagpole Footing
Section View
Scale: 1"=1'-0"
Gravel Walk and Edging
Scale: 1"=1'-0"
Medallion Detail
Plan View
Section View
Paving Detail
Scale: 1"=1'-0"
Ground Mounted Uplights
Flagpole
40 ft Flagpole
Footing 4'-2" dia. X 5' depth
Boulders
Boulders - native rock selected to fit together. Rocks to be approved by Owner.
Precedent Example of finished stone wall to boulder placement.
Stone Benches (by Owner)
Flagstone Paving
Bluestone Edging Border
Concrete Pavers (Donor Pavers)
Concrete Footing
Snap Edge
Contain pavers with Snap Edge and be sure edge restraint is staked per manufacturer requirement
Phase 2A is shown for clarity only - Some of the edging will be removed when the future wall and border paving gets installed.
Granite Medallion 1
Ch Hill Gravel Paving
Specialty Granite Medallion 1
Orange County Veterans Memorial
Orange County Southern Human Services Center
Homestead Road
Chapel Hill, NC
July 22, 2019
Rev. Addendum 1 Sept. 27, 2019
Rev. Phase 2A reduced Scope October 23, 2019
Phase 2A - Ceremonial/Flagpole Space
Detail Plan
L-3.0A

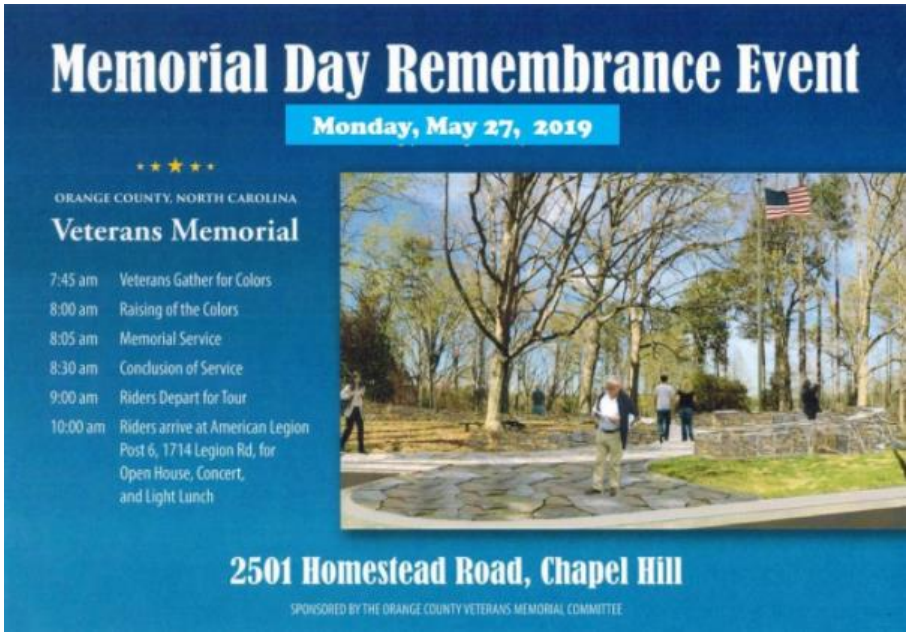
# Design


Boulders to be selected from this wall of boulders
Flagpole
Ceremonial circle
Section
Rock Boulders
Concrete Footing for Stone Wall
Stone Boulders
Wall Footing Elevation
Scale: 1"=1'-0"
Stone Bench
Stone Bench Scale: n.t.s.
Precedent Examples
By Owner -
Elmchock Stone
5494 Old Hillsborough Rd, (Hwy 13)
Durham NC (919) 382-8773
www.elmchockstone.com
Granite Medallions
Bluestone
Plan
Scale : 1" = 2'-0"
Topsoil fill over footing for Phase 2
Wall Section
Scale: 1"=1'-0"
Phase 2 - "Ceremonial/Flagpole Space"
SWANSON
Danny W. Harrell, LTC
(ret), U.S. Army
ArcLand Designs, L.L.C.
Orange County Veterans Memorial
Orange County Southern Human Services Center
Homestead Road
Chapel Hill, NC
July 22, 2019
Rev. Addendum 1 Sept. 27, 2019
Rev. Phase 2A reduced Scope October 23, 2019
Phase 2A - Ceremonial/Flagpole Space
Details
L-3.1

# Ownership, Operations and Maintenance Agreement

Key Points:

- Orange County to own and operate the site.
- Orange County Veterans Inc. to pay $500 annual maintenance fee.
- Orange County to maintain the site.



# Action Items

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

- **Review and approve** the certified budget and project design (Attachment 2) for Phase II of the Veterans Memorial project at the Southern Campus;
- **Authorize construction of the project**, and authorize the County Manager to sign the construction contract and any amendments/change orders up to the $137,542 budgeted amount; and
- Review and authorize the County Manager to **sign** the **Ownership, Operations and Maintenance Agreement** (Attachment 3).

# Thank You



**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** September 1, 2020

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

**SUBJECT:** Discussion Regarding the Recital of the Pledge of Allegiance at Board of Commissioners' Meetings

**DEPARTMENT:** Board of Commissioners

**ATTACHMENT(S):**

**INFORMATION CONTACT:**
Bonnie Hammersley, 919-245-2300

**PURPOSE:** To discuss, based on petitions previously presented to the Board, the potential recital of the Pledge of Allegiance at all Board of Commissioners' meetings.

**BACKGROUND:** The Board of Commissioners has previously received petitions requesting that the Board consider reciting the Pledge of Allegiance at all Board meetings. This item responds to those requests and gives Board members an opportunity to discuss the potential recital of the Pledge at meetings.

If the Board determines to move forward with reciting the Pledge at some or all meetings, staff will incorporate the Pledge recital into future meeting agendas as appropriate and will also draft an amendment to the Board's Rules of Procedure, to be considered at a future meeting, to formalize the practice.

**FINANCIAL IMPACT:** There is no financial impact associated with discussing the potential recital of the Pledge of Allegiance at Board of Commissioners' meetings.

**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 discuss the potential recital of the Pledge of Allegiance at Board of Commissioners' meetings and provide any direction to staff as appropriate.

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** September 1, 2020

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

**SUBJECT:** Minutes

**DEPARTMENT:** Board of County Commissioners

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

**INFORMATION CONTACT:**
David Hunt, Deputy 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.

| | |
|---|---|
| May 28, 2020 | BOCC Virtual Budget Work Session |
| June 2, 2020 | BOCC Virtual Business Meeting |
| June 4, 2020 | BOCC Virtual Work Session |
| June 9, 2020 | BOCC Virtual Budget Work Session |
| June 16, 2020 | BOCC Virtual Business Meeting |
| July 7, 2020 | BOCC Listening Session on Policing and Racial Justice |
| July 14, 2020 | BOCC Virtual Special 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.

**Attachment 1**

**DRAFT** **MINUTES**
**BOARD OF COMMISSIONERS**
**VIRTUAL BUDGET WORK SESSION**
**May 28, 2020**
**7:00 p.m.**

The Orange County Board of Commissioners met for a Virtual Budget Work Session on Thursday, May 28, 2020 at 7:00 p.m.

**COUNTY COMMISSIONERS PRESENT**: Chair Rich and Commissioners Jamezetta Bedford, Mark Dorosin, Sally Greene, Earl McKee, Mark Marcoplos, and Renee Price
**COUNTY COMMISSIONERS ABSENT**:
**COUNTY ATTORNEYS PRESENT**:
**COUNTY STAFF PRESENT**: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

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

Due to current public health concerns, the Board of Commissioners conducted a Virtual Budget Work Session on May 28, 2020 utilizing Zoom. Members of the Board of Commissioners participated in the meeting remotely. As in prior meetings, members of the public were able to view and listen to the meeting via live streaming video at orangecountync.gov/967/Meeting-Videos and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

**1. Discussion with County Departments within the following Functional Leadership Teams (including Operations, Capital, and Fee Schedule Changes):**

Travis Myren presented the item below:

**Human Services**

- Aging, Pg. 45
- Cardinal Innovations, Pg. 96
- Child Support Services, Pg. 98
- Health Department, Pg. 223
- Housing and Community Development, Pg. 234
- Human Rights and Relations, Pg. 253
- Library Services, Pg. 260
- Social Services, Pg. 335
- Non-Departmental, Pg. 275

(8:30 – 10:00)

**Community Services**

- Animal Services, Pg. 56
- Cooperative Extension, Pg. 104
- Department of Environment, Agriculture, and Parks & Recreation, Pg. 128
- Economic Development, Pg. 143, including Article 46 Sales Tax Fund, Pg. 64
- Orange County Transportation Services, Pg. 295
- Planning and Inspections, Pg. 310
- Solid Waste, Pg. 350
- Sportsplex, Pg. 358
- Non-Departmental, Pg. 267

Travis Myren made the following PowerPoint presentation:

**Budget Work Session #3**
***Human Services***
***Community Services***
**May 28, 2020**
**Virtual Meeting**

**Aging – page 45**
**Janice Tyler, Department on Aging Director, in attendance**

- Total Expenditure Budget - $2,516,333
  - Maintain FY2019-20 Budgeted Resources
- Carol Woods Donation ($175,000) Moved to Multi-Year Fund
  - Unspent Funds Carry Forward
- No Service Reductions

**Aging – page 48- Senior Center Attendance-graph**

**Aging – page 48- Average Number of Visits Per Individual per Year- graph**

Commissioner Price referred to the slide with attendance, and asked if these numbers include people that come by to pick up meals.

Janice Tyler said yes, as well as those who attend virtual activities.

Commissioner Dorosin asked if the department is getting more inquiries about Covid-19, since Orange County has a lot of cases with seniors.

Janice Tyler said the aging help line stays busy answering all sorts of questions.

Commissioner Dorosin asked if other measures are being taking to get information out to seniors about ways to stay safe during this pandemic.

Janice Tyler said the department has about 4000 people on its list serve, which gives updates on all sorts of information. She said they also give out information packets through law enforcement and bus riders, as well as meal pick-ups. She said her department is also doing PSAs, etc.

Commissioner Price asked if there is an update on the day program facilities, such as Charles House.

Janice Tyler said those residents are home with their families, since facilities are closed.

Commissioner Price asked if these residents are still getting services.

Janice Tyler said staff is checking on these residents, but many residents did not want people to enter their homes, especially if they have care through a family member.

Commissioner Dorosin asked if the Carol Woods donation has been the same over the last few years.

Janice Tyler said it has been the same amount for the last 10 years, and it is a charitable gift.

Commissioner Dorosin said this is a generous donation, and the department may want to consider asking for an even more generous donation in the future.

*Commissioner Greene arrived at 7:08 p.m.*

Travis Myren resumed the PowerPoint presentation:

**Cardinal Innovations – page 96**

| Cardinal Innovations - Maintenance of Effort Recommendations<br>Contracted Services | | | | |
|---|---|---|---|---|
| **Provider** | **Service Description** | | **Amount** | **% of Total** |
| Arc of Orange County | Volunteer coordination for individuals with disabilities | $ | 33,320 | 2.5% |
| Art Therapy Institute | Art Therapy focused on serving refugees | $ | 27,600 | 2.0% |
| Carolina Outreach | School based mental health | $ | 5,000 | 0.4% |
| Chapel Hill Training Outreach/Kidscope | Child care consultation program | $ | 15,000 | 1.1% |
| Club Nova Community | Club house services | $ | 163,000 | 12.0% |
| Freedom House | Crisis, psychiatry support, substance use disorder | $ | 230,499 | 21.8% |
| Haven House | Emergency shelter for youth | $ | 19,000 | 1.4% |
| New Destinations | Housing - on site program manager | $ | 35,100 | 2.6% |
| RHA Day Treatment | School based mental health | $ | 5,000 | 0.4% |
| UNC Dept. of Psychiatry | Mental health crisis services for uninsured | $ | 320,874 | 23.7% |
| **TOTAL** | | **$** | **945,187** | **69.7%** |

**Cardinal Innovations – page 96-Cardinal Innovations – Maintenance of Effort Recommendations - chart**

Commissioner Price referred to Freedom House, and asked if there is an update on what is going on there, as she has heard concerns.

Travis Myren said a new company is operating the House, and the crisis services have not changed. He said if Commissioner Price has some examples of complaints he can follow up.

Commissioner Price said she did not have any specifics.

Travis Myren said there have been some organizational changes over the last few years, but he has not been apprised of any deficiencies as a consumer. He resumed the PowerPoint presentation:

**Child Support Services – page 98**

**Erica Bryant, Child Support Services Director, in attendance**

- Total Expenditure Budget - $1,120,396
  - Net General Fund Contributor – ($482,673)
  - Net Cost Increase of $89,368 due to Revenue Reduction Noted Below
- Revenue Reduction from FY2019-20 – ($97,368) or 5%
  - State Estimate from February 2020
  - Partially Offset by Expenditure Reductions
- Anticipated Decline in New Orders and Collections
  - Unemployment
  - Court Closure
  - Collections Dropped 20% between March and April

**Child Support Services – page 98-chart**

Commissioner Dorosin asked if Orange County collections are comparable to statewide collection rates.

Erica Bryant said Orange County is in the top tier of collections in the state.

Commissioner Dorosin asked Erica Bryant how the pandemic has affected their constituencies, and how will it do so, moving forward.

Erica Bryant said her department is serving as a referral agency as of now. She said her department is also assisting people in adjusting support payments in this new economy, and managing consent orders. She said caseloads have increased during the pandemic, and there are many who are brand new to the system.

Commissioner Price said the budget book indicates expected decreases, but Erica Bryant is saying there are more cases due to the pandemic. She asked if this could be clarified.

Erica Bryant said the decrease is primarily due to reduced court time.

Travis Myren resumed the PowerPoint presentation:

**Health Department – page 223**

**Quintana Stewart, Health Department Director, in attendance**

- Total Expenditure Budget - $10,461,605
  - ($144,439) Decrease in County Costs
  - Revenue Decreases Noted Below Offset by Expense Reductions
- Dental Revenue Decrease - ($45,481)
  - Reduction in Collections due to COVID-19

**Health Department – page 223-Dental Care Patient Visits - graph**

**Health Department – page 223**

- Health Promotion and Education Services Division

- No General Fund Supported Increase to Family Success Alliance
- Healthy Homes
  - Childhood Asthma Program
  - 95% of Children Did Not Visit the Emergency Room Six Months after Initial Home Visit
- Tobacco Cessation
  - Distributed 440 Boxes of Nicotine Replacement Therapy to Freshstart Participants
  - 35% of Participants Attended 3 out of 4 Classes Had Quit Attempt at 3 Months

- Environmental Health Division
  - Revenue Decrease – ($8,315)
  - Anticipated Loss in Restaurant Inspections, Well & Septic Permits
- Environmental Health Division
  - New Performance Measure for % of Onsite Water Protection Service Applications Response in 14 Days or Less FY2020-21 – 70%

**Policy Change in FY2018-19- Review Time for New Restaurant Plans – chart**

**Personal Health Services Division**

- Revenue Decrease – ($18,272)
- New Performance Measures
  - Medical Connection for Formerly Incarcerated Individuals with Chronic Health Conditions
    - % Attending Regular Medical Appointments
    - 85% Projected for FY2020-21
  - Postnatal Care
    - % of Home Visits Made Within Two Weeks of Delivery 90% Projected for FY2020-21
  - Medical Services for Uninsured, Underinsured, and Medicaid Eligible Clients
    - Number of Child Health Visits 1800 Projected in FY2020-21

Commissioner Bedford said she previously asked about increased fees for the health department, as well as the ultrasound fees. She said the fees were zero last year because the health department did not have an ultrasound machine. She said fees are set on a sliding scale.

Commissioner Dorosin referred to the fees on the sheet given to the Commissioners, and said it described several things identically, but with different charges. He asked if there is a reason for these varying prices, for seemingly the same services.

Quintana Stewart said sometimes the fees vary between a new, versus an established, patient; and some may be based on age group. She said she does not have that information in front of her.

Commissioner Dorosin mentioned a few specific charges.

Quintana Stewart said she is not sure, and would have to ask her technicians about ultrasounds. She said the fees for vaccines are based on costs.

Commissioner Dorosin said there are some fees listed as zero, and the next column says, “delete”. He asked if this is due to these services no longer being offered.

Quintana Stewart said this means her department got rid of a particular code. She said her department still offers the service, but under another heading/appointment type. She said her department gets its direction from the state.

Commissioner Price asked if there is an update regarding Family Success Alliance (FSA).

Quintana Stewart said outreach and case management were shifted from high touch to make it more fluid and flexible. She said not all families needed high touch management. She said this freed up some time for the Navigators, which allowed them to reach out to more families. She said one Navigator does a program called Family Connections, which is for those families that are no longer in need of high touch management.

Quintana Stewart said she is also working with a newer program called the North Carolina Integrated Care for Kids, which shares many of the same objectives and goals as the FSA. She said effort is made to maximize both programs, and avoid duplicate services.

Commissioner Price asked if there is an update on Gateway.

Quintana Stewart said there are still navigators over there.

Commissioner Greene referred to page 230, connecting with formerly incarcerated individuals with a disease, and asked if these numbers overlap with the re-entry council.

Quintana Stewart said these entities work closely together.

Commissioner Greene referred to providing medical services to the uninsured and underinsured, and asked if there is a reason these numbers only start in 2019. She also asked if the County covers the differences in expenses, when a patient is uninsured or underinsured.

Quintana Stewart said if one is uninsured then one falls on the sliding scale, and if one cannot pay at all then the County covers the cost.

Commissioner Greene asked if there is a reason that the number of child health visits start in 2019.

Travis Myren said these services have been provided, but have only recently been tracked. He resumed the PowerPoint presentation:

**Housing and Community Development – page 234**

**Emila Sutton, Housing Director, in attendance**

- Total expenditure budget - $6,293,087
  - Net Cost Increase of $32,231 due to New HCV Contract
- Local Voucher Program Maintained at $100,000
  - New Program Guidelines Pending
- Housing Choice Voucher Contract - $100,000
  - Draw Down More HUD Administration $ and More Vouchers
  - Substantially Offset by Housing Specialist Vacancies

**Housing and Community Development – page 234-Housing Choice Voucher Rent Subsidies**

**Housing and Community Development – page 234-**

**Community Development Division**

- Risk Mitigation and Housing Displacement Fund – Maintain $75,000
  - Risk Mitigation for Landlords $33,750
  - Displacement Mitigation $15,000

- Housing Stabilization $26,250
- FY2019-20 Budget Amendment Added $100,000 from Local Rent Supplement

**Community Development Division**

- Maintain Urgent Repair Program
  - Repairs to health, life, safety, accessibility, <50% AMI
  - Goal of Repairing 20 Homes in FY2020-21
- Maintain Single Family Rehabilitation Program
  - Comprehensive Rehabilitation for Low and Moderate Income Families <80% AMI
  - Goal of Rehabilitating 5 Homes in FY2020-21

**Housing and Community Development – page 234**

**Housing and Community Development – page 234**

**Partnership to End Homelessness**

- Total Expenditure Budget - $363,319
- County Share - $91,603 (Same as FY2019-20)
- Transferred from County Manager's Office to Housing & Community Development
- Two (2.0 FTE) HUD Supported Positions for Coordinated Entry
- One (1.0) Housing Access Coordinator Funded Through Partnership
- Conversion of Temporary Employee Funding to Create 0.625 FTE Administrative Support

Commissioner Dorosin referred to the local voucher program, and said he thought the Board of County Commissioners (BOCC) had voted to move the money out of this program.

Travis Myren said that was 2019-20 money.

Commissioner Dorosin said he thought the BOCC was going to re-visit the requirements for this program.

Travis Myren said that is correct, and Emila Sutton and her team are revising the requirements.

Commissioner Dorosin asked if this will come back to the BOCC in early fall.

Emila Sutton said yes, she will be bringing revised requirements back in the fall.

Commissioner Dorosin referred to the homelessness issues, and said the BOCC had a presentation from Corey Root, Partnership to End Homelessness (PTEH) Coordinator, who said rapid housing was a priority. He said the BOCC had talked about putting more money toward these efforts, and he is open to trying to find monies for these low hanging fruits. He asked if there are highest priority items, in the mission to eliminate homelessness, or is the number they need too high.

Emila Sutton said right now, some of those gaps are going to be filled from funds from the Cares Act, and staff will need to reassess their priorities once this funding comes down. She said staff is waiting for some grant funding, and is working with the Criminal Justice Resource Department on filling some gaps.

Commissioner Dorosin suggested she do this, and come back to the Board. He said the BOCC was in favor of allocating more funds into these programs, as well as some of the other partners with the PTEH. He said the gaps seemed attainable to fill, and would have significant impact. He said he would hate to lose momentum.

Emila Sutton said staff will be sure to keep the BOCC up to date, and not lose momentum. She said there is a high volume of people coming through coordinated entry, and all hands are on deck to deal with this new surge of need.

Bonnie Hammersley said Corey Root's presentation promoted a phased in approach, which has begun with some new HUD funded positions this year, as well as some funds for rapid rehousing. She said these additions are significant, and are in line with phase one of the plan.

Commissioner Marcoplos referred to the urgent repair and rehab program, and asked if there is an average cost in these programs

Emila Sutton said urgent repair is $8500-$10,000, and single-family rehab is $30,000 and up, and depends greatly on the project.

Commissioner Marcoplos asked if staff ever screens for age, members in the household, etc.

Emila Sutton said yes, urgent repair funding factor in these variables.

Commissioner Greene referred to homelessness, and underscored the street outreach program for which some of the CARES act funds will be used. She said this has been a huge priority, and it is great to see it getting underway. She agreed with Bonnie Hammersley that strides are being made in the area of homelessness.

Commissioner Price referred to the new position in homelessness, and asked if the costs be split with the towns.

Travis Myren said there are 3 positions, 2 of which are funded through HUD, with no additional funds from towns; and the housing access coordinator is funded by all the entities.

Commissioner Price referred to page 240 - performance measures for 20-21 housing rehab – and said there are currently 24 units, but there are zero listed for this coming year.

Emila Sutton said she would get this information to the BOCC.

Commissioner Price asked if the current need for veterans in Orange County could be identified.

Emila Sutton said she will ask Corey Root this question.

Travis Myren said the metric Commissioner Price was looking at was in the HOME program, and not the single-family rehab program, and those projects are awarded through the HOME consortium program. He resumed the PowerPoint presentation:

**Human Rights and Relations – page 253**

**Annette Moore, Human Rights and Relations Director, in attendance**

- Total Expenditure Budget - $444,427
  - Increase of $89,218
- Education Program Manager Transferred from Health Department - $89,213
  - Focus on Support to Refugee Communities

**Library Services – page 260**

**Lucinda Munger, Library Services Director, in attendance**

- Total expenditure budget - $2,483,318
  - Net Reduction of ($14,095)
- Child Literacy Outreach Librarian
  - Increase County Match - $16,000
  - Offset by Expenditure Reductions
  - Loss of Orange County Partnership for Young Children Grant (0.35 FTE)

**Library Services – page 260-Visits to Main Library- graph**

**Human Services-Visits to Carrboro Library Resources- graph**

**Orange County Southern Branch Library - $400,000**

- CIP Page 40
  - Carrboro Partnership and Development Agreement
  - 203 South Greensboro Street
  - Next Decision Point - Guaranteed Maximum Price in May 2021
  - If Project Proceeds - Construction Complete in June/July 2022
- FY2020-21 Additional Design Services
  - Reprogram Space Designated for the Arts Center
  - Design Space for Skills Development
- Total Project Construction Budget + Contingencies –
  - $15.6 million Programmed in FY2021-22

Commissioner Price said the library gave out hotspots to employees, and asked if these have been replenished at the library.

Lucinda Munger said the employee need was not as great as expected, but since the Library is not taking back returns at this point, those that originally had the hotspots, prior to pandemic, still have them.

Commissioner Price said Covid-19 was an unexpected emergency, and given that staff needed library hotspots, does it make sense to have more of them for County departments to use, and thus not need to take from the library's supply.

Lucinda Munger said there are about 650 hotspots, and the hotspot does not cost anything, but rather the subscription is the cost to the County. She said the subscription can be about $460-$500/hotspot.

Travis Myren said staff can look into this topic tomorrow. He resumed the PowerPoint presentation:

**Social Services – page 335**

**Nancy Coston, Department Social Services (DSS) Director, in attendance**

- Total expenditure budget - $21,351,429
  - Total Increase of $188,883 as Noted Below
- Temporary Personnel - $14,662
  - Scan Child Welfare Case Files
- Mileage and Contract Services - $79,544
  - Increased Costs to Comply with State Mandates
- Emergency Assistance Payments - $50,000
  - OCIM and IFC Administered Payments (Housing, Utilities, Food)
- Recurring Capital - $25,000
  - Technology Purchases (50% Reimbursement)
- Outside Agencies Transferred to DSS for Contract Administration
  - No Net Budget Impact
  - Interfaith Council - $127,000
  - Orange Congregations in Mission - $92,415
  - Exchange Club – $13,464

**Social Services – page 335- Households Receiving Food and Nutrition Monthly Average**

**Social Services – page 335-FNS Applications Processed in 25 days- 95% state goal**

**Social Services – page 335- Medicaid Recipients Monthly Average**

**Social Services – page 335- Medicaid Applications Processed within Time Standard - 90% State goal**

**Social Services – page 335**

- Children and Family Services
- Economic Services
- Subsidy

Commissioner Marcoplos asked if the function of the Exchange Club could be described.

Nancy Coston said the Exchange Club has a child abuse prevention component, and provides the County with in home services.

Commissioner Dorosin said about 740 children were served per month, for child care subsidies, and asked if there is still a waiting list.

Nancy Coston said the waiting list was cleared just before Covid-19 hit, but some families have been unwilling to utilize the service. She said the childcare program has been impacted greatly, and there are still unknowns. She said 693 kids are being served today, and there is room for some more.

Commissioner Price asked if DSS has seen any changes in foster care.

Nancy Coston said child welfare in general has been very challenging during Covid-19. She said everything has been done virtually these past two months, but at some point face to face will be necessary, especially with younger children. She said adult care services have also been hit hard.

Commissioner Greene thanked Nancy Coston and her staff for doing such a great job during this pandemic.

Travis Myren resumed the PowerPoint presentation:

**Human Services**

- Non-Departmental – page 275
  - Total Expenditures - $1,585,918
  - Consistent with Outside Agency Recommendations
- Community Centers
  - No Change from FY2019-20
    - Rogers Road Community Center Total $88,377
    - Cedar Grove Community Center Total $91,347
    - Efland Cheeks Community Center Total $89,351

**Community Services**

**Animal Services – page 56**

**Bob Marotto in attendance**

- Total expenditure budget - $2,325,362
  - Reduction of ($17,038)
  - Recurring Capital - $6,024 Offset by Expenditure Reductions
- Spay/Neuter Fund - $82,350

- No County Cost
- Recommended Fee Changes-

Commissioner Price referred to musical enrichment, and asked if this could be explained.

Bob Marotto said a donation was made to outfit the main holding areas with musical sources, and it is well known that there is a high need for enrichment in shelters, and music is one option. He said it is not just music, but also sounds, and human voices.

Commissioner Bedford asked if Animal Services will be doing the barn cat program this summer.

Bob Marotto said they are hoping to. He said the department suspended it's spay and neuter programs, due to the pandemic. He said this program for in house animals, as well the barn cat program, have just started to resume.

Travis Myren resumed the PowerPoint presentation:

**Cooperative Extension – page 104**

**Tyrone Fisher in attendance**

- Total expenditure budget - $398,902
  - Net County Costs Decreased – ($1,500) due to Staff Turnover
- Salary/Benefit Costs Consistent with State Pay Plan
- No Significant Budget Changes

**Department of Environment, Agriculture, Parks and Recreation (DEAPR) – page 128**

**David Stancil, DEAPR Director, in attendance**

- Total expenditure budget - $4,056,712
  - Net Increase of $30,691
- Decreased Revenue from Donations and Sponsorships - $14,000
- Seasonal Staff Increase at Blackwood Farm Park - $16,000
- Spanish Language Recreation Materials - $8,346
  - Funded Through Reallocation

**Department of Environment, Agriculture, Parks and Recreation – page 128**
**Natural & Cultural Resources**

Commissioner Dorosin said he heard today that all summer camp programs have been canceled, and asked if that is a loss of revenue.

David Stancil said the revenue for camps typically comes in from February to June, and DEAPR has adjusted for that loss in the budget.

Commissioner Dorosin referred to page 128 and the Total expenditure budget of $4,056,712, with a net increase of $30,691. He asked if the comparative point could be identified.

Travis Myren said he took the base budget as it stood, after personnel adjustments, and anything new that was added or reduces since then.

Commissioner Dorosin said he understands this intellectually, but he said this document and presentation are available publically, and he wonders if there is a better way to communicate all of this.

Travis Myren said he used to do a budget elsewhere that had a column with a base budget, and that may be what staff does in the future.

Commissioner Price referred to the closing of the summer camps, and asked if youth are usually hired, and if so what types of impact will this be.

David Stancil said yes, and this will be part of the cost avoidance as a result of camps not happening. He said many have taken on other work elsewhere.

Travis Myren resumed the PowerPoint presentation:

**Sportsplex – page 358**

**John Stock, Sportsplex Director, in attendance**

- Total Expenditure Budget $3,796,991
  - No Net County Costs
- Includes Debt Service - $723,852
- Revenue Projected Down 5.6% – ($228,663)

- Sportsplex Projects - $922,000
  - CIP Page 92
  - Roof Replacement - $510,000
  - Heating, Ventilation, and Air Conditioning - $50,000
  - Fitness Equipment Replacements - $100,000
  - Ice Rink Dehumidification Unit - $160,000
  - Storage Facility - $75,000
  - Handicap Pool Lift - $12,000
  - Pool Robotic Vacuums - $15,000

FY2020-21 Recommended Sportsplex Projects

Commissioner Bedford asked if there is a possibility of opening the pool.

John Stock said yes, the pool will open on June 1st with limited capacity and extra cleanings. He said dressing rooms will still remain closed.

John Stock said the Sportsplex is a competitive business, and he has found that many competitors are trying to find loopholes in the Executive Order, but he is going to maintain tight observation of the County's directives. He said the Sportsplex will probably lose some programming, but it is cutting some expenditure.

Travis Myren resumed the PowerPoint presentation:

**Economic Development (ED) – page 143**

**Steve Brantley, Economic Development Director, in attendance**

- Total expenditure budget - $516,212
  - Reduction of ($9,681)
  - Offsetting Transfer from Article 46 Sales Tax

**Grant Activity History - graph**

**Chapel Hill Orange County Visitors Bureau – page 143**

**Laurie Paolicelli, Visitors Bureau Director, in attendance**

- Total expenditure budget - $1,415,126 – *offset by occupancy tax*
  - FY2019-20 Projection Reduced by 15% Compared to FY2018-19 (244,463)
  - FY2020-21 Budget Reduced by of 13% Compared to New Projection ($180,503)

Commissioner Marcoplos asked if this crisis has affected the ED projects that have been approved for Orange County.

Steve Brantley said there were 4 ED announcements last year: 1.) ABB is on schedule; 2.) Medline project site work going on, and is a bit behind, but they are moving forward; 3.) Piedmont Metal Working is on schedule; and 4.) the medical company downtown in Chapel Hill is on a delay. He said the inquiries from the state dipped the last two months, but are picking up again. He said his department is very concerned about small businesses, and he thanked the Orange County Board of Commissioners for the first round of small business grants and loans.

Travis Myren resumed the PowerPoint presentation:

**Article 46 Sales Tax – page 64**

- Total projected collections - $3,885,168
  - 4.5% Decrease from FY2019-20 Budget
- 50% or $1,942,584 Allocated to Schools and Distributed by Average Daily Membership (ADM)
  - Chapel Hill-Carrboro City Schools - $1,168,270 for Technology
  - Orange County Schools - $744,314 for Technology

**Article 46 Sales Tax – page 64-chart**

- 50% allocated to Economic Development - $1,942,584

Commissioner McKee asked if there is a reason that the small business loan pool does not need more money.

Travis Myren said there has been a lack of applications.

Commissioner Price asked if the loan pool balance could be identified.

Gary Donaldson, Chief Financial Officer, said it is $510,000.

Commissioner Price asked if these funds could be reallocated to the grant program.

Travis Myren said the BOCC will see a proposal in the June 2nd agenda packet.

Commissioner Price asked if more information could be given about the ~$266,000 for incentives.

Travis Myren said there will not be enough to cover all the incentives, but this will be a start to offset what would otherwise come from the general fund. He resumed the PowerPoint presentation:

**Orange County Transportation Services – page 295-**
**Theo Letman, Transportation Director, in attendance**

- Total expenditure budget - $3,257,048
  - Net County Costs Increase by $541,089
  - Revenue Reduction of $677,392 from FY2019-20 Budget Partially Offset by Expenditure Reductions
  - Use Budget Amendment Process in Future for Less Than Certain Revenue

**Vehicle Replacement Recommendations – Purchase**

-CIP Page 48

Commissioner Marcoplos asked if the electric buses are for on demand services,

Theo Letman said no, these are for circulator service, and were paid for via grant funding.

Commissioner Price referred to page 296, and asked if this increase 2019-20 is from grant funds.

Theo Letman said yes.

Commissioner Marcoplos asked if there are mask dispensers on the buses.

Theo Letman said masks are being distributed in plastic bags. He said there is also hand sanitizer available.

Commissioner Price asked if riders are required to wear masks on the buses.

Chair Rich said no, but it is recommended.

Travis Myren resumed the PowerPoint presentation:

**Planning and Inspections – page 310**

**Craig Benedict in attendance**

- Total expenditure budget - $3,174,530
  - Net Increase of $21,923 due to Revenue Reductions
  - Revenue Decrease of $61,425 Due to Anticipated Reductions in Building Activity

**Planning and Inspections – page 310-chart**

Lake Orange Dam Remediation - $150,000

-Page 36 CIP

-2018 Department of Environmental Quality Inspection

-Deficiencies Documented – Long Term Repair Plan Created

-Total Estimated Cost of $2.76 million Over Next Five Years

-FY2020-21 Projects: Repair Existing Erosion Control Barrier

**Solid Waste – page 350**

**Robert Williams in attendance**

- Total Expenditure Budget - $11,617,884
  - Solid Waste Fund Appropriated Fund Balance - $1,276,244
  - Solid Waste Fund Contribution to General Fund - $475,000
- Solid Waste Projected FY2020-21 Fund Balance - $5.3 million
- Maintain Current Solid Waste Program Fee @ $142 and $94.72 for Mebane Residents

**Solid Waste – page 350**

- Recommended Fee Changes

**Solid Waste Projects**

- CIP Page 82
- Construction & Demolition Landfill Equipment Replacement
  - Replace Holland Tractor - $100,000
- Comprehensive Solid Waste Management Plan - $125,000
  - Continuation of Plan Initiated in FY2019-20
  - Real Estate Master Plan
  - Recommend Future Development
- Construction & Demolition Landfill Expansion - $125,000
  - 2.2 Years of Useful Life Remaining on Phase 1
  - Engineering and Design Services for Phase 2
  - Phase 2 Adds 14.2 Years of Useful Life

**FY2020-21 Recommended Solid Waste Projects**

**Solid Waste Projects**

-CIP Page 82

- High Rock Neighborhood Waste & Recycling Center - $765,000
  - Continuation of Modernization Project - $1.44 million Total Investment
  - First Neighborhood Center - Bulky Materials, Metal, Yard Waste, Tires, Textiles, Clean Wood, Cooking Oil and Food Waste, etc.
  - Property Lease Under Negotiation
    - Lease Expires June of 2022
  - Open in September 2021

**Solid Waste Projects**

CIP Page 82

- Sanitation Operations Vehicle/Equipment Replacements - $260,952
  - Replace Hook Lift Truck - $260,952
- Staff Recommended Amendment
  - Defer Recycling Operations Vehicle/Equipment Replacements - $570,800 to Year 2

**Solid Waste**

**Non-Departmental – page 267**

Total expenditure budget - $468,376

Commissioner Dorosin referred to the C&D Landfill slide (photo), and asked what is currently located in the area where the expansion will go.

Robert Williams said nothing is really there now. He said there is 22 to 23 years of life in the phase two section, and some traffic rerouting would be required. He said in about 25 years, phase 3, the recycling building facilities will have to be relocated.

Commissioner Dorosin clarified that there are 2.2 years left in phase one.

Robert Williams said there is just over a year left in the operating phase of the current C&D landfill.

Commissioner Dorosin asked if the area marked for expansion is divided somehow between phases 2 and 3.

Robert Williams said it is roughly divided into northern and southern sections. He said adjustments will be made to accommodate various parts of the phases.

Commissioner Price asked Craig Benedict if there are any new developments anticipated.

Craig Benedict said yes, one of the ED projects would be coming forward over the next 3-4 months. He said staff is looking as to how to modify outreach.

Commissioner Price asked if there is anything upcoming on the residential side.

Craig Benedict said no.

Commissioner Price asked if the County is currently paying for consultant work on the Eno Economic Development District (EDD).

Craig Benedict some money had been spent, and there is some development activity in this area that is awaiting finished design work. He said Durham has asked Orange County to be the primary manager of the engineering work, and, as such, this contract is being updated.

Commissioner Dorosin said the BOCC has 4 meetings left, and asked if the BOCC will vote on the amendments at a particular meeting.

Travis Myren said at the June 9th meeting.

Paul Laughton, Financial and Administrative Services, said they would leave the June 9th meeting with the Resolution of Intent.

Bonnie Hammersley said all amendments must be in by June 4th, prior to that evening's budget public hearing.

Commissioner Dorosin asked if changes to the CIP, such as the morgue, are going to be put in as amendments by the staff, or should Commissioners submit them.

Travis Myren said all amendments are listed online as staff receives them, and staff will consolidate any duplicate amendments.

**ADJOURN**

A motion was made by Commissioner Dorosin, seconded by Commissioner Price to adjourn the meeting at 9:26 p.m.

**VOTE: UNANIMOUS**

Penny Rich, Chair

Donna S. Baker
Clerk to the Board

Submitted for approval by David Hunt, Deputy Clerk to the Board.

**Attachment 2**

**DRAFT** **MINUTES**
**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**
**VIRTUAL BUSINESS MEETING**
**JUNE 2, 2020**
**7:00 p.m.**

The Orange County Board of Commissioners met for a Virtual Business Meeting on Tuesday, June 2, 2020 at 7:00 p.m.

**COUNTY COMMISSIONERS PRESENT**: Chair Rich and Commissioners Jamezetta Bedford, Mark Dorosin, Sally Greene, Earl McKee, Mark Marcoplos, and Renee Price
**COUNTY COMMISSIONERS ABSENT**:
**COUNTY ATTORNEYS PRESENT**: John Roberts
**COUNTY STAFF PRESENT**: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

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

Due to current public health concerns, the Board of Commissioners conducted a Virtual Business meeting on June 2, 2020. Members of the Board of Commissioners participated in the meeting remotely. As in prior meetings, members of the public were able to view and listen to the meeting via live streaming video at orangecountync.gov/967/Meeting-Videos and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

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

- Written submittals by email
- Speaking during the virtual meeting

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

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

Commissioner Price said she would like to add a moment of silence.
Chair Rich suggested having it in conjunction with the Resolution below- proposed item 4-a:

**ADD Resolution at Item 4-a:**
A RESOLUTION DENOUNCING THE MURDER OF GEORGE FLOYD AND ADDRESSING THE HEALTH DIRECTOR'S DECLARATION OF STRUCTURAL RACISM AS A "PUBLIC HEALTH CRISIS" IN ORANGE COUNTY

A motion was made by Commissioner Price, seconded by Commissioner Greene to add this Resolution as Item 4-a to tonight's agenda.

**VOTE: UNANIMOUS**

**PUBLIC CHARGE**
The Chair acknowledged the public charge.

**2. Public Comments**

**a. Matters not on the Printed Agenda**
**NONE**

**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**

Commissioner Greene said she will forward a PowerPoint presentation to the Board, from Triangle J Council of Governments (TJCOG), made by an RDU representative.

Commissioner Bedford said the Partnership for Young Children will instruct daycares to openly carefully and safely.

Commissioner Marcoplos said he had no comments.

Commissioner Price petitioned that public transit riders be required to wear masks, since a large majority of the drivers are African-American, who are a vulnerable population.

Commissioner Dorosin said he heard that UNC was no longer capturing methane gas from the old landfill site. He asked if the Board of County Commissioners (BOCC) could get more information about that, and, if this is no longer happening, what are the ramifications ecologically and financially.

Commissioner McKee said he had no comments.

Chair Rich said there was a Covid meeting this morning, and there is an uptick in cases in Orange County, but no more deaths. She said this past weekend the health department heard there was a trend, and therefore they are out tracking this.

Chair Rich said the County is slowly moving into a recovery plan, and a consultant is being hired for this process.

Commissioner McKee asked if the increase in cases is due to an increase in testing.

Chair Rich said she has not read the meeting notes yet, and she will get that information and let him know as soon as possible.

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

**Item 4a- ADDED TO AGENDA (no abstract)**

Commissioner Price said the moment of silence is for those who have died due to racial violence.

Moment of Silence**.**

Chair Rich said Annette Moore, Human Rights and Relations Director, wrote this resolution in the last day, and did not have time to write an abstract, but the resolution speaks for itself.

Annette Moore said Martin Luther King, Jr. emphasized non-violent efforts towards racial equity, but said a failure to address racism is violence in and of itself. She said the plight of the black American has worsened in recent years, and riots are the voice of the unheard. She said social justice and progress are the absolute guarantee of riot prevention, and society must consider how it has failed, and how it can move forward. She said people need to consider their blind spots and be introspective. She said change will not be easy or pain free, but we must be serious about undoing racism.

Annette Moore said the resolution is a plan to move forward, and she read the resolution:

**A RESOLUTION DENOUNCING THE MURDER OF GEORGE FLOYD AND ADDRESSING THE HEALTH DIRECTOR'S DECLARATION OF STRUCTURAL RACISM AS A "PUBLIC HEALTH CRISIS" IN ORANGE OUNTY**

**Whereas**, in July 2014, a Black man, Eric Garner, alleged to have committed a petty crime, had a police officer place his arm across his neck, was wrestled to the ground and, with a number of police officer restraining him, cried out eleven times, "I can't breathe" while lying face down on the sidewalk before losing consciousness without assistance for seven minutes; and

**Whereas**, in May 2020, a Black man, George Floyd, alleged to have a counterfeit $20 bill in his possession was dragged from his car by a police officer, handcuffed, and put face down on the street with the officer's knee in his neck as he called out, "I can't breathe", and as his neck and back sustained pressure over a period of more than eight minutes, the last two minutes and 53 seconds of which he was unresponsive, oxygen was cut off to his brain as he slowly asphyxiated; and

**Whereas**, the Mapping Police Violence Project found that although Black people were only 13% of the population in the United States, they represented 24% of the people killed by law enforcement and were three times more likely to be killed by police than white people (and Hispanic people were 3.8 times more likely to be killed); and

**Whereas**, the Mapping Police Violence Project also found that 99% of the killings by police officers did not result in the officer being charged with a crime because in many cases police officers have "qualified immunity"; and

**Whereas**, Black people have been killed across this country in cases that have come to public attention they have been shot and killed for doing the ordinary things of life that have resulted in their harassment, detention, restraint and even death where the perpetrators where not held accountable, including the deaths of 12 year old Tamir Rice, killed by a police while playing at a playground near his home; teenage Trayvon Martin, shot and killed while walking home with a bag of Skittles; school cafeteria worker Philando Castile, killed during a police stop while a passenger in the car with his girlfriend and 4-year old daughter; Sandra Bland, jailed for an alleged unsafe lane change and then later found hanging in her jail cell; EMT Breonna Taylor, shot 8 times after police wrongly barged into her apartment; Atatiana Jefferson, killed while babysitting her nephew at her mother's house; accountant Botham Jean, killed while sitting in his living room watching television and eating ice cream; Freddie Gray, died while unrestrained and helpless in the back of a police van; and Ahmaud Arbery, shot and killed while jogging down a neighborhood street; and

**Whereas**, a 2018 Study found that police killings of unarmed Black Americans has had an adverse effect on the mental health of Black Americans in the general population as shown by

the death of Erica Garner, daughter of Eric Garner, who fought unsuccessfully to hold police responsible for her father's death, died of a heart attack at the age of 27;[1]

**Whereas**, the Centers of Disease Controls (CDC) has identified, "discrimination" as a social determinant of health, "which can be understood as a social stressor that has a physiological effect on individuals that can be compounded over time and can lead to long-term negative health outcomes"; and

**Whereas**, the CDC has found that the health differences between racial and ethnic groups are often due to economic and social conditions such as where people live, learn, work and play as well as access to health contribute to the adverse health conditions that disproportionately impact diseases, such as COVID-19, have on the African American community as well as other communities of color; and

**Whereas,** these social and economic conditions have their roots in structural discrimination, or "racial bias among interlocking institutions and across society, causing cumulative and compounding effects that systematically advantage white people and disadvantage people of color."[2]

**Whereas**, Orange County Public Health Director Quintana Stewart has declared, "Structural Racism as a Public Health Crisis in Orange County," stating it creates a "cycle of injustice against people of color leading to trauma which ultimately affects health."

**Now, therefore**, we, the Orange County Board of Commissioners do hereby resolve to do the following:

1. Publicly denounce the egregious actions or inactions of the police officers in Minneapolis that resulted in the death of George Floyd and stand with the North Carolina Sheriffs and Chiefs of Police Associations as they support Chief Medaria Arradondo's termination of the officers and their belief that law officers who violate laws or policy should be held accountable for their actions.

2. Commit to dismantling structural and institutional racism in Orange County government and throughout Orange County. We direct the Department of Human Rights and Relations to lead the One Orange Racial Equity Team in developing a Racial Equity Plan using the Government Alliance on Race and Equity Model and bring a first draft of the plan back to the Board in September 2020. The Plan should include:

    a. Building internal organizational infrastructure by inviting a diverse array of stakeholders to collaborate toward a shared vision of equity.

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[1] Jacob Bor, S. A. (July 28, 2018). Police Killings and their Spillover Effect on the Mental Health of Black Americans: A Populations-Based, Quasi-Experimental Study. *The Lancet, Volume 392, Issue 10144*, Page 302-310.

[2] *Advancing Racial Equity & Transforming Government, A Resource Guide to Put Ideals Into Action,* Government Alliance on race and Equity, p. 17.

b. Creating and implementing racial equity tools that mechanize the practice of considering racial impact when making and implementing policy. They should incorporate the following:
    i. Inclusion and Engagement – Promote racially inclusive collaboration and engagement;
    ii. Develop a Racial Equity Scorecard - Using Data and Metric to develop strategies to close gaps and track progress;
    iii. Integrate program and policy strategies – Develop and implement program and policy strategies for eliminating racial inequity;
    iv. Structural Change – Develop cross-section, cross-jurisdictional partnerships to achieve systematic change; and
    v. Educate and communicate about racial equity – Educate on racial issues and raise racial awareness.

c. Using Data and Metrics – Use data to develop strategies to close gaps and track progress over a period. Metrics can be used to align outputs with outcomes across cross-departmental and cross-jurisdictional lines to evaluate community progress on racial equity throughout the County. Develop a Racial Equity Scorecard to track equity metrics across Orange County.
d. Partner with Stakeholders, including communities of color, to have a "collective impact" to advance racial equity. Collective impact refers to a commitment of organizations from different sectors to a common agenda for solving a specific social problem.
e. Commitment to communicate and act with Urgency – While racial equity is a long term goal, we are committed to prioritizing action with a shared vision, specific priorities and strategic actions and organizing that can lead to change.

This the 2nd day of June 2020.

Penny Rich, Chair, Orange County Board of Commissioners

Commissioner Marcoplos thanked the Human Relations Commission for putting this resolution together.

Commissioner Price said it is a shame that all the people that have been killed in recent years could not be listed, because the list is too long. She thanked Annette Moore for writing the resolution.

A motion was made by Commissioner Price, seconded by Commissioner McKee to approve the Resolution, and direct the Board Chair to sign.

**VOTE: UNANIMOUS**

**5. Public Hearings**
**NONE**

**6. Regular Agenda**

**a. <u>Eviction Diversion Program and Approval of Budget Amendment #9-A</u>**

The Board considered voting to:

1) approve the development of an Eviction Diversion Program in Orange County;
2) approve Budget Amendment #9-A appropriating $187,950 from the Social Justice Reserve for the Program; and
3) authorize staff to seek funding for the Eviction Diversion Program from the Towns, and donations from the communities and businesses.

Annette Moore presented the item, along with Caitlin Fenhagen, Criminal Justice Resource Director, and Emila Sutton, Housing Director:

**BACKGROUND:** The COVID-19 Pandemic has had a devastating effect on the global economy. In February 2020, Orange County along with Buncombe County led the state with the lowest unemployment rate of 2.9%. Because of COVID-19, Orange County's unemployment rate in March 2020 increased to 3.4%. With the increase in unemployment, staff have seen an increase in requests for food and housing assistance, particularly in the communities that cannot receive government assistance. The Orange County Housing and Community Development Department (OCHCD) in particular has seen the number of requests for emergency housing assistance through the Housing Displacement Fund more than quadruple in April (table below) and calls to the Housing Helpline (aka Coordinated Entry) have increased sharply from 250 in April to more than 650 in May. The Housing Helpline receives approximately three to five calls per week from residents specifically seeking legal counsel for a housing issue, and this number is rising. Finally, the Clerk of Court's Office has seen a dramatic increase in eviction filings and is adding additional court hearing dates to address this increase.

Eviction destabilizes the lives of families and has consequences for the entire community. Those most affected by evictions are the most vulnerable populations. Numerous studies show the negative impact of eviction on health, child development and achievement, and well-being.1 There is also research showing that preventing eviction can reduce costs to the health care system, lower costs and reduce the burden on shelter and other emergency housing programs, ease the administrative burden on the courts, reduce job loss, reduce negative educational outcomes, and prevent the decline of communities that occurs when people are displaced.2 A 2018 study by the Philadelphia Bar Association found that if the City of Philadelphia allocated $3.5 million per year to fund counsel for eligible low-income tenants facing eviction, the city would save $45.2 million per year, a return of $12 for every $1 spent.3 Research also shows that housing assistance, such as that provided through the Risk Mitigation and Housing Displacement Fund, reduces hardship and increases economic opportunity for low-income families.4 The Risk Mitigation and Housing Displacement Fund currently, and the Eviction Diversion Program when in operation, will provide cost savings to the community, help stabilize and preserve the housing market in Orange County5, and most importantly help Orange County residents remain in their homes and avoid the negative impacts of eviction.

The Departments of Human Rights and Relations and Housing and Community Development have been working toward bringing forward a proposed Eviction Diversion Program to the Board of County Commissioners since last year. In light of the COVID-19 pandemic and its economic impact on the community, there is a critical need for this program now. Eviction diversion programs were started around 2010 to address the number of evictions from the recession.

The Human Rights and Relations, Housing and Community Development (HCD), and Criminal Justice Resource Departments, along with the Clerk of Court, the Chief Magistrate, Carolina Student Legal Services, NC Pro Bono Resource Center, Orange Chatham Legal Aid, Commissioner Mark Marcoplos and Jamie Paulen met to discuss the impending eviction crisis

and potential solutions. The group determined an eviction diversion program would offer the best solution. The two most pressing issues are: (1) ensuring attorneys are available to meet the demand; and (2) identifying funds to enable tenants to stay in residence once they have demonstrated some financial capacity to meet rental obligations going forward and the landlord has agreed to let the tenant stay.

The second aspect is currently being addressed by HCD's Risk Mitigation and Housing Displacement (RM-HD) fund in helping to pay for arrears so low-income renters stave off eviction and remain in their housing. In order to meet the first need, legal counsel needs to be made available to tenants facing eviction. In most cases, low-income renters either represent themselves in court, or don't show up for their hearing, most often resulting in an eviction moving forward. Providing legal support and counsel will enhance greatly the existing work of HCD and RM-HD fund in paying arrears and will ensure that tenants remain in housing by having legal representation. The Orange County Eviction Diversion Program would bring together an Orange County temporary employed bi-lingual attorney, Legal Aid of North Carolina ("Legal Aid"), and pro bono attorneys to represent tenants in court and to act as in court mediators to negotiate agreements between tenants and landlords to avoid eviction. County staff is working with the 18th Judicial District Bar and the NC Pro Bono Resource Center to assist with identifying local pro-bono attorneys, including bi-lingual attorneys, to meet additional community needs. Referrals to the program would come through the existing HCD and Orange County Partnership to End Homelessness' Housing Helpline (a.k.a "Coordinated Entry"). Every person who calls into the Housing Helpline goes through a needs assessment that is best practice and evidence based. In addition, outreach offering legal assistance will be made to every individual tenant with a summary ejectment hearing date.

As noted, HCD staff will use funds the Board has already allocated for rental arrears for this project through the RM-HD Fund (the sub-fund called "Emergency Housing Assistance", formerly "Housing Stabilization Fund"). The Board approved a one-time transfer of funds ($100,000) from the Local Rent Supplement Program into the RM-HD Fund on April 7, 2020. Since that time, approximately forty thousand ($40,000) in emergency housing assistance has been utilized by Orange County residents experiencing a housing crisis through the Housing Helpline (a.k.a. "Coordinated Entry").

In FY19-20, over one hundred and fifty seven thousand dollars ($157,000) in assistance has been funded. The table below illustrates the increase in funding since January 2020. There are approximately $35,400* in Emergency Housing Assistance funds remaining, but with new requests coming in every day, this estimate changes daily – and sometimes dramatically. At this time, a large majority of requests are coming from low-income residents who have been out of work due to COVID-19 and business closures. The Urban Institute estimates that more than 5,000 Orange County residents lost employment due to COVID-19, and most of those jobs are in the food service, retail, and accommodation industries6, which make up a significant portion of the County's economic base.7

6 Urban Institute (2020, April 24). Where Low-Income Jobs Are Being Lost to COVID-19. https://www.urban.org/features/where-low-income-jobs-are-being-lost-covid-19

7 Orange County Consolidated Plan. Market Analysis (MA-45): Non-Housing Community Development Assets. http://orangecountync.gov/DocumentCenter/View/10806/Orange-County-NC-Consolidated-Plan-Final-Draft?bidId=

Current Emergency Housing Assistance fund criteria is as follows. Full policies can be found here: https://www.orangecountync.gov/2359/Risk-Mitigation-and-Housing-Displacement

Assistance is available to households in Orange County that (1) earn no more than 60% of the area median income (AMI)*, (2) can demonstrate urgent need for housing assistance, and (3) do not have adequate savings to cover their housing costs.

To be referred for assistance, households must either:

- Be assessed through Coordinated Entry as at risk of or currently experiencing homelessness and who have identified safe, decent, and affordable housing OR
- Referred by various Orange County Departments and local service providers (e.g., Aging, Health/Family Success Alliance, Criminal Justice Resource and Social Services, Community Empowerment Fund, Interfaith Council, Compass Center, etc.)

**Preference will be given to applicants earning under 50% of AMI*

The Towns and County streamlined application and policies in April so that all Orange County residents can be assessed through the Housing Helpline process, which uses a research-based Coordinated Assessment process to connect people with community resources. One of these resources is the Towns' and County's Emergency Housing Assistance. Hillsborough, Chapel Hill, and Carrboro each have funds for emergency housing assistance. Prior to the coordination of these funds, access to the separate funds was not systematized, resident requests were not tracked across the County/system, and eligibility for each fund was disparate. Now, there is a coordinated intake system for requests and eligibility criteria are streamlined. Before streamlining, there were instances of residents not being eligible for Town funds living in the Towns' jurisdictions, so the County would cover these costs. OCHCD has established a reimbursement process with the Towns for eligible costs incurred from residents residing within the respective Town's jurisdiction. The amount incurred from each jurisdiction is recorded and tracked. This has been a fully collaborative effort between Town and County staff with the goal of lowering barriers and increasing access to emergency housing assistance funds.

The fund offers one-time assistance per household, and there is a funding maximum of $2,000 per household. The average amount of assistance the fund provides is $1,297, so the additional $130k allocation could serve approximately 100 people. Thus far, OCHCD has only had one person to request assistance for a second time. However, this could become more common as issues with affordability and job security are ongoing. While the emergency housing assistance can keep someone from eviction for now, that person may not be able to afford their dwelling six months from now depending on employment, rent stability of the current housing, and other factors. However, keeping an eviction off someone's record is a powerful way to help them access housing in the future, as an eviction record can bar people from housing for years into the future.

The need for ongoing flexible housing assistance is great. Based on the current data on cost-burdened renters, there are more than 12,000 Orange County residents in need of rental subsidy to keep their income to rent ratio affordable.

OCHCD, in partnership with the Orange County Partnership to End Homelessness (and through initial staffing support from DSS), is providing case management to eligible Orange County residents in need of ongoing rent assistance through the County's Housing Help Rapid Re-Housing program, which provides rent assistance and case management for roughly 20-25 Orange County residents. OCHCD is also leveraging the Housing Choice Voucher program by implementing existing Orange County Housing Authority preferences for people experiencing homelessness and people impacted by natural disaster (to include the pandemic) to obtain longer term rent assistance through a Housing Choice Voucher. This month OCHCD began mailing HCV applications to people meeting the preference definitions with the goal of issuing

75-130 additional vouchers in 2020. All of these programs will work in tandem with the Eviction Diversion Program to help address the growing need, exacerbated by this pandemic, for affordable housing in the County.

There are additional potential CARES Act allocations that can help replenish the fund to include Emergency Solutions Grant funding and Community Development Block Grant funding from the Town of Chapel Hill. The County Manager recommended to the Board CARES Act funds allocations for housing resources as follows

| | |
|---|---|
| $42,950 | Eviction Diversion Temporary Legal Assistance |
| $50,000 | Housing Voucher Incentives |
| $50,000 | Short Term Rental Assistance |
| $100,000 | Risk Mitigation and Housing Stabilization fund |
| $100,000 | Foreclosure Prevention |

The Personal Responsibility And Work Opportunity Act of 1996 ("PRWORA") (8 U.S.C. § 1621(b)(2)) precludes nonimmigrants and undocumented immigrants from receiving federal public benefits. These classifications of immigrants are eligible for public health benefits, emergency services, and program identified by the United States Attorney General as necessary for the protection of life and safety. An exception to the PRWORA nonimmigrants and undocumented immigrants is for "short term, non-cash, in-kind emergency disaster relief." Nonimmigrants and undocumented immigrants would be eligible for the eviction diversion programs legal resources under this exception. PRWORA prevented federal CARES Act from providing benefits to nonimmigrants and undocumented immigrants. Nonimmigrants and undocumented immigrants who pay taxes, using an individual taxpayer identification number ("ITIN") instead of a social security number, did not receive stimulus funds nor did they receive unemployment benefits. However, HUD has provided guidance that under the "protection of life and safety" exception Rapid Re-Housing funds are not subject to PRWORA Immigration-based restrictions. So any funds received for Rapid Re-housing could be used for nonimmigrants and undocumented immigrants. However, consideration must be given to providing Rapid Re-housing funds to undocumented immigrants seeking to obtain citizenship when it is not known the affect receipt of those funds may have on the Public Charge Test.

Staff is requesting the following:

1. An allocation of Social Justice Reserve funds to finance the Eviction Diversion Program – Funds allocated would pay for 50% of a one-year salary and benefits for a temporary bi-lingual attorney, trained in eviction diversion and pro bono legal services. (The other half of the salary and benefits would be paid by the CARES funds.) The attorney would not only assist with development the program, training of pro bono attorneys and case management, but also would perform bi-lingual legal services for the Eviction Diversion Program and mediation of Housing Helpline calls prior to residents reaching court proceedings. The hiring of a temporary bi-lingual attorney trained in eviction diversion would overcome the obstacle of not only Legal Aid's income limit threshold but also its inability to serve undocumented persons.
2. An allocation of the Social Justice Reserve funds to the Risk Mitigation and Housing Displacement Fund to pay rent and mortgage arrears to assist nonimmigrants and undocumented immigrants and continue to prevent eviction and foreclosure.
3. An allocation of Social Justice Funds to Legal Aid of North Carolina for surge assistance with eviction cases and to assist with mediation in court proceedings.
4. Authorization to seek funding from the Towns, and donations from community residents and businesses to fund this Program – While the Towns have their own emergency housing assistance funds that are streamlined with the County's emergency housing assistance fund to follow the same referral and application process, additional funds will be requested specifically to provide support to the Eviction Diversion Program. Donations

from the private sector as well as from community residents could also help bolster existing resources and services provided through this program.

County staff is currently solidifying the details of this program. However, on June 1, 2020 when the Courts open, staff would like to have the resources in place to get started assisting people. Currently, there are about 90 evictions pending. OCHCD has already reached out to the tenants and landlords to try and avoid those evictions. Staff is receiving more calls each day, and with this program, the County can begin to allay some County residents' fears of eviction.

**FINANCIAL IMPACT:** Budget Amendment #9-A provides for the appropriation of $187,950 in available Social Justice Reserve funds in the following manner:

- Forty-Two Thousand Nine Hundred Fifty dollars ($42,950) for Temporary Employment for a full time staff attorney to provide legal and case management services;
- One Hundred Thirty Thousand dollars ($130,000) for the Risk Mitigation and Housing Displacement Fund, and
- Fifteen Thousand dollars ($15,000) for Legal Aid of North Carolina to increase assistance during surge of cases.

With this appropriation, there would be $12,050 funds remaining in the Social Justice Reserve for FY 2019-20

Annette Moore made the following PowerPoint presentation:

**Eviction Diversion Program**
**Human Rights and Resources Department-Annette Moore**
**Criminal Justice Resource Department- Caitlin Fenhagen**
**Housing and Community Development Department-Emila Sutton**

**Background**

- Due to COVID-19, calls to the Housing Helpline are up from 250 in April to more than 650 in May
- Requests for OCHCD Emergency Housing Assistance (EHA) have quadrupled
- Housing Helpline receives 3-5 calls per week from residents seeking legal counsel for a housing issue
- Clerk of Court's Office has seen dramatic increase in eviction filings and is adding additional court hearing dates to address this increase
- Studies show that eviction harms health and child outcomes, and that preventing eviction saves costs to health systems and homeless shelters, reduces burden on courts, and improves job and educational outcomes
- Research shows that housing assistance (such as EHA) reduces hardship and increases economic opportunity for low-income families
- EHA + the Eviction Diversion Program will
    - Save costs
    - Stabilize the housing market
    - Help Orange County residents avoid the negative impacts of eviction

**Greatest Needs**

- Group of local stakeholders convened: Human Rights and Relations, Housing and Community Development, and Criminal Justice Resources Departments; Clerk of Court;

Chief Magistrate; Carolina Student Legal Services; NC Pro Bono Resource Center; Orange Chatham Legal Aid; Commissioner Mark Marcoplos; Jamie Paulen

- Determined the two greatest needs are:
  1.) Ensuring attorneys are available to meet the demand
  2.) Funds to enable tenants to stay in housing once they have demonstrated financial capacity to pay future rent

**Proposal: Eviction Diversion Program**

***Need #1: Legal counsel for tenants facing eviction***

- Orange County Eviction Diversion Program would bring together an Orange County temporary employed bi-lingual attorney, Legal Aid of North Carolina, and pro bono attorneys to represent tenants and negotiate agreements between tenants and landlords to avoid eviction
- County staff are working with the Orange County Bar Association and the NC Pro Bono Resource Center to identify local pro-bono attorneys, including bi-lingual attorneys, to meet additional community needs
- Referrals to the program would come through the Housing Helpline – every person who calls in goes through needs assessment

**Proposal: Funding for EHA**

***Need #2: Funds to stabilize tenants in their housing***

- Risk Mitigation and Housing Displacement Fund ( "Emergency Housing Assistance" sub-fund, formerly "Housing Stabilization Fund") pays for rent arrears and/or other eligible costs needed to keep tenants in housing
- Board approved a one-time transfer of $100,000 from the Local Rent Supplement Program on April 7, 2020
- Since then, more than $110,000 in emergency housing assistance has gone to Orange County residents experiencing a housing crisis

**Funding Request Recommendations (chart)**

**Recommendations**

1.) Approve development of Eviction Diversion Program
2.) Approve Budget Amendment #9-A appropriating $187,950 from the Social Justice Reserve for the Program
3.) Authorize staff to seek funding for the Eviction Diversion Program from the Towns, and donations from the community and businesses

**PUBLIC COMMENT:**

Jamie Paulen said she sent her Tenant Right's Inc. proposal to Orange County Board of County Commissioners via email. She said Tenant Rights, Inc. proposes to help prevent individuals from becoming unsheltered by working to keep them in the housing in which they currently reside. She said Tenant Rights, Inc. believes that the best place for people to be in this COVID crisis is in the housing that is available. She said it plans to accomplish this by: providing legal representation to individuals who are facing evictions in Orange County; grassroots organizing across apartment complexes; and Lobbying the General Assembly for changes in the law; and legal representation. She said Tenant Rights, Inc. intends to offer legal representation in eviction proceedings to any resident or business operating in Orange County. She said she is the President and General Counsel of Tenant Rights, Inc. (CV attached), and she is a long time Orange County resident and tenant herself. She said she has 10 years of

experience in landlord/tenant litigation in North Carolina, having represented residential and commercial landlords, residential and commercial tenants, and also spending two years deciding eviction cases as a magistrate in Orange County. She said this experience gives her a unique background to fill the needs of her community members facing evictions in these unprecedented circumstances. She said Tenants Rights, Inc. is uniquely prepared to represent ALL Orange County tenants, regardless of immigration status, income level, or other circumstances. She said Tenants Rights, Inc. also offers grassroots organizing and lobbying along with legal representation.

Jamie Paulen said Tenant Rights, Inc. is requesting BOCC funding from the social justice fund in the amount of $40,000 to fund this organization, which is dedicated to Orange County residents first. She said while organizing and lobbying will benefit those beyond Orange County, Tenant Rights will only commit to tenant representation in Orange County, if this proposal was granted.

Bonnie Hammersley said the money being requested is from the social justice fund from FY 2019-20.

Riley Ruske read the following statement:

Trust between the citizens and the government that is supposed to represent them is a very fragile thing. The foundation of that trust is the citizens' belief that their government officials will act in accordance with the laws of the nation and state. In fact, our Commissioners take an oath of office 'that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith'.

When this program proposal entered the public record at the May 19 board meeting it included language that indicated an intent to use this funding in violation of federal laws. One sentence in the first paragraph and an entire second paragraph made this intent clear. Several members of Orange County government are listed as being involved in this proposal and the County Manager recommended approval of it. This raises the issue of whether Orange County government can be trusted to comply with federal laws. The County Manager did remove this proposal from the May 19 agenda after the meeting had started.

In tonight's proposal, the entire second paragraph has been removed but the sentence in the first paragraph remains. Due to the original expressed intent there is a question as to whether the program will be executed in accordance with federal laws.

To restore the broken trust created by the original proposal, I recommend adding a new second paragraph as follows:

"The County Manager, County Chief Financial Officer and the Chair of the Board of Orange County Commissioners shall personally and officially accept responsibility to make certain that no funds in this program are used by any person or entity in violation of federal laws. In the event of any such violations, these officials shall, in their official capacity, request the U.S. Attorney for the Middle District of North Carolina to prosecute the individuals or entities involved in such violations."

Hopefully, this would begin to restore the broken trust.
Thank you.

Commissioner Dorosin said he is encouraged that this project is coordinated within so many County departments, and with the Towns. He said this is a financially reasonable request.

Commissioner Dorosin said the Governor has extended the moratorium on evictions (until June 21st or 26th, with the exception of utility cut offs), and asked if there is a timeline to get this program up and running.

Annette Moore said it is anticipated that the program will be up and running by the end of the month.

Commissioner Dorosin referred to the chart that describes how the assistance was spent, and asked if the specific utilities were known. He said there ought to be more pressure placed on utility companies to provide assistance.

Annette Moore agreed with putting pressure on utility companies.

Commissioner Dorosin said the BOCC may need to take this on, as there is some political pressure that can be leveraged.

Commissioner Dorosin said on that same page, there is a breakdown of expenditures, and the bottom category is "foreclosure prevention – generally", and asked if this category is different than the others.

Emila Sutton said staff decided it was important to separate out mortgage arrear payments, and this is a dedicated funding source that will help low income home owners pay off their mortgage arrears. She said this is especially important for those who have private mortgages, and do not fall under the protection of the CARES Act.

Commissioner Dorosin clarified that this funding is for homeowners.

Emila Sutton said yes.

Commissioner Dorosin said he really wanted to highlight the strategy of this program taking into consideration that undocumented immigrants can take part. He said these are residents of the community; are friends and neighbors; and provide vital social and economic services to the community

Chair Rich said these residents also pay taxes.

Commissioner Price referred to the term non-immigrant, and asked if there is a reason why this term is being used.

Annette Moore said a non-immigrant is a person with a visa, who is not seeking citizenship.

Commissioner Price referred to the one time assistance per household, at a maximum of $2000, and asked if there is a plan in place to help after households use this initial payout.

Emila Sutton said in this history of this program, it is rare that people come back to ask for more assistance. She said it did happen twice in the last two weeks.

Emila Sutton said staff is trying to create a rental assistance program, for those who may need more long-term help.

Commissioner Price said program names keep changing, and she hopes that a name can be chosen and kept.

Commissioner Greene said she wanted to highlight the coordinated re-entry program, and the Partnership to End Homeless has done a great deal of work in this area, which is wonderful. She commended the efforts of everyone involved.

Commissioner Price asked if landlords have been receptive.

Emila Sutton said many people who call for help have not spoken to their landlords. She said staff encourages people to do so, and some landlords have been cooperative, while others have been more difficult.

Emila Sutton said the housing help line re-branding was to make people more familiar with the helpline, especially during the pandemic.

Commissioner Marcoplos asked if legal aid can work with undocumented people.

Annette Moore said no.

Commissioner Marcoplos asked if this can be addressed.

Annette Moore said this is the reason staff will be hiring their own legal person.

Chair Rich asked if Bonnie Hammersley could provide the budget for the social justice fund for 2020-21.

Bonnie Hammersley said the base budget is $200,000.

Chair Rich said there has been some discussion that people want to donate to this fund, and asked if the process to do so can be explained.

Annette Moore said staff will add this information to the website.

Commissioner Bedford said her concern is that this program will need more funding, if things do not get better. She asked if staff could provide a chart, not just for housing, but also for the food programs, etc. on how funds are being spent. She said she would like to know how much the need continues to expand.

Bonnie Hammersley said staff has been tracking every penny being spent on Covid and non-Covid items since February, and if more funding is needed, staff will find it and can come back to the Orange County Board of Commissioners with a proposed budget amendment.

A motion was made by Commissioner Bedford, seconded by Commissioner Price for the Board to:

1) approve the development of an Eviction Diversion Program in Orange County;
2) approve Budget Amendment #9-A appropriating $187,950 from the Social Justice Reserve for the Program; and
3) authorize staff to seek funding for the Eviction Diversion Program from the Towns, and donations from the communities and businesses.

**VOTE: UNANIMOUS**

Chair Rich said the Health Department had made arrangements to have a Covid-19 testing site on Friday, June 5th at the Mt. Zion Church from 1:00 p.m. – 6:00 p.m.

**b. <u>Guidance for Future Climate Action Fund Project Eligibility and Scoring</u>**

The Board received recommendations from the Climate Mitigation Review Team updating and clarifying the eligibility and scoring for future Climate Action Fund projects; and consider voting to approve the new guidance and provide it to the Orange County Commission for the Environment (CFE) for their use in soliciting and scoring project applications for the FY20-21 round of Climate Action Fund projects.

**BACKGROUND:**

As part of the FY 2019-20 budget, the Board of Orange County Commissioners authorized an additional ¼ cent property tax to provide an estimated $469,272 dedicated to accelerating climate change mitigation through the new Climate Change Mitigation Project in the Capital Investment Plan. Those funds have been awarded to a first round of projects, and the process for soliciting and selecting projects is being refined and clarified with the aim of creating a formal grant program.

In mid-April, Commissioner Penny Rich asked Commissioners Renee Price, Sally Greene, and Mark Marcoplos to serve as a Climate Action Review Team to review the first year's process and make recommendations to the full Board of Commissioners during the June 2nd Business meeting. Brennan Bouma was designated to serve as supporting staff, and both Steven Arndt and Travis Myren also participated to offer assistance.

The specific charge for this group was to:

1. Review the scoring process put in place by the CFE

2. Consider modifications
3. Make eligibility recommendations to clarify who can apply for the grant
4. Confirm the application process
5. Make recommendations for the project evaluation process for the CFE to use moving forward

The Climate Mitigation Review Team conducted three virtual meetings to discuss and agree on the attached guidance document that refines and clarifies the eligibility and scoring for Climate Action Fund grant projects beginning in the FY 2020-21 round.

The recommended eligibility and scoring criteria will clarify the project selection process and ensure that the funds continue to be allocated in alignment with the intentions of the Board of Commissioners.

**FINANCIAL IMPACT:** The Climate Action Tax is projected to generate $478,657 in funds in FY 2020-21, and the Board of Commissioners intends to identify impactful projects and distribute these funds promptly to accelerate action on the urgent issue of climate change and help to further stimulate the local economy.

Brennan Bouma, Sustainability Director, made the following PowerPoint presentation:

**Climate Action Fund**
**Eligibility and Scoring Guidelines**
**June 2, 2020**

**Climate Action Fund – FY19-20 Projects**

- $469,272 total
  - $150,000 – Supplemental Weatherization
  - $150,000 – Solar for Schools - OCS
  - $150,000 – Solar for Schools - CHCCS
  - $19,272 LED Light Campaign

**Climate Action Fund – Allocation Timeline**

*Application cycle for the FY20-21 funds to run in the Fall and then follow it with the FY21-22 cycle in the Spring. This would allow the project solicitation and review process to catch up so that in subsequent years there could be a single more relaxed evaluation schedule aligned with the CIP process

| Fiscal Year | Jul-Sept | Oct-Dec | Jan-Mar | Apr-Jun |
|---|---|---|---|---|
| 2019-20 | 19-20 Project Creation and CFE Ranking | | 19-20 Project Evaluation and BOCC Selection | |
| 2020-21 | Application Open for FY20-21 Funds | Project Ranking and Selection for FY20-21 | Application Open for FY21-22 Funds | Project Ranking and Selection for FY21-22 |
| 2021-22 | Application Open for FY22-23 Funds | Project Review and Ranking for FY20-21 | BOCC Review with CIP | Project Selection for FY20-21 |

**FY20-21 Eligibility Guidelines**

- Non-profits, public entities, and small businesses.
- All funds must be spent in Orange County.
- Must have legal standing to receive funds.
- Ongoing projects eligible if expanding or accelerating.
- Replacement and repair eligible if not likely to be funded within 5 years.

**FY20-21 Scoring Process**

- CFE review still uses formula weighing social justice and racial equity most heavily.
- CFE to consult with experts or other advisory boards to reinforce decisions and representation.
- Room for CFE expertise in assigning scores, notes on rationale will be provided.
- BOCC has final decision

**FY20-21 Scoring Criteria**

- 25 point scale
    - **Social Justice and Racial Equity (5pts)**
    - **Emissions reduced (4 pts)**
    - **Efficient use of Funds (4 pts)**

- **Capacity of Applicant (3 pts)**
- **Local Economic Development (3 pts)**
- **Amount and Duration of Engagement (3 pts)**
- **Time to complete (3 pts)**

- Minimum score for eligibility

Minimum score:

- Not discussed by Climate Mitigation Review Team

**CFE Scoring Table**

| Project | Cost Estimate | Social Justice/ Racial Equity (5 pts) | Emissions Reduced (4 pts) | Efficient use of Funds (4 pts) | Capacity of Applicant (3 pts) | Local Economic Develop-ment (3 pts): | Amount and Duration of Engage-ment (3 pts): | Time to Complete (3 pts): | Total | Rank * |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **Total (Max for 2020-21: $478,657)** | | | | | | | | | | |

Commissioner Price said a minimum score was not set, and if a project were not up to par, having a minimum score may just be something to consider.

Commissioner Marcoplos said a minimum score may be a useful number to have, but another cycle is likely needed to see what numbers would look like.

Commissioner Dorosin said the BOCC is not obligated to fund anything, so seeing how this new process works first makes sense.

Commissioner Dorosin referred to the point about legal standing, and said if the goal is to fast track this process, it is unrealistic for one to apply if ones does not have the legal standing. He said it is a long process to become a 501-c-3, and hoping that one will have legal standing by the time the funds are awarded seems unrealistic. He said it is important to be clear as to the definition of “non-profit” that is being used; and asked if this means a 501-c-3, or organized as a non profit under North Carolina State law.

John Roberts said the policy does not currently specify the definition of a non-profit.

Commissioner Dorosin asked if it makes a difference in giving out funding, and can the BOCC give money to an entity that is non-profit, but not a 501c-3.

John Roberts said yes the Board can give out money to non 501-c-3s, and this has been done before with the Piedmont Food and Agricultural Processing (PFAP) Center.

Travis Myren said his intent was for applicants to sign a contract, and therefore be legally accountable for the result.

Commissioner Dorosin said if the BOCC can give money to a non-profit, as said under state law, this should be made very clear to potential applicants, as that process is quick and easy. He asked if being a non-profit under state law should be required for people to apply, as there is some value in having an entity be legally responsible.

Commissioner Greene said the committee imagined a group coming together with a wonderful idea, which gets funded, and staff wanted to insure that the group is legally obligated. She said she would push back on the idea that one needs to be a legal entity prior to applying for funding, because if funding is not awarded, the efforts would have been for naught.

Commissioner Dorosin said the document says it has to be a non-profit.

Commissioner Greene said it can be a small business, up to $3 million a year.

Commissioner Dorosin said the document does say that, but $3 million seems pretty high for a small business.

Commissioner Greene said this standard was used, as it is the same standard that is used for the small business loan and grant program. She said it seemed high to her too, and is open to suggestions.

Commissioner Dorosin said it would seem odd that a business with gross revenue of up to $3 million would need this type of grant.

Commissioner Bedford asked if it would work to continue the weatherization program, and would that mean a department could put in for additional funding for their program.

Commissioner Greene said yes.

Travis Myren said yes, the intent is for funds to not go to projects that are already funded through the CIP already.

Commissioner Bedford suggested leaving the $3 million threshold for now, to see how it works.

Commissioner Price said the $3 million number was just to offer consistency with existing programs.

Commissioner Price referred to the wording in the scoring process, paragraph 3: “the Commission for the Environment (CfE) may consult with other experts or advisory boards on any and all applications for the purposes of diversity and inclusion…,” and said she wants this language to be stronger. She said she wants language that says, “in the event that the CfE lacked diversity the CfE shall consult other experts and advisory boards, such as the Humans Rights and Relations Commission”.

Commissioner Marcoplos said the County is going to learn a lot during this next cycle, and he would recommend waiting and reviewing the process next year, if need be.

Commissioner Dorosin said the BOCC is creating something new and making changes is no less baked than anything that already exists. He asked if anyone knows why the $3 million is the threshold for the grant and loan program.

Gary Donaldson, Chief Financial Officer, said the $3 million number is a carryover from the Economic Development small business loan program.

Commissioner Dorosin asked if this number was picked for any particular reason.

Gary Donaldson said that happened before his time, and he can get him the information as to why this number was chosen arbitrarily.

Chair Rich said the BOCC could come back to amend the process, if need be.

Commissioner Dorosin said given the priority being placed on social justice and racial equity, the BOCC may want to target smaller businesses. He said he appreciated the work his

colleagues have done on this, and would like to know how many small business loans have gone to businesses making $3 million.

Commissioner Marcoplos said $3 million does not seem like that much to him, and what is left at the end of the year of a $3 million business is not much.

Commissioner Greene agreed with raising the questions, but said it is likely good to wait and watch. She said the scoring criteria include equity and social justice.

Commissioner McKee said the document says gross income should not exceed $3 million, so smaller entities could certainly apply.

Commissioner Dorosin said it does not exclude businesses that make less, but he is just saying the cap should be lower.

Commissioner McKee agreed that $3 million is not much at the end of the day, and such businesses would not have excess cash to start a big project. He said for many businesses this may just be breaking even.

Bonnie Hammersley said the North Carolina definition of a small business is, "$7 million in revenue, and less than 500 employees". She said staff likely just cut this number in half.

Chair Rich said the only change she sees as necessary is Commissioner Price's request to tighten the language up in paragraph 3.

The Board agreed by consensus.

A motion was made by Commissioner Price, seconded by Commissioner Greene for the Board to:

1) Receive recommendations from the Climate Mitigation Review Team updating and clarifying the eligibility and scoring for future Climate Action Fund projects; and
2) Approve the new guidance and provide it to the Orange County Commission for the Environment (CFE) for its use in soliciting and scoring project applications for the FY 2020-21 round of Climate Action Fund projects.

**VOTE: UNANIMOUS**

**c. <u>Amendments to the Advisory Board Policy</u>**

The Board considered options for clarification to the advisory board policy related to remote meetings of advisory boards and vote to select one of those options to be effective July 1, 2020.

John Roberts presented this item:

**BACKGROUND:**

On March 13, 2020 the Board Chair declared a State of Emergency in Orange County ("Declaration") related to the national emergency created by the Corona Virus Disease 2019 pandemic. At that time the Chair directed all Orange County advisory and other boards to cease in-person meetings to reduce chances of virus transmission. The Orange County Board of Commissioners Advisory Board Policy ("Policy") does not allow remote meetings. This restriction was included by the Board during the creation of the Policy to encourage members of advisory boards to actually attend meetings rather than attending by teleconference. Recently members of the Board have expressed an interest in removing this restriction.

There is also language included allowing individual members to attend meetings remotely when they are unable to be physically present for a regularly scheduled meeting. Furthermore, the County Attorney noticed a technical inconsistency in the Policy and made a minor change that

specifically includes three quasi-judicial boards in the ethics and limitations sections of the Policy. These three boards are left out of the remote meetings sections based on due process concerns with conducting quasi-judicial hearings remotely.

All proposed language is included in the draft and the Board may change or reject all, including the technical correction mentioned above, and should discuss any other options the Board may wish to consider.

**Option 1** – leave in place the restrictions on remote meetings.
**Option 2** – leave the general restriction on remote meetings in place for advisory boards, but specifically authorize the Manager to allow a remote meeting for an advisory board when a meeting is immediately necessary to further County business.
**Option 3** – only allow remote meetings during declared states of emergency and do so for all advisory boards whether or not authorized by the Manager.
**Option 4** – allow remote meetings during declared states of emergency and allow individual members to attend remotely at any other time.
**Option 5** – allow remote meetings at all times.

Remote meetings will need to be compliant with statutory notice provisions and with open meetings laws. All remote meetings must provide for access by the public and where applicable, also comment by the public. Deputy Clerk David Hunt also indicates the Board should consider that a "hybrid meeting with some board members on-site and some at home will be technologically challenging. A conference call with a single phone in the meeting room would be the least complicated solution. Setting up a video conference is more complicated. (Think camera positions, sharing documents, view for members in the room, view for public in the room, etc.)"

**FINANCIAL IMPACT:** The financial impact associated with this action is dependent upon the number and type of remote meetings.

John Roberts said staff has had some questions since this was published. He said quasi-judicial boards were intentionally left out, as they are not advisory boards, with the exception for the ethics portion of the advisory board policy. He said quasi judicial boards can meet virtually, regardless of the County's action (due to State statute), but his concern would be with decisions being overturned if there are connectivity issues, or troubles hearing, etc., which may lead to due process complaints.

David Hunt said an advisory board meeting would likely be sitting at a table, and the easiest option for remote involvement would be telephonic. He said using a computer to join the meeting would be somewhat harder.

Chair Rich said this was brought up because internal advisory boards cannot meet remotely now, because the current policy in place that says they cannot do so.

Commissioner Marcoplos said he liked Option 5, as it gives maximum flexibility, but he may not have thought of potential drawbacks.

John Roberts said one of the drawbacks is that even in a remote meeting, the public has to have access to the meetings, and he is not sure all departments have that capability.

Commissioner Bedford said she is concerned that everyone may not have the technology and Internet access to do remote meetings. She said she preferred option 3, but option 4 may also work. She said she would like to have input from the advisory boards. She said she thinks it is very important to have video access, as following by audio alone can lead to

confusion. She said technology can be helpful, and the goal here is to be more inclusive, but she does not want to inadvertently exclude people.

Commissioner Dorosin said there are two interests to balance: facilitating the work of the boards and public access/transparency of meetings. He said even the BOCC zoom meetings are difficulty, and it is not the same as being together in person.

Commissioner Dorosin said the best way to reconcile the issue is a combination of options 2 and 4: promoting in person expectations, with the option for remote participation if necessary. He said he hopes this will keep the remote participation low, but also allow for greater diversity in participation, as it allows for flexibility in extenuating circumstances.

Chair Rich agreed, but with the comment that one cannot repeatedly attend virtually. She said the goal should be in person participation.

Commissioner Price said she was looking at combining options 3 and 4. She said there is currently a state of emergency, and advisory boards need to meet, but she would like to have an option that people can participate virtually if needed (with the authorization from the Manager in option 3). She said she would also want the preference to be in person meetings.

Commissioner McKee said he would support option 2 or 3.

Commissioner McKee said option 4 is contradictory, as it allows for virtual meetings to attend during a declared state of emergency, but also for members to attend remotely at any other time.

Commissioner McKee said he is not for option 5, as it is his expectation that board members should attend meetings in public. He said his main fear for remote meetings is the limits of technology, and not all people have IT support and may live in rural areas.

Commissioner McKee said he has counted only about 5 people that have spoken to the BOCC by public comments during these remote meetings, and he believes access to technology may be a factor in that number.

Commissioner Marcoplos said if the goal is transparency, then nothing beats option 5. He said he believes more of the public would participate in remote meetings. He said he questions as to whether this should be a fluctuating issue, needing a decision to be made in each circumstance. He said option 5 would require no room rental, no expense, and he thinks it allows the most access.

Commissioner Greene said if everyone in the county had equal access to high quality Internet then option 5 would be great, but that is not the case. She said she liked the discussion that Chair Rich and Commissioner Dorosin were having around options 2 and 4. She said the Partnership to End Homelessness (PTEH) has allowed members to call in, and it has worked very well, and has not been abused.

A motion was made by Commissioner McKee to move option 3 – no second.
Motion fails.

A motion was made by Commissioner Dorosin, seconded by Commissioner Greene to move option 2, with the addition of the language in option 4, and allow individual members to attend meetings remotely anytime.

Option 1 – leave in place the restrictions on remote meetings.
Option 2 – leave the general restriction on remote meetings in place for advisory boards, but specifically authorize the Manager to allow a remote meeting for an advisory board when a meeting is immediately necessary to further County business. And allow individual members to attend remotely at any other time.

Option 3 – only allow remote meetings during declared states of emergency and do so for all advisory boards whether or not authorized by the Manager.
Option 4 – allow remote meetings during declared states of emergency and allow individual members to attend remotely at any other time.
Option 5 – allow remote meetings at all times.

Commissioner McKee said he will support this, with a few reservations. He said the BOCC can always amend it, if necessary.

Commissioner Price clarified that the motion is saying that advisory boards cannot meet now without permission, and any member can attend remotely anytime.

Chair Rich said yes, a state of emergency will not be required.

Commissioner Price asked if the second part of the motion negates the first part.

Commissioner Dorosin said the general restriction for remote full board meetings stays in place, unless by permission of the Manager, but if an individual needs to attend remotely for some reason, it is permissible to do so.

Commissioner Price said the goal is to discourage a blanket statement that all advisory boards can meet during a state of emergency.

Commissioner Dorosin said yes, he supports boards meeting virtually only if there is urgent County business, to which the boards need to attend.

Commissioner Marcoplos said he predicts that there will be a record number of people meeting remotely after doing this for a while.

Commissioner Bedford suggested taking out the word immediately in option 2, as some boards will need to touch base, which would not be considered an immediate need, but is valuable nonetheless.

Commissioner Dorosin said the point is that the motions leaves in place the general restriction. He said phase three will be happening soon, and the ability to meet in person again may be happening soon too.

Commissioner Greene said this motion leaves the decision to the Manager's discretion.

**VOTE: Ayes, 5 (Chair Rich, Commissioner McKee, Commissioner Dorosin, Commissioner Greene, Commissioner Bedford); Nays, 2 (Commissioner Marcoplos and Commissioner Price)**

John Roberts said some wording will need to be changed, and he can bring this item back for consent agenda, or read it now.

Chair Rich asked if he could read it now to keep the process moving.

John Roberts read section 12.a.1:

**SECTION XII. REMOTE MEETINGS AND REMOTE ATTENDANCE PURSUANT TO NCGS §166A-19.24**

A. Declared states of emergency.

1. Upon a declaration of a state of emergency in Orange County by the Chair of the Board of Commissioners advisory boards subject to this Advisory Board Policy may meet remotely as authorized by the County Manager.
2. A remote meeting is an official meeting, or any part thereof, with a majority or all of the members of the advisory board participating by simultaneous communication.
3. Simultaneous communication is any communication by conference telephone, conference video, or other electronic means.
4. Advisory Boards shall comply with open meetings laws.

5. Advisory Boards shall coordinate with the Clerk to the Board of Commissioners to notify the public of the remote meetings and the means by which the public may access the remote meetings.
6. If at any time during a remote meeting the number of members needed for a quorum is disrupted by a loss of simultaneous communication the meeting will not continue until simultaneous communication is restored and if simultaneous communication cannot be restored the meeting will be adjourned without further action.

B. Remote attendance at other times.
1. At all other times advisory boards shall meet in person at the time and location adopted in the board's meeting schedule and as set out herein.
2. Should a member be unable to physically attend a meeting the member may attend remotely so long as simultaneous communication is maintained for the remotely attending member(s) and only so long as the public has access to communications by the member(s).
3. Remote attendance involves a member(s) of the advisory board participating by simultaneous communication.
4. If the presence of a member(s) remotely attending a meeting is necessary for purposes of achieving a quorum and simultaneous communication with the member(s) is lost the meeting will not continue until simultaneous communication is restored and if simultaneous communication cannot be restored the meeting will be adjourned without further action.

Commissioner Price said this seems the same as option 3.

Commissioner Greene said option 2 requires the Manager's permission for boards to meet remotely, and option 3 does not.

John Roberts said the Board should adopt the policy, with the added language.

A motion was made by Commissioner Dorosin, seconded by Commissioner Greene to adopt the policy changes

**VOTE: Ayes, 6; Nays, 1 (Commissioner Marcoplos)**

Commissioner McKee said he would like information brought back in January 2021 regarding attendance numbers for virtual meetings, versus in person.

Commissioner Greene asked if staff could communicate to the chairs of the boards that the expectation is to meet in person, if possible, and not remotely for every meeting. She said this privilege should not be abused.

**d. <u>Coronavirus Relief Funding Plan and Additional Emergency Small Business Grant Funds</u>**

The Board considered voting to approve:
1) the appropriation of $2,665,753 in Coronavirus Relief Funding (CRF) on a County-wide per capita basis;
2) the submittal to the State of the County's CRF Plan by June 1, 2020; and
3) the appropriation of $410,000 in Article 46 Sales Tax Small Business Loan Funds for Emergency Funding to small businesses.

Gary Donaldson, Chief Financial Officer, presented this item:

**BACKGROUND:**

The North Carolina General Assembly unanimously approved the Coronavirus Relief Funding (House Bill 1043) that was signed by the Governor on May 4, 2020. The CRF package includes relief measures related to public health and safety, education, small business assistance, and continuity of state government operations.

The Orange County State-wide per capita share is $2,665,753 of the $150 million allocated to NC counties. House Bill 1043 does not appropriate any funds directly to a city or town, but instead delegates that funding decision to counties. At the May 19, 2020 Virtual Business Meeting, the BOCC approved the CRF funding allocation detailed in the table below based on a per capita allocation.

| | | |
|---|---|---|
| ORANGE | $ 1,546,136.74 | 58% |
| CARRBORO | $ 266,575.30 | 10% |
| CHAPEL HILL | $ 746,410.84 | 28% |
| DURHAM | $ - | 0% |
| HILLSBOROUGH | $ 79,972.59 | 3% |
| MEBANE | $ 26,657.53 | 1% |
| TOTAL | $ 2,665,753.00 | 100% |

**COVID-19 Eligible Expenses**:

- Support COVID-19 related expenditure for public health staff and program costs, personal protective equipment (PPE), public safety staff expense, medical expense, overtime or mandatory pay, distance learning and teleworking requirements
- Economic and Human Services support
- Expenses must be incurred between March 1, 2020 – December 30, 2020
- Funds cannot be used to replace lost local government revenue

The proposed County compiled CRF Funding Plan following requests from County Departments is:

| **Categories** | **Planned Expenditures** |
|---|---|
| Public Health Expenses; PPEs, Disinfectants | $570,000 |
| Personnel Support | $350,000 |
| Human Services including Housing Assistance and Food to vulnerable residents | $456,136 |
| Telework and Information Technology | $145,000 |
| Economic Development | $25,000 |
| Total | $1,546,136 |

**CRF Reporting Requirements**

**June 1, 2020 -** Counties determine a funding plan

**Beginning October 1 -** Submit Quarterly Reporting of expenditures to the State

**The Funding Plan categories due by June 1, 2020 are**:
1) Medical expenses
2) Public health expenses
3) Payroll expenses
4) Expenses to facilitate compliance with COVID-19-related public health measures
5) Expenses associated with economic support including small businesses

**Emergency Small Business Grants**
Staff is separately proposing using $410,000 from Article 46 Sales Tax Small Business Program funds to provide Round 2 Emergency Grants to small businesses based on a financial review of businesses April 2019 and April 2020 revenue. Grant Program eligibility requirements:
- Orange County based businesses
- A business must have not received Federal CARES Act, State or local funds
- Minimum of one year of operations
- Provide a public benefit in the form of job creation and tax base increase
- For-Profit business status
- All applicants are required to have been in business for a minimum of one-year, hold applicable 2019 business privilege licenses, and be registered with appropriate legal entities such as the North Carolina Secretary of State or Orange County Register of Deeds office
- Companies are not eligible if they have past-due tax liabilities or tax liens, delinquencies in Orange County property taxes, or were in bankruptcy (Corporate or Personal) prior to the pandemic

**FINANCIAL IMPACT:** The State has allocated $2,665,753 to the County for eligible COVID-19 expenses and the use of $410,000 of Article 46 Sales Tax Small Business Fund. There will be forthcoming Budget Amendments for both funding sources.

Commissioner Greene said the abstract references a desire to see public benefit in the form of job creation and tax base increase. She asked if this is actually an either/or situation.

Gary Donaldson said yes, either/or.

Commissioner Dorosin asked if job creation means new work, or bringing people back to work.

Gary Donaldson said staff is working on that now, and he said the desire is something measurable, and is trying to keep it simple.

Commissioner Dorosin said he appreciated this.

Commissioner Dorosin referred to the attachment, and the personnel support category. He said virtually all of these will provide support to those departments who support the most adversely affected populations by the pandemic.

Commissioner Price referred to bankruptcy - last bullet on qualifications – and that one is not eligible if in bankruptcy before the pandemic. She asked if this is true of one's entire history, or in more recent years.

Gary Donaldson said it is considers the past year.

Chair Rich said the last round of business grants was not given out completely, and asked if these funds are available.

Gary Donaldson said staff will provide an updated report, and any residual funds will be swept into this amount.

Chair Rich referred to the bankruptcy bullet, and said there are some businesses that have received funding already and are not repaying the loan. She said she would not want these businesses to get additional funds, if they are not paying back existing loans.

Gary Donaldson said staff considered this, and there are 11 businesses with outstanding balances. He said staff will bring an abstract on June 16 with respect to the small business non-profit, and this is for enhanced controls and bringing those funds unto the County books.

Chair Rich asked if staff would use the press release to strongly encourage minority and women owned businesses to apply.

Commissioner Bedford said she very much supports this, but would like to offer an opposing view: there was an article in the News & Observer, which said 42% of the jobs lost will not recover. She said the article's summary was that it is inefficient to use funds to support a business that is not going to make it anyway. She said the County will be protected from this due to the caveat of looking for applicants that will create jobs, or provide public service, etc. She said it is important to use public dollars wisely.

Commissioner Price asked if applicants for County funding must have a good relationship with another financial institution, or if the applicant can just be in good standing with the County.

Gary Donaldson said the primary metric staff is using is April revenues.

Commissioner Price asked if the press release could be very simple and readable, so th that one could pass it out to small businesses or emailed.

A motion was made by Commissioner Bedford, seconded by Commissioner McKee for the Board to approve the CRF Funding Plan for submittal to the State as stated herein, and approve the appropriation of $410,000 from Article 46 Sales Tax Small Business Loan Program funds for Emergency Small Business grants.

**VOTE: UNANIMOUS**

**7. Reports**
**NONE**

**8. Consent Agenda**

- **Removal of Any Items from Consent Agenda**
  No items removed.

- **Approval of Remaining Consent Agenda**

A motion was made by Commissioner Greene, seconded by Commissioner McKee for the Board to approve the remaining items on the Consent Agenda.

**VOTE: UNANIMOUS**

**a. Minutes**
The Board approved the draft minutes from May 5, 12 and 14, 2020 as submitted by the Clerk to the Board.

**b. Motor Vehicle Property Tax Releases/Refunds**
The Board adopted a resolution, which is incorporated by reference, to release motor vehicle property tax values for three taxpayers with a total of six bills that will result in a reduction of revenue in accordance with NCGS.

**c. Property Tax Releases/Refunds**

The Board adopted a resolution, which is incorporate by reference, to release property tax values for two taxpayers with a total of four bills that will result in a reduction of revenue in accordance with North Carolina General Statute 105-381.

**d. Extension of Little River Regional Park Interlocal Agreement**

The Board adopted and authorized the Manager to sign a one-year extension of the current interlocal agreement between Orange County and Durham County for the operation of Little River Regional Park and Natural Area. The current agreement term expires on June 30, 2020.

**e. Resolution of Support – Triangle Trails Initiative**

The Board adopted a resolution, which is incorporated by reference, of support for the Triangle Trails Initiative, a new effort to plan for linked trails within the Triangle region coordinated by the East Coast Greenway Alliance, through a grant from the AJ Fletcher Foundation and authorize the Chair to sign.

**f. Orange County ABC Board Travel Policy**

The Board approved the Orange County Alcoholic Beverage Control (ABC) Board's adoption and continued use of Orange County's travel policy for FY 2020-21.

**9. County Manager's Report**

Bonnie Hammersley said the Virtual Budget Public Hearing will be held on June 4th. She said she will need all proposed amendments to the budget by close of business on Wednesday, June 3rd, in order to be able to post them on the website for the public to view prior to the June 4th public hearing.

**10. County Attorney's Report**

**NONE**

**11. *Appointments**

**a. Workforce Development Board – Appointment Discussion**

The Board considered making an appointment to the Workforce Development Board (WDB).

A motion was made by Commissioner Marcoplos, seconded by Commissioner McKee to appoint Katie Loovis to the WDB for a first full term in the position of At-Large – Private Sector - Business expiring 6/30/2023.

**VOTE: UNANIMOUS**

**12. Information Items**

- May 19, 2020 BOCC Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis
- Tax Collector's Report – Measure of Enforced Collections
- Tax Assessor's Report – Releases/Refunds under $100
- 2021 Property Tax Revaluation Update

**13. Closed Session**

**NONE**

**14. Adjournment**

A motion was made by Commissioner McKee, seconded by Commissioner Price to adjourn the meeting at 9:35 p.m.

**VOTE: UNANIMOUS**

Penny Rich, Chair

Donna S. Baker
Clerk to the Board

Submitted for approval by David Hunt, Deputy Clerk to the Board.

**Attachment 3**

**DRAFT** **MINUTES**
**BOARD OF COMMISSIONERS**
**VIRTUAL BUDGET PUBLIC HEARING**
**June 4, 2020**
**7:00 p.m.**

The Orange County Board of Commissioners met for a Virtual Budget Public Hearing Meeting on Thursday, June 4, 2020 at 7:00 p.m.

**COUNTY COMMISSIONERS PRESENT**: Chair Rich and Commissioners Jamezetta Bedford, Mark Dorosin, Sally Greene, Mark Marcoplos, and Renee Price
**COUNTY COMMISSIONERS ABSENT**: Commissioner McKee
**COUNTY ATTORNEYS PRESENT**:
**COUNTY STAFF PRESENT**: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

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

Due to current public health concerns, the Board of Commissioners conducted a Virtual Budget Public Hearing on Tuesday, June 4, 2020. Members of the Board of Commissioners participated in the meeting remotely. Members of the public were able to view and listen to the meeting via live streaming video at http://www.orangecountync.gov/967/Meeting-Videos and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

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

- Written submittals by email
- Speaking during the virtual meeting

**1. Opening Remarks**

**PUBLIC CHARGE**
The Chair acknowledged the public charge.

**2. Presentation of County Manager's Recommended FY 20-21 Budget (PowerPoint Presentation)**

Bonnie Hammersley made the following PowerPoint presentation:

**FY2020-21**
**County Manager**
**Recommended Budget Amendments**
**June 4, 2020**

**OPERATING BUDGET AMENDMENTS**

| Amendment | Sponsor | Department | Amendment | Amount | General Fund Total |
|---|---|---|---|---|---|
| **20-21OP-001** | **Commissioner Greene** | **Outside Agencies** | **Fund ($20,000) to support a new nonprofit Reentry House Plus, Inc. that is in the process of opening a reentry house for men emerging from their sentences at Orange Correctional.** | **$ 20,000.00** | **$20,000.00** |
| **20-21OP-002** | **Commissioner Greene** | **Human Services** | **Use $20,000 from the Social Justice Fund to support the new nonprofit Reentry House Plus, Inc.** | **$ (20,000.00)** | **$0.00** |
| **20-21OP-003** | **Commissioner Bedford Commissioner McKee** | **BOCC** | **Repeal the salary increase for Commissioners effective December 1, 2020. The cost is $12,710.00 including FICA and retirement.** | **$ (12,710.00)** | **($12,710.00)** |
| **20-21OP-004** | **Commissioner Marcoplos** | **BOCC** | **Eliminate funding for the National Association of Counties (NACo) membership dues.** | **$ (2,666.00)** | **($15,376.00)** |

Commissioner Dorosin asked if the Board of County Commissioners (BOCC) is discussing these amendments tonight in any way.

Bonnie Hammersley said no, it was her understanding that this evening is an opportunity for the BOCC to hear from the public, and the BOCC will discuss the amendments on June 9.

Commissioner Dorosin asked if this was the understanding of the BOCC.

Chair Rich said her understanding was the same as Bonnie Hammersley's

Commissioner Price said she would be open to any explanation that the sponsoring Commissioner may want to offer, for the benefit of the public.

Commissioner Marcoplos said he would like to briefly explain his amendments tonight, to clarify context and intent only.

Commissioner Greene said her understanding was the same as Chair Rich and Bonnie Hammersley.

Chair Rich said to let Bonnie Hammersley finish the presentation, and the BOCC can offer brief comments, thereafter.

Bonnie Hammersley resumed the PowerPoint presentation:

| Amendment | Sponsor | Department | Amendment | Amount | General Fund Total |
|---|---|---|---|---|---|
| **20-21OP-005** | **Commissioner Marcoplos** | **Human Services** | **Direct funds allocated for NACo memberships dues to the Social Justice Fund.** | **$ 2,666.00** | **($12,710.00)** |

| | | | | | |
|---|---|---|---|---|---|
| **20-21OP-006** | **Commissioner Marcoplos** | **BOCC** | **Eliminate funding for the UNC School of Government (UNC-SOG) membership dues.** | **$ (17,168.00)** | **$ (29,878.00)** |
| **20-21OP-007** | **Commissioner Marcoplos** | **Human Services** | **Direct funds allocated for UNC-SOG memberships dues to the Social Justice Fund.** | **$ 17,168.00** | **$ (12,710.00)** |
| **20-21OP-008** | **Commissioner Marcoplos** | **BOCC** | **Eliminate funding for the North Carolina Association of County Commissioners (NCACC) membership dues.** | **$ (12,755.00)** | **$ (25,465.00)** |
| **20-21OP-009** | **Commissioner Marcoplos** | **Human Services** | **Direct funds allocated for NCACC memberships dues to the Social Justice Fund.** | **$ 12,755.00** | **$ (12,710.00)** |
| **20-21OP-010** | **Commissioner Marcoplos** | **BOCC** | **Eliminate funding for the Triangle J membership** | **$ (22,213.00)** | **$ (34,923.00)** |
| **20-21OP-011** | **Commissioner Marcoplos** | **Human Services** | **Direct funds allocated Triangle J membership dues to the Social Justice Fund.** | **$ 22,213.00** | **$ (12,710.00)** |
| **0-21OP-012** | **Staff** | **Debt Service** | **Reduce Debt Service Payments in FY 20-21 due to lower interest rate realized as part of the G.O. Bond issuance in May 2020** | **$(209,779.00)** | **$ (222,489.00)** |
| **0-21OP-013** | **Staff** | **Housing /Community Development Fund** | **Reduce County match to the HOME Program as a result of a calculation error in determining the match requirement** | **$ (3,654.00)** | **$ (226,143.00)** |
| **0-21OP-014** | **Commissioner Rich** | **Non-Departmental** | **Suspend the $568,139 proposed for the Chapel Hill Library in FY 2020-21** | **$(568,139.00)** | **$ (794,282.00)** |

| Amendment | Sponsor | Department | Amendment | Amount | General Fund Total |
|---|---|---|---|---|---|
| **20-21OP-015** | **Commissioner Rich** | **Education** | **Set up a COVID focused "Education Fund" to assist students in need of technology and broadband in both districts, in order to prevent the opportunity gap from growing larger during the COVID-19 pandemic** | **$ 500,000.00** | **$ (294,282.00)** |

| | | | | | |
|---|---|---|---|---|---|
| **20-21OP-016** | **Commissioner Rich** | **Non-Departmental** | **Set up a fund to assist non-Chapel Hill residents (on a sliding scale) with a household library card if Chapel Hill decides to charge a fee for the use of the library by non-Chapel Hill residents** | **$ 68,139.00** | **$ (226,143.00)** |
| **20-21OP-017** | **Staff** | **Human Rights & Relations** | **Fund the development of a Racial Equity Index Platform to track progress of the County's racial equity initiatives, and to follow trends in racial disparities** | **$ 35,000.00** | **$ (191,143.00)** |
| **20-21OP-018** | **Staff** | **Article 46 Sales Tax Fund** | **Receipt of $410,000 in Article 46 Sales Tax Small Business Loan Funds to be used for Emergency Grants to small businesses** | **$ 410,000.00** | **$ 410,000.00** |
| **20-21OP-019** | **Staff** | **Visitors Bureau Fund** | **Reduce the Visitors Bureau Fund expenditure budget by $19,308 to correct an error related to indirect cost allocation** | **$ (19,308.00)** | **$ (19,308.00)** |
| **20-21OP-020** | **Staff** | **Solid Waste Enterprise Fund** | **Increase the Solid Waste Enterprise Fund expenditure budget by $475,000 to reflect the Transfer of funds to the General Fund as an expense** | **$ 475,000.00** | **$ 475,000.00** |

**CAPITAL BUDGET AMENDMENTS:**

| Amendment # | Sponsor | Department | Amendment | Amount |
|---|---|---|---|---|
| **20-21CIP-001** | Commissioner Dorosin | Education | Move the Durham Tech Expansion Project planning up to year 1 | $ 1,000,000.00 |
| **20-21CIP-002** | Commissioner Dorosin | County CIP Projects | Delay the following CIP projects from Year 1 (FY 20-21) to Years 6-10: Conservation Easements ($1,000,000); Roofing Projects (25,000); EMS Substation - Morgue Project ($675,000); Blackwood Farm Park ($350,000); IT ($900,000); Vehicle Replacements ($250,000) | $ (3,200,000.00) |
| **20-21CIP-003** | Commissioner Dorosin | Education | Move the Durham Tech Expansion Project phase 2 up to year 2 | $ 14,000,000.00 |

| | | | | |
|---|---|---|---|---|
| **20-21CIP-004** | Commissioner Dorosin | County CIP Projects | Delay the following CIP projects from Year 2 (FY 21-22) to Years 6-10: Soccer.com ($4,589,000); some IT Infrastructure ($1,500,000); Millhouse Road Park ($400,000); Lands Legacy ($500,000); Lake Orange Dam ($50,526); Little River Park, Phase II ($500,000); Roofing Projects ($250,000); Twin Creeks Park ($220,000); Old Courthouse Square ($220,000); Vehicle Replacements ($250,000) | $ (8,479,526.00) |

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| Amendment # | Sponsor | Department | Amendment | Amount |
|---|---|---|---|---|
| **20-21CIP-005** | **Commissioner Dorosin** | **Education** | **Move the Durham Tech Expansion Project phase 3 up to year 3** | **$ 11,547,911.00** |
| **20-21CIP-006** | **Commissioner Dorosin** | **County CIP Projects** | **Delay the following CIP projects from Year 3 (FY 2022-23) to Years 6-10: Millhouse Road Park ($6,400,000); Twin Creeks Park ($3,780,000); Conservation Easements ($1,000,000); Blackwood Farm Park ($300,000); Fairview Park ($2,000,000); Courthouse Square ($390,000); IT ($748,385); Vehicle Replacements ($250,000)** | **$(14,868,385.00)** |
| **20-21CIP-007** | **Commissioner Price** | **Education** | **Move the Durham Tech Expansion Project planning up to year 1** | **$ 1,000,000.00** |
| **20-21CIP-008** | **Commissioner Price** | **County CIP Projects** | **Remove the following CIP projects from Year 1 (FY 20-21): EMS - Substation - Morgue project ($675,000); Millhouse Road Park ($300,000); Roofing Project ($25,000); Vehicle Replacements ($100,000)** | **$(1,100,000.00)** |

| Amendment # | Sponsor | Department | Amendment | Amount |
|---|---|---|---|---|
| 20-21CIP-009 | Commissioner Price | Education | Move Durham Tech Expansion Project phase 2 up to year 2 | $ 14,000,000.00 |
| 20-21CIP-010 | Commissioner Price | County CIP Projects | Delay the following CIP projects from Year 2 (FY 21-22) to Years 6-10: Soccer.com ($4,589,000); some IT Infrastructure ($382,300); Little River Park, Phase II ($250,000); Roofing Projects ($250,000); Twin Creeks Park ($220,000); Vehicle Replacements ($100,000) | $ (6,291,300.00) |
| 20-21CIP-011 | Commissioner Price | Education | Move the Durham Tech Expansion Project phase 3 up to year 3 | $ 11,547,911.00 |
| 20-21CIP-012 | Commissioner Price | County CIP Projects | Delay the following CIP projects from Year 3 (FY 2022-23) to Years 6-10: Millhouse Road Park ($6,400,000); Twin Creeks Park ($3,780,000); Blackwood Farm Park ($300,000); Fairview Park ($2,000,000); Courthouse Square ($350,000); Vehicle Replacements ($100,000) | $(10,930,000.00) |

| BUDGET TIMELINE | DATE |
|---|---|
| ~~Recommended Budget Presentation~~ | ~~May 5~~ |
| **BUDGET PUBLIC HEARINGS** | **DATE** |
| Budget and Capital Investment Plan (CIP) | ~~May 12 &~~ June 4 |
| **BUDGET WORK SESSION SCHEDULE** | **DATE** |
| ~~Schools and Outside Agencies~~ | ~~May 14~~ |
| ~~Fire District, Public Safety, Support Services and General Government~~ | ~~May 21~~ |
| ~~Human Services and Community Services~~ | ~~May 28~~ |

| Budget Amendments and Resolution of Intent to Adopt | June 9 |
|---|---|
| **BOCC REGULAR MEETING** | **DATE** |
| **FY2020-21 Operating and CIP Budget Adoption** | **June 16** |

**FY2020-21 RECOMMENDED BUDGET**
**BUDGET AND AMENDMENT AVAILABILITY**

- ❑ **Clerk to Board of Commissioners**
- ❑ **County Finance & Administrative Services Office**
- ❑ **Orange County Website - http://orangecountync.gov**

Commissioner Marcoplos clarified his amendments. He said the BOCC has memberships in 4 organizations, which he wanted to put up for discussion: the pros and cons of each.

Commissioner Dorosin said his amendment to the CIP has generated more emails than the others, and his intent was primarily to move the Durham Tech project out of the 6-10 parking lot and move it up in the CIP. He said he is on the Durham Tech Board, and it has become clearer to him that this is critical to the Orange County Campus. He said the need for community colleges, in the wake of the pandemic, will increase. He said the BOCC has had too limited a focus on K-12 funding in Orange County for so long, and needs to re-focus on the later years of education as well.

Commissioner Dorosin said the other point he wanted to make was that he did not want to add costs to the budget, without offsetting cuts, which he has proposed. He said he is not wedded to cutting these particular projects, and is open for discussion. He said his priority is to get the Durham Tech project done.

Commissioner Price said she agreed with Commissioner Dorosin. She said one of the differences in Commissioner Dorosin's proposal and hers, was the use of lands legacy or conservation easement funds, which she did not mean to include. She said she is also not wedded to cutting the particular projects she proposed, and is open for discussion

**PUBLIC COMMENT:**

Deborah Barrett said she is a clinical social worker, and there are so many needs in this community, and one of those is mental health. She said there is a program called the Pro Bono Counseling Network, which was set up locally to provide counseling services to those who could not otherwise afford them. She said the Network lost its institutional home last year, but the needs remain great, if not greater than before. She said the Network needs funding for one part time staff person who can match the client to the service. She said she is asking the BOCC for funding to help get the Network back on its feet.

Shelley Danser said was the Program Coordinator for the Pro Bono Counseling Network, and is a licensed clinical social worker. She said during the 5 years she worked at the Pro Bono Counseling Network, she came to see how effective and efficient the program is. She said she helped match clients with good therapists, all of which included a number of pro bono counseling sessions. She said the program stopped functioning because the institutional home did not hire a new coordinator after she vacated the position. She said there are many therapists wanting to offer pro bono services, and the community already knows these services. She said Covid-19 has only exacerbated the need for this service. She asked the BOCC to offer ideas and funding to get this program back up and running.

Miriam Leiberman said she was one of the therapists with the Pro Bono Counseling Network for years. She said she always had clients that were part of this program, and it offered a way for those in need to find a therapist through an ethical and affordable channel. She said the Network coordinated continuing education classes for the therapists, which was a wonderful way for them to earn their required hours. She said this program had worked, and therapists want to volunteer their time, but it is so important to do so with a safety net.

Jessica Sheffield said she is the Executive Director of the Eno River Association, and her Board sent the following letter to the Orange County Board of Commissioners earlier today, which is below:

Dear Board of County Commissioners,
We understand that the impacts of Covid-19 may result in the County facing lower revenue. However, the Eno River Association is adamantly opposed to the proposed FY 2020-21 CIP amendments CIP-004, CIP005, and CIP-006 affecting the Lands Legacy and Conservation Easement Programs in Orange County. Since 2000 over $8 million in other funding--from grants and landowner donations--has been raised for land protection due to the Lands Legacy Program and Conservation Easement Program. With those dollars nearly 4,000 acres within Orange County have been protected, creating parks for underserved populations within our community, improving water quality for over 500,000 citizens, ensuring viable farmland into the future and climate change resiliency, and strengthening the overall health and wellbeing of Orange County residents.

These past weeks we have seen unprecedented numbers of visitors to Orange County open spaces, seeking solace during these difficult times. It is clear that more open space is needed to accommodate our neighbors. Investments in land protection today provide lasting, positive impacts on our community into the future. Proximity to parks and open space enhances the value of residential properties and produces increased tax revenues for communities. Open spaces capture precipitation, reduce stormwater management costs, and by protecting underground water sources, open spaces reduce the cost of drinking water up to tenfold. Improving access to public open space can increase levels of physical activity, provide mental health benefits and reduce healthcare costs.

The Eno River Association and Orange County have worked collaboratively to protect land in the Eno River Watershed since 2012. Together we hold six conservation easements on working farms totaling 398 acres, and Orange County has helped us protect an additional 250 acres of land. The proposed amendments would pull all additional funding from the Lands Legacy Program and all funding from the Conservation Easement Program for the next three years. This would devastate land protection efforts in Orange County. Without the financial commitment of the County, we would no longer be able to leverage grant funds to support land acquisition. In most cases, our joint funding partners require matching resources, especially from municipal and county governments. The lack of County funding would undermine all land trusts working to preserve land for future generations. The Eno River Association staff and Board of Directors urge you to reject the proposed amendments CIP-004, CIP-005, and CIP-006.

Riley Ruske said Orange County has the highest tax rates in the state. He said the County's 136 entities, along with the school boards, try to find ways to spend taxpayer dollars. He said there are many things in the proposed budgets that appear to be non-essential, and seem to bloat the budget. He said only one Commissioner has expressed concern for the taxpayer's burden. He said County government has no regard for the taxpayer, and will

continue in excessive spending with exorbitant taxes. He asked if this will simply continue, or will the taxpayer have to revolt.

Brian Link said he a Social Studies teacher and the Social Justice Academy Director at East Chapel Hill High School, and is also the Vice President of the Chapel Hill-Carrboro Association of Educators. He said he hopes the BOCC can help fund the schools. He said the nation is facing two pandemics: Covid-19 and racism. He said the BOCC has to choose how to direct funding, and he hopes it will do so in ways that promote equity and justice throughout.

Roshna Bala Keen said she is a civil rights attorney, and she has some questions about shifting funds from the Chapel Hill Library to a Covid Education fund. She said it is very important that everyone have access to the library, as it is a great equalizer. She said the library is an essential part of the community, and she has great concern about shifting the funds from the library to another purpose. She encouraged the BOCC to please find alternative funding sources.

Former Commissioner Barry Jacobs sent the following email, which Chair Rich read:

For 20 years, the Lands Legacy Program has been the backbone of Orange County's efforts to actively conserve open space and natural areas. The program has been key to our watershed protection efforts and to the farmland preservation that undergirds our bountiful local agricultural economy.

By providing a reliable, ongoing source of funds, Lands Legacy and associated conservation projects enable the county to amplify the impact of its contributions, attracting millions of dollars in matches from federal, state, regional and private partners. And, like the Social Justice Fund, dependability and flexibility are advanced by having a designated pool of money.

Lands Legacy is a recognized model for other counties, a source of pride for many Orange residents, and an affirmation of our environmental values. Doing away with, or limiting, the program without extensive forethought and public discussion would be highly regrettable.

Please have the chair read this aloud at the hearing.

Chair Rich read the following letter, which was translated from Spanish:

Atte: Beatríz Ponce
Padres de Cameron park
919 730-4867
Vazquezbeatriz17@yahoo.com

I am the mother of Angel (3rd Grade) and Ana (1st grade) from Cameron Park School. The reason for this letter is to let you know that as parents, neighbors and more parents from different schools in Orange County, we are very concerned about the upcoming decisions you could make that would affect us too much as part of the spanish-speaking community. We want to be present and participate more in our children's schools, we would like more interpreters in schools, on school boards, at events, and in our children's classes. Just thinking that you want to remove Spanish classes, the only thing that makes us feel welcome and makes us feel at home. S PANISH is more than just a language, it is culture and it is a universal communication. Spanish is too valuable which allows a person to be bilingual and it is the opportunity of many great things in spiritual, professional and educational life. That is why children from a young age are taught both languages so that when they grow up, already in universities, they are prepared. Medical studies have confirmed how important it is for them to learn a second language from a young age and that will last them throughout their lives. A child who starts speaking another language is very interesting because they do not lose their accents. An adult who seeks to speak a second language, it becomes more difficult to memorize and the pronunciation is difficult. For young children, however, it is pretty easy for them to capture all that and more. My request today is DO NOT REMOVE SPANISH CLASSES IN ORANGE

COUNTY ELEMENTARY SCHOOLS. We want more support so that we can be present on school boards.

Vecinos y padres de otras escuelas - Neighbors and Parents from other Schools
Rosa Sandoval -Jordan mom CENTRAL ele.
Germán Sanchez- pawway elementaria
Anabel Sánchez -Efland cheek
Nanci abasolo -Cameron park
Rosario García -Cameron park
Agustina Tlacxani -new hope
Lucero Vargas -new hope
Sugey cardenas -Cameron park
Gloria mancilla -Cameron park
Carolina Favela -Cameron park
Karina trochet - new hope

Chair Rich said the Orange County Board of Commissioners only funds the schools, and the school districts, themselves, decide the curriculums.

Commissioner Greene read a statement from Reentry House Plus:

Reentry House Plus was founded as a 501c3 in 2019 with 2 co-equal missions.
First- Housing for men reentering into society and Second- Education to enhance the probability of success while transitioning back into the job market and to life and family.

HOUSING
The housing component has been made possible by a $240,000 investment by a local LLC to purchase and renovate a 2500 sq ft house in Hillsborough. It will provide housing for 5-6 returning men and will be based on the Oxford House model in which each man will be responsible for securing jobs and contributing to the costs of their daily expenses.
We are currently working to set up alliances with local churches to sponsor one individual in the housing program and to help both financially and socially as a hands-on mentor. These alliances will allow Reentry House to make this component of our program self-sufficient. It is our expectation that we will be ready to accept men into the house in September of this year.

EDUCATION
But we named our organization Reentry House PLUS. The PLUS component is our commitment to education and support to assure higher probability of success in reentry into local society.

This educational component is possible due to an alliance with the SWIT team led by Tommy Green, CHW, PSS (NC FIT)! and William Elmore, Outreach Specialist (Reintegration Support Network). These men are past felons who have returned to local society as certified counselors currently working for county and other non-profit organizations. Their program has been successfully run for over 9 months with over 30 participant successes. Now they are ready to ramp up their efforts with an alliance with Reentry House Plus providing the facility and overall support and guidance.

Each teaching session contains up to 20 participants and is comprised of several classes taught over a one-month period. One new element to the program includes a computer teaching lab set up in the Reentry House in which job-related skills are taught.

But the most important element of the SWIT program is interaction with the staff who themselves have been incarcerated and who have learned how to turn their experiences into life changing opportunities for those involved in the program.

This program will welcome men and women from across the region and particularly Orange County. Our pool will include individuals from the Local Reentry Council, Parole, Probation, AA and NA graduates, and perhaps the Orange County Court System including the Family Drug Court.

Each one-month program will cost $8,400- or $420 per participant. Under this program- understanding that the contribution from Orange County will not be applied to the housing component of Reentry House Plus- a $30,000 grant would provide instruction and support for up to 60 individuals in the Orange County area.

**4. Adjournment**

A motion was made by Commissioner Dorosin, seconded by Commissioner Marcoplos to adjourn the meeting at 8:00 p.m.

**VOTE: UNANIMOUS**

Penny Rich, Chair

Donna S. Baker
Clerk to the Board

Submitted for approval by David Hunt, Deputy Clerk to the Board.

**Attachment 4**

**DRAFT** **MINUTES**
**BOARD OF COMMISSIONERS**
**VIRTUAL BUDGET WORK SESSION**
**June 9, 2020**
**7:00 p.m.**

The Orange County Board of Commissioners met for a Virtual Budget Work Session on Thursday, June 9, 2020 at 7:00 p.m.

**COUNTY COMMISSIONERS PRESENT**: Chair Rich and Commissioners Jamezetta Bedford, Mark Dorosin, Sally Greene, Earl McKee, Mark Marcoplos, and Renee Price
**COUNTY COMMISSIONERS ABSENT**:
**COUNTY ATTORNEYS PRESENT**:
**COUNTY STAFF PRESENT**: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

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

Chair Rich said there has been an uptick of Covid-19 cases in the state and Orange County. She encouraged anyone who is not feeling well to get tested.

Chair Rich said she has had conversations about the pandemic with the Mayors, the Legislative Delegation, and Congressman Price. She said there are concerns about schools resuming in the fall, and also about governmental entities meeting again face-to-face. She said there is hope of more government funding to help with Covid-19 related expenses.

Chair Rich referred to the amended Orange County Emergency Declaration effective Friday, June 12 at 5:00 p.m., which does require masks.

Commissioner Marcoplos referred to his and Commissioner Dorosin's proposed community forum on racism and policing, which many thought may be discussed this evening. He said the proposed resolution will be discussed on the June 16th agenda, and the desire is to have the Sheriff's department as a full and equal partner.

Chair Rich said the Board of County Commissioners (BOCC) has been getting a lot of emails about the Orange County Board of Commissioners defunding the police, but the County does not have a police force. She said town police do not answer to the BOCC, but rather to the local Mayors. She said in the County, the Sheriff is an elected official, and does not answer to the BOCC. She said the County always works collaboratively with the Sheriff's department, for example having body cameras.

Commissioner Dorosin said the community forum should happen soon, and though the Sheriff is independently elected, the Orange County Board of Commissioners controls his budget. He said there is much good being done, but also much work yet to be done.

Chair Rich said she talked with the Sheriff before the Chapel Hill protest, and invited him to attend the 16th meeting, in order to highlight some of the things the County is doing.

Due to current public health concerns, the Board of Commissioners conducted a Virtual Budget Work Session on June 9, 2020 utilizing Zoom. Members of the Board of Commissioners participated in the meeting remotely. As in prior meetings, members of the public were able to view and listen to the meeting via

live streaming video at orangecountync.gov/967/Meeting-Videos and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

**1. Discussion of FY2020-21 Operating Budget**

Travis Myren and Bonnie Hammersley presented the following information:

- Funding Decisions on the Operating Budget Amendment List
- Funding Decisions on the Other Funds Budget Amendment List
- Funding Decisions for Chapel Hill-Carrboro City Schools and Orange County Schools
    - Current Expense (Per Pupil)

**2. Discussion of FY2020-25 Capital Investment Plan**

- Funding Decisions on the Capital Investment Plan Amendment List
- Accept FY2020-25 Capital Investment Plan and Approve the Intent to Adopt Capital Funding for FY2020-21

**3. Discussion and Decision on the FY2020-21 County Fee Schedule**

**4. Discussion and Decision on the FY2020-21 Tax Rates**

i. Ad Valorem Tax- 86.79cents

ii. Chapel Hill-Carrboro City Schools Special District Tax

iii. Fire District Tax Rates

**Amendment 001 and 002-**

Commissioner Greene said the $20,000 is requested because the house needs $30,000 by September 1, and a generous board member has a bought a house they can lease, but they need $30,000 in the bank.

Commissioner Price said it is her understanding that the program applied through the outside agency process, and did not make the cut.

Commissioner Greene said the program did not qualify because it had not applied before, but their mission is so aligned with the justice work being done by the County. She said there is so little reentry housing, and this is a more unique organization. She said the requested money is for the rent, and the program plans for its residents to be working and paying rent. She said this is start up funding.

Commissioner Price said the BOCC had an unofficial agreement to follow the Manager's guidance. She said she supports the program, but her concern is the $20,000 for a start up. She said she would like some sort of partnership for a year, to insure it is sustainable.

Bonnie Hammersley said the outside agencies process was a little different this year, and did not follow the typical formula. She said no new agencies were awarded funding. She said if the Board approves this amendment, the program would have to follow all outside agencies' processes and procedures.

Commissioner Price said she does not want it to look like the BOCC is giving preferential treatment. She said perhaps the County could be more hands on in the

management of the funding, and this should be more of a partnership, as opposed to a typical outside agency.

Chair Rich said she agreed with Commissioner Price, and does not want to give funding to those who lobbied the BOCC, when others did not know that doing so was even a possibility.

Commissioner Bedford said was originally leaning towards voting no, but the entire process needs to be reviewed, due to covid-19. She said needs are more fluid now, and she is making exception with this amendment and does support it.

Commissioner Dorosin asked if the social justice fund balance can be identified, and if the funding need is time sensitive. He said it is a critical program that meets social and justice needs.

Bonnie Hammersley said the balance is zero in 2019-20 budget.

Commissioner McKee said he will support the amendment, and the social justice fund was created to give people a hand up.

Commissioner Greene said this program asked her a few months ago about possibility of funding, and she suggested the outside agency process. She said she could have just said for them to come forward and ask for funding from the social justice fund.

Bonnie Hammersley said the BOCC should be careful that the social justice fund does not become a bidding fund.

Commissioner Price said she tried to get funding for food programs years back, and it was taken out of social services. She asked if this program could be a Covid-19 project, or be placed under the Criminal Justice Resource Department for the first year. She said she would like to see this as a connection, and not just money.

Bonnie Hammersley said staff would always consider this program an outside agency, and all are in partnership with the County. She said this contract, if passed, will be assigned to a department head to insure County procedures are being followed.

Commissioner Price asked, if approved, the funds will be considered outside agency or social justice.

Bonnie Hammersley said the funds would be transferred from the social justice fund into this program, under the outside agencies.

Commissioner Marcoplos said he recognizes the need to be true to the outside agency process, but this is the type of program for which the social justice fund was created.

Chair Rich said she supports the program, but it should be following the outside agency process. She said there are many agencies that need funding, but did not receive it. She said second chance lobbying feels uncomfortable, and she feels guilty that other programs may have missed out because of not lobbying for funds.

A motion was made by Commissioner Greene, seconded by Commissioner Dorosin to approve the amendment

**VOTE: Ayes, 6; Nays, 1 (Chair Rich)**

**AMENDMENT 003**-

Commissioner McKee said he wants to rescind the Board's raises, especially in light of Covid-19. He said it is the least the BOCC can do.

Commissioner Bedford agreed, and the BOCC wants to be leaders and show solidarity with the employees by having no raises in budget.

A motion was made by Commissioner Bedford, seconded by Commissioner McKee to approve the amendment

**VOTE: Ayes, 6; Nays, 1 (Chair Rich)**

**Amendments 004, 005, 006, 007, 008, 009, 010**

Commissioner Marcoplos said his thought was to start with Amendment 004: the National Association of Counties (NACo). He said the information he receives from NACo does not help him as a commissioner. He said he would like to see these dues reallocated to the social justice fund.

Commissioner McKee said he feels the same about all of these entities: he does not get a lot individually, but the County does receive benefits. He said the cost of the memberships is very small, and he sees greater benefit in remaining a member of each entity.

Commissioner McKee said he will oppose defunding each of these memberships.

Commissioner Dorosin said these organizations provide different levels of support to the County. He said he sees limited benefit from NACo, and North Carolina Association of County Commissioners (NCACC); but the Triangle J Council of Governments (TJCOG) and the School of Government (SOG) are closer to the County's regions and needs, and provide valuable resources. He said he would like to know more about what is actually received for each of these fees, and any savings are good savings, if the expense is not providing value.

Commissioner Greene said she knows nothing about NACo.

Chair Rich said she is the Board's representative to NACo this year, and in the past she was on the telecommunications committee, and became frustrated with the organization. She said NACo does provide some value if one attends NACo conferences for specific areas.

Commissioner Price said one gets out of NACo what one puts it into it. She has been involved in different committees, and NACo is basically a lobbying organization. She said one area of great impact was in housing funding, as well as arts and culture being recognized as an economic driver. She said NCACC works in conjunction with NACo and SOG, and the trainings offered by these entities are very valuable.

Bonnie Hammersley said from a staff viewpoint, NACo is directed toward elected officials. She said NACo and NCACC are lobbying organizations, one on the national level and one on the state level.

Commissioner Greene said the amount is under $3000/year, and Commissioner Price's comments are helpful. She said many Commissioners are more conservative, and the Orange County BOCC is typically not, and being heard is important.

Commissioner McKee agreed with Commissioner Greene, and said it is important to continue to have a voice.

Commissioner Marcoplos said he does not think the BOCC has an impact on the rural/urban divide by being a part of NACo, but perhaps it does by being a part of NCACC.

A motion was made by Commissioner Marcoplos, seconded by Commissioner Dorosin to defund NACo.

**VOTE: Ayes, 2 (Commissioner Marcoplos and Commissioner Dorosin); Nays, 5 (Commissioner Price, Chair Rich, Commissioner Greene, Commissioner Bedford, Commissioner McKee)**

**Amendment 006/007**

Commissioner Marcoplos said he would like to know more about what benefits are received from the SOG, and if it is useful.

Commissioner Dorosin asked if staff could identify what the $17,000+ dues are for.

Bonnie Hammersley said she believes it is considered a contribution, as opposed to a membership, and from a staff level, it is very valuable to local governments.

Commissioner Dorosin said asked if there is a process to determine the amount of contribution that is made to the SOG. He said making a contribution does not translate into reduced fees for conferences, and the SOG's mission is to serve the state of North Carolina, and he thinks the school would offer help to anyone who calls, regardless of having made a contribution or not.

Paul Laughton, Finance and Administrative Services, said population determines the amount.

Chair Rich said she uses the SOG all the time, and it is a valuable resource.

Commissioner Dorosin said one can take classes even if not a contributor, and this is a contribution to the University system, and maybe this year it would be wise to cut the amount by $10,000.

Commissioner Greene asked if all are sure that one can take courses/training if one is not a contributor. She said she thinks it is a great institution.

Commissioner Marcoplos said he is in favor of supporting the SOG, but suggested reducing the contribution by $10,000 this year, due to Covid-19.

Commissioner Price said it is a valuable program, and the SOG is highly rated throughout the country, and she would be hesitant to cut this funding without knowing what this money is used for before.

Commissioner Dorosin said the SOG is a valuable resource, but it is supported by the State, is a part of the University system, and it charges fees for its courses.

Bonnie Hammersley said she was sent information from a staff person, which she read, and it defined the County funds as "membership dues". She said staff can find out more and let the Board know.

Commissioner Bedford said, as a new commissioner, she found the orientation very beneficial, and she took another course and felt the same. She said she will not support this amendment.

Commissioner Price said the classes that are made available to the BOCC are conducted specifically for elected officials. She said these funds help defray the costs of their resources, and she will vote against the amendment.

Commissioner McKee said it is important to focus on the amendment, rather than making amendments to amendments. He said the funding supports the SOG. He said it is done fairly, and he will not support this amendment.

Paul Laughton said the Orange County Board of Commissioners does have a contingency amount, and this item could be placed there while staff gathers more information and the BOCC could make a final decision in the fall.

A motion was made by Commissioner Marcoplos, seconded by Commissioner Dorosin to endorse being connected to the SOG, but due to this being a Covid year to defunding by $10,000 and put funds in the Orange County Board of Commissioners Contingency fund and paying the remainder to SOG, while ascertaining if we have the access to their resources, and if need be pay the rest to the SOG.

Commissioner Greene said the funding amount is determined by the SOG's funding model, and this amendment does not seem equitable.

Chair Rich said it is important during this time to find exactly what the funds are being used for.

**VOTE: Ayes, 2 (Commissioner Marcoplos and Commissioner Dorosin); Nays, 5 (Commissioner McKee, Chair Rich, Commissioner Price, Commissioner Greene Commissioner Bedford)**

**Amendment 009/010 - Defund NCACC**

Commissioner Marcoplos said he has attended a few NCACC conferences, and would like to know NCACC's impact on the legislature.

Commissioner Bedford said NCACC provides an opportunity to work across the aisles, and this group directly benefits counties.

Commissioner Greene said Attorney General Stein was approached about the opioid legislation, and any possible payout, he approached the NCACC for ideas and partnership. She said there is value in this membership.

Commissioner Marcoplos pulled the amendment.

**Amendment: 011 - TJCOG**

Commissioner Marcoplos pulled the amendment.

**Amendment 012/013 – debt service**

Travis Myren said these amendments are revisions of staff expectations, and the County is enjoying lower interest rates than expected.

Commissioner Dorosin asked if the allocation of these saved funds could be identified.

Travis Myren referred to the bottom of the pink sheet, and said the balance would be $191,140. He said if these funds remain undesignated, the default action would be to reduce the amount of general fund being used to balance the budget.

Commissioner Dorosin said the County would take less out of the fund balance, as opposed to having an extra $191,140 to use for other things.

Travis Myren said there is this additional funding should the BOCC choose to allocate it.

Bonnie Hammersley said it is the fund balance, and not the reserve.

A motion was made by Commissioner Bedford, seconded by Commissioner Price to approve this amendment.

**VOTE: UNANIMOUS**

**Amendment 014**

Chair Rich said the County is not delivering the sound basic education to all of the students in the County, and one example is lack of Internet. She gave examples of how remote learning has not worked for many students. She said the Article 46 sales tax revenue will be reduced, so there will not be as much funding available for technology. She said minority communities will be most affected by this, and the Board of County Commissioners (BOCC) should help, in order to hold the schools harmless as they determine how to navigate these unusual times. She said the schools have provided the devices in many cases, but this equipment is useless without access to the Internet. She said without this fund, the BOCC is doing a disservice to the community, and is not providing an equitable education to all in the County.

Commissioner Price asked if anyone will be accountable for this funding, and if there is a reason that the monies are not going directly to the schools. She said she does not see how this will help, and if students do not have broadband, this funding will not provide broadband.

Commissioner Price said the Board does need to review its agreement with the library, but she does not want to cut the funds to the Chapel Hill Library as the funding is for the programs. She said libraries were one of the first steps to desegregation, and libraries continue to give access to all, and are the hub of equity. She said she does not see the point in the amendment, and will vote against it. She said additional funding will be needed by the schools, and hot spots are a very expensive band aid.

Chair Rich said the emergency education fund is to help with broadband, and is for the County to help the schools for additional technology needs.

Commissioner Price said the County cannot lay broadband lines.

Chair Rich no, the County cannot do that, due to the general assembly. She said if the County goes back into lock down, students will not be able to get to the library.

Commissioner Price said she does not understand how this funding will help.

Chair Rich said the funds could be used in many creative ways, such as lighting up a bus and sending it in to a neighborhood. She said children without Internet access are going to fall behind, and this funding is to help address the gap. She said the County is responsible for these children's education.

Commissioner Bedford said she appreciated the concerns for the students, but she does not think cutting the library fund is the best way to meet the need. She said Chapel Hill-Carrboro City Schools (CHCCS) has a large fund balance that could be tapped into. She said the rural schools do not have as much excess funding, but there is some, as well as expected relief funding from the CARES Act. She said she would leave the library funding alone, and use the $191,000 to set up a reserve, if necessary.

Commissioner Marcoplos asked if Chair Rich envisions using these funds for things other than just technology, as there will be so many emergency needs that will arise going forward. He said an emergency fund is a good idea.

Commissioner Dorosin echoed Commissioner Marcoplos and Commissioner Bedford, and said he liked the conversation being started about this amendment. He said the Southern Library will be coming on line in a couple of years, and there has to be a conversation about the Chapel Hill library and the County libraries, as the user numbers will likely shift greatly with the new library being available. He said he also likes the idea of an emergency education fund in these unusual times, and agrees there will be many needs, not just technology. He said the County has been giving money to the Chapel Hill library, which has been closed for the past three months, and asked if there are any savings to be realized there.

Commissioner Greene said an equitable fund is needed now, but may not be needed in a couple of years. She said she would not be in favor of cutting library funding now, and there should be ongoing discussions in the fall.

Chair Rich said the Board has no agreement with Chapel Hill regarding the library now, because the agreement ran out in 2015. She said the library was going to ask the BOCC for more money this budget season, and that is why she started doing some research on this issue. She said it is important to understand circulation numbers, rather than active member numbers. She said the Board gives a lot of money to the library (over $500,000), and has no say in how it is spent, and there is no interoperability between the County and the City libraries. She said the Chapel Hill library is a great resource for those in the southern part of the County, but an education fund that is managed by the County is needed to serve all children. She said the Board must deliver a sound basic education to every child in the County, and right now the Board is failing to do so.

Commissioner McKee said the agreement that continued on after 2015 was by default. He said the members of the Chapel Hill Board and Orange County Board of Commissioners need to sit down and figure out what should Orange County pay. He said he would rather do this by negotiation, and not by budget amendment.

Commissioner Greene said she was last involved in discussions in 2015, from the Chapel Hill side, and she thought the conclusion at that time was to have seamless integration between the library systems. She said she is surprised that this has not happened. She said the problem with broadband is acute, but that is a separate issue from the library.

Commissioner Price said there has been some interoperability. She said she feels that this amendment is not spelled out enough for her. She said she does support an emergency fund for education, but if students can have access to the library, there are many resources available. She said the BOCC should talk with the school boards to determine how best to meet their emergency needs, but using library funds is not the

way to proceed. She said conversations with the town library are important to have, and funding likely will decrease as the southern branch comes online.

Chair Rich said she spoke with school leadership, and students need to simply have access to the Internet. She said until all students can access the Internet, the County is not serving children equitably.

Commissioner Price said she asked the schools if more hot spots are needed, and the schools said no. She said teachers need to be involved in the conversation about what is really needed.

Commissioner Bedford said Verizon has a program to help students without access.

Commissioner Bedford said there needs to be a work group, before spending money on the southern library. She said discussions about interoperability are very important.

A motion was made by Chair Rich, seconded by Commissioner Marcoplos to approve Amendment 014.

**VOTE: Ayes, 2 (Chair Rich and Commissioner Marcoplos); Nays, 5 (Commissioner McKee Commissioner Price Commissioner Greene Commissioner Bedford Commissioner Dorosin)**

Commissioner McKee said the idea of an education fund is important, and he would support using the funds generated by the quarter cent climate mitigation tax for this purpose.

Chair Rich thanked Commissioner McKee, but said she will not make such a motion.

Commissioner Dorosin said he hopes staff is keeping track of all the issues on which the BOCC needs to follow up in the fall.

**Amendments 017/018/019/020**

A motion was made by Commissioner Bedford, seconded by Commissioner Price to approve Amendments 017/018/019/020.

Commissioner Dorosin asked if there is a reason that tracking software costs $35,000, and if this would be a pre-existing program, or one being made from scratch.

Travis Myren said software can be very expensive, and this cost is relatively low, comparatively. He said the base software already exists, but it would need modifications.

Commissioner Marcoplos asked if this funding will come from a particular area.

Travis Myren said it would be counted against the debt service savings.

**VOTE: UNANIMOUS**

**Amendment 021**

Travis Myren said Commissioner Marcoplos proposed an amendment to fund a phase 2 feasibility study of operations and maintenance of a skilled construction trades center.

Commissioner Marcoplos explained the center, and said it has been discussed for well over a year, with many stakeholders. He said the County awarded $25,000 previously for an initial study, which was very informative. He said the next steps are to identify which grants are the most promising to fund some of the option identified in the initial study. He said time is of the essence, due to the availability of Covid-19 funding, and this could very advantageous to the progress of this project. He said these funds would pay for a study of the grant landscape, and getting some work done on a grant or

two. He said the amount would not exceed $25,000, and this is a great opportunity with well-recognized needs.

Commissioner Price asked if anyone else is putting funding into this, and who is involved.

Commissioner Marcoplos said Durham Tech, the school systems, UNC facility manager, builders and developers in the area, homebuilders associations, etc. are involved.

Commissioner Price asked if any of these entities are providing matching funds.

Commissioner Marcoplos said no.

Commissioner Price said she was interested in the funding.

Commissioner Marcoplos said he is not aware of any identified funds at this time other than the County's funding.

Commissioner Bedford said the proposal sounds very interesting, but she would prefer to wait until September to discuss it. She said it is hard to write grants when the option has not been determined.

Commissioner Bedford said if the process does move forward, she would support hiring a professional grant writer, but that is getting ahead of themselves. She said it is premature to look at grant funds, when it is not clear what is needed and what is the best option to pursue.

Commissioner Marcoplos said he disagreed, and if the BOCC reads the report it would be able to see the options have been narrowed down to just a few viable ones. He said the first step is to know which grant opportunities are worth pursuing, and the initial report writer has grant writing experience, as well as connections to this community. He said the Covid funding could be crucial to jump starting this project.

Commissioner Bedford said she read the report, and there are four options.

A motion was made by Commissioner Marcoplos to approve Amendment 021.

Commissioner Greene said she has not had a chance to read the full report, and the pros and cons are not clear to her. She said she would be happy to consider it in the fall.

Commissioner Marcoplos said the report was sent out a while ago, and he should have flagged it more strongly to have the BOCC read it.

**NO SECOND**
**Motion failed**.

Commissioner McKee asked if staff could monitor these Covid-19 grants.

Chair Rich said staff is already doing so, and tracking all Covid related expenses and funds is critical.

Commissioner McKee said he meant to monitor the grant deadlines, and bring this topic back in September.

Commissioner Marcoplos encouraged everyone to sit in on these meetings, to observe the level of commitment and progress.

**School Amendments – none**

Commissioner Dorosin asked if the BOCC wants to make a motion to use the $191,000 for schools. He said he would be open to give these monies to the schools, with a 60/40 split.

A motion was made by Commissioner Dorosin, seconded by Commissioner Greene to give the $191,000 to the schools at the 60/40 split.

Commissioner Bedford said given the schools' fund balances, she would suggest moving the monies to the social justice fund.

Commissioner Price asked if the 2020-21 social justice fund balance could be identified.

Travis Myren said $180,000, given Commissioner Greene's earlier amendment.

Commissioner McKee said given the uncertainty in the world, he would endorse Commissioner Bedford's suggestion to move monies to the social justice fund. He asked Commissioner Dorosin if he would accept a friendly amendment.

Chair Rich said to take a vote on the existing motion first. She said she would support this for the schools to use for emergency needs, especially broadband.

Commissioner Bedford said to let the schools use these funds as needed with no limitations.

Chair Rich said yes, absolutely.

Commissioner Bedford said she assumes there will be nutritional needs in the fall.

Commissioner Price said she will support this if the schools are able to use the funds as they best see fit.

Chair Rich said these funds would hold the schools harmless with the article 46 tax, which makes her feel better.

**VOTE: UNANIMOUS**

**CAPITAL BUDGET AMENDMENTS - green sheet**
**Amendment 001**

Travis Myren said there are two amendments that are very similar, and there are three columns that lay out the ways to achieve the amendments' goals.

Commissioner Price said Durham Tech will be critical to getting through, and past, this pandemic, as community colleges fill many roles. She said she does not want to touch the conservation easements, and is unsure of the technology needs. She said she is open to suggestions for years 2 and 3. She said it may not be necessary to spend the entire $1 million in year 1, and she just wants to get the process started.

Commissioner Dorosin said he and Commissioner Price have the same goal, and the differences lie in the projects each is proposing to delay to accomplish the goal. He said both are seeking to offer offsetting savings for the moved up costs. He referred to the total impacts, and his is $26 million, which is dollar for dollar offset. He said if there is interest in moving the project up, the BOCC could vote first on the areas where he and Commissioner Price agree, and then go through the differences. He, too, said he is open to suggestions for how to find offsetting costs. He said he sent an amendment to his amendment, which reduces the amount funding taken from lands legacy and conservation easements. He echoed Commissioner Price's comments about the critical role of community colleges in a post Covid world, and said Orange County needs to be poised to serve the needs. He said this amendment directly impacts issues of racial and social justice, as most of Durham Tech's students are students of color, and many receive financial aid. He said Durham Tech must be considered as an equally important part of Orange County's educational system. He said many students will be seeking cost effective alternatives to four year institutions, as well as vocational training, and retraining.

Commissioner Dorosin said Durham Tech recently hired a new president, and its board is eager to see growth in Orange County. He said the Orange County campus is unique, with the UNC Hospital being located across the street. He said all factors combined make this is a unique opportunity for valuable investment. He said the BOCC can always revisit the project for any reason, if a pause or change is needed, but it is important for the BOCC to make a commitment. He said Orange County has been, and

will continue to be, committed to land preservation, and he thinks it is time to show equal commitment to this type of education.

Commissioner Price said Orange County has a unique relationship between education and economic development, and this conversation about another building has been ongoing for years, and even more so when the hospital was built. She said earning a GED is free at Durham Tech, and affords many people a wonderful opportunity. She said students can transfer credits to a four year college, which levels the playing field for many who could not afford the traditional college route.

Commissioner Marcoplos said he recognizes the dire need for vocational training, and would like to see this project move forward. He said he would like to find a way to get the planning done, but maybe look at the rest of the funding thereafter. He said the Board does not know what the implications of taking funding from these different other CIP projects would have, and he would never support taking funding from lands legacy.

Commissioner McKee said he appreciated both Commissioner Price and Dorosin's efforts, but the BOCC needs to spend more time discussing these proposals, as there are many projects he will not defund. He said he would support delaying this discussion until the fall for next year's budget, because of all of the uncertainty around the County's finances, and the economy at large, due to Covid. He said he fully supports vocational training, but he cannot support these proposed offsetting costs.

Commissioner Greene said she has come to believe that this issue should be made more urgent, and she appreciates Commissioner Dorosin's reduction in the conservation offsets, but that is probably the only offset she cannot support. She said she can support a pause on parks, but wants to know if this amendment can be achieved without touching the lands legacy and conservation easement monies.

Commissioner Price said her plan does not take funding from the lands legacy or conservation easements. She said she took funds from areas that seemed able to wait. She said she does not want to defund the parks, but rather wants to delay them. She said the parks already exist, and she is proposing delaying modifications to them. She said delaying the parks will not close them down. She said she was unsure about years 2 and 3, but staff said numbers needed to be plugged in. She said the future is uncertain, and she is open to suggestions.

Commissioner Bedford said she in her first year as a Commissioner, the 911 center moved multiple times, and the link center is condemned. She said there needs to be some wiggle room for the upcoming hurricane season. She said the County is about to do a study of County needs, which is important, and she would prefer to wait until that is completed before a plan is made. She said she would like to have all needs integrated into the County budget. She said post secondary education is in transition, and much more will be known in a year, and she would prefer to wait and see, as well as allow the new president time to get acclimated to the role and the community. She said the budget has no wiggle room, and any delays that can be put in place to allow staff flexibility are important. She said she does not think the County can afford to do this right now, and the BOCC should be cautious. She said there are more immediate ways to help those negatively affected by Covid, and she will not support this amendment.

Commissioner Marcoplos said Twin Creeks has not been built yet, and has been on the books for 13 years. He said Governor Cooper wants to put an education referendum on the ballot, which likely will not happen this year, with $5 million going to Durham Tech. He said would support doing the study now.

Commissioner Greene asked if there is a response from Durham Tech about the possible transition to more online learning being needed in the future.

Commissioner Dorosin said online learning is evolving, but additional physical capacity will still be needed at the Orange County Campus. He said the County needs to make a commitment in order to have the voice it wants on the Durham Tech board. He said he provided offsetting cuts to be able to afford this project. He said saving money in the capital budget does not put the money in the operating budget.

Commissioner Dorosin referred to Commissioner McKee's concern about not being able to pause once started, and he disagreed. He said the process can be paused at any time, if necessary. He referred to the uncertainty of the County's finances, and said the financial commitment is the same whether the Board approves the Manager's recommended budget or approves this amendment, which has a dollar for dollar substitution for the costs. He said parks are a priority but so is the community college. He said he would like to start this project, and changes can be made as necessary, as with every project.

Chair Rich said she would like to support this, and feels Durham Tech is a top priority. She asked if the BOCC does not use land legacy or conservation monies, from where would the funding come. She said using funds from this area is her only concern on this proposal.

Commissioner Dorosin reminded the BOCC that he is no longer recommending as much funds be removed from lands legacy and conservation.

Commissioner McKee said this discussion is complicated, and should be had in the fall. He said the BOCC can pause a project, but he does not think the BOCC should start a $26 million project without planned follow through. He said the Board is talking about accelerating this project, not delaying it.

Commissioner Bedford said canceling a CIP project from this year does not free up monies until the following year. She said the same underserved population that is served by Durham Tech, also use the parks, and she is not willing to make the trade off with the parks funding.

Commissioner McKee asked Commissioner Dorosin if he could identify from where the other $14 million is coming.

Travis Myren referred to slide 16, and said in years 4 and 5, there is $4 million plus the $3 million, plus a few additional projects that Commissioner Dorosin removed, which Commissioner Price did not.

Commissioner McKee said it moves the savings out additional years.

Travis Myren said yes.

Commissioner McKee asked if taxpayers can be assured in future years that the BOCC will accrue the savings, rather than impose a tax increase.

Commissioner Dorosin said that is true every year, and it has no bearing on the amendment.

Commissioner McKee said if you are going to cut it half, and delay it, it seems moot.

Commissioner Dorosin said it takes out $26 million, and it adds $26 million.

Commissioner McKee said there is no guarantee that the $26 million will stay out. He said he does not want to the Board to talk about offsetting costs with savings, without assurances of the savings.

Commissioner Dorosin said that cannot be assured any year.

Commissioner McKee said his point is that the discussion should be held later in the year, to allow for in depth discussion, and public input. He said he supports the project, but does not want to accelerate it.

Travis Myren put up slide 17.

Commissioner Dorosin said the slide shows that this is a fiscally responsible proposal.

Chair Rich said the BOCC should try and reach a conclusion on this discussion. She asked if the lands legacy and conservation cuts be identified.

Commissioner Dorosin said his most current proposal includes $1.25 million from these areas.

A motion was made by Commissioner Dorosin, seconded by Commissioner Price to add CIP amendments 001/007.

**VOTE: Ayes, 4 (Commissioner Dorosin, Commissioner Price, Commissioner Greene, Chair Rich); Nays, 3 (Commissioner Bedford, Commissioner McKee, Commissioner Marcoplos)**

**Amendments 002/009**

A motion was made by Commissioner Dorosin, seconded by Commissioner Price to approve these amendments.

**VOTE: Ayes, 4 (Commissioner Dorosin, Chair Rich, Commissioner Price, Commissioner Greene); Nays, 3 (Commissioner Bedford, Commissioner Marcoplos, Commissioner McKee)**

**Amendments 003/011**

A motion was made by Commissioner Dorosin, seconded by Commissioner Price to approve these amendments.

**VOTE: Ayes, 4 (Commissioner Dorosin, Chair Rich, Commissioner Price, Commissioner Greene); Nays, 3 (Commissioner Bedford, Commissioner Marcoplos, Commissioner McKee)**

A motion was made by Commissioner Dorosin to approve this amended amendment - slide 13 - the projects listed in his column to be delayed.

Chair Rich proposed a friendly amendment to take out conservation easements.

A motion was made by Commissioner Dorosin, seconded by Commissioner Greene to approve these amendments with the conservation easements removed.

**VOTE: Ayes, 3 (Chair Rich, Commissioner Greene, Commissioner Dorosin); Nays, 4 (Commissioner Price, Commissioner Bedford, Commissioner McKee, Commissioner Marcoplos)**

Commissioner Price said she is not comfortable taking monies out of IT.
Commissioner Dorosin proposed taking $500,000 out of IT instead.
Commissioner Price asked if IT needs could be identified.
Travis Myren said there are three things going on: cybersecurity, laptop replacements, and routine upgrades.

A motion was made by Commissioner Dorosin, seconded by Commissioner Price to approve that column and revising the cut to IT to $500,000.

**VOTE: Ayes, 4 (Commissioner Price, Commissioner Dorosin, Chair Rich, Commissioner Greene); Nays, 3 (Commissioner Bedford, Commissioner McKee, Commissioner Marcoplos)**

A motion was made by Commissioner Dorosin, seconded by Commissioner Greene to make the delays in the Dorosin column, with lands legacy taken out (slide14).

Commissioner Price asked if the IT funding is additional to the previous motion.
Paul Laughton, Financial and Administrative Services, said yes, and it is software and infrastructure upgrades, cyber security, and equipment replacements. He said year

staff has regular IT updates and maintenance to keep up to date. He said the motion would reduce IT greatly.

Commissioner McKee said the Board cannot continue to strip the IT budget, and the Board is entering down a rabbit hole here.

Commissioner Greene said she shares the same concern, and withdrew her second.

Commissioner Price said she cannot support it.

**No second**
**MOTION FAILS**

Commissioner Price asked if the Board is locked into $26 million.

Commissioner Dorosin said the Board just voted to approve it.

Bonnie Hammersley said the amount is up to the board.

A motion was made by Commissioner McKee, seconded by Commissioner Marcoplos to table this item until second meeting in September so this topic can be fully researched.

Chair Rich said the Board has passed many of these things.

Commissioner McKee said the Board has passed them, but not funded them.

Commissioner Dorosin said the Board has already voted affirmatively, and cannot undo that vote. He said the Board can vote against it at the June 16 meeting during the final budget vote.

Commissioner McKee said the Board needs to have a much less convoluted process and discussion. He said two different scenarios have been proposed, and the Board is trying to mix and match to find a way to fund these approved changes. He said a Commissioner who voted favorable to move the projects up could make a motion to rescind that vote, thus allowing the BOCC to table to discussion.

Commissioner Dorosin said the BOCC would need to revote in order to table the discussion with the delays on year one. He said he would like the Board to review the slide with his proposed cuts, and have the Board vote on each one, up or down.

Commissioner McKee said Commissioner Dorosin is pushing an item that does not have a plan to bring it to fruition.

Commissioner Marcoplos said he would like to support the Durham Tech expansion, but he wants to understand the implications of each of these cost offsets, and how they will impact the community. He said he would like to review each proposed cut, so that he can be fully informed on the rationale for his vote. He said this will likely take a few work sessions.

Chair Rich said the Board already passed pushing this forward, as well as the first year of funding.

Commissioner Greene said the question is if the Board has to commit the money now, or can it do so after the budget is approved.

Travis Myren said the Board can approve the appropriation of year one, and accept the rest of the plan, which can always be amended in September.

Chair Rich said the Board has approved year one to move up, etc.

Bonnie Hammersley said the Board has also approved $14 million and $11 million in years two and three. She said if the Board is going to offset these amounts, it needs to do before the County goes out for borrowing, otherwise the rating agencies will see this negatively. She said rating agencies will not be contacted until spring 2021, so the Board could make changes in the fall. She said without these amounts being offset, the rating agencies will expect to see a tax increase in future years to cover the costs.

Commissioner Greene suggested holding some work sessions before June 30th, the final date by which the Board must have an approved budget.

Commissioner Marcoplos said if the BOCC can fund the planning, and defer the cuts, he would be supportive.

Commissioner Dorosin said the Board has already covered year one.

Commissioner Price asked if the Board could finish years 2 and 3 in September.

Bonnie Hammersley said yes, as long as a plan can be in place prior to the County going out for borrowing.

Travis Myren said the Board should be mindful that if just the planning is in the budget, the Local Government Commission (LGC) will not allow the County to borrow for just the planning, unless there is a capital project following, so the Board will need the full plan to be resolved in the fall.

Commissioner Price asked if the park monies would stay in the budget until next week.

Travis Myren said yes.

Chair Rich said to come back in September to find the money.

Commissioner Bedford asked if it is allowed to do year one now, and put the year 2 and 3 in years in years 6 and 7 of the CIP, so that the BOCC can adopt a CIP; or does the LGC require the BOCC to have a plan that includes three sequential years.

Travis Myren said the Board would have to have the project budgeted within a reasonable time, and spring would be sufficient. He said the Board cannot put the rest of the project in years 6 and 7.

A motion was made by Commissioner Price to come back in September to work out the funding for years 2 and 3.

Commissioner Dorosin asked if the Board cut $1 million out of year one.

Commissioner Price said yes.

Commissioner Marcoplos asked if he could be reminded of how this $1 million was accounted for.

Travis Myren showed slide 13, with offsetting cuts in the morgue, partial IT, etc.

Commissioner Greene seconded the motion.

Commissioner Marcoplos said he cannot support any of these cuts without more discussion.

Chair Rich said these cuts have already passed.

Commissioner Marcoplos said he is uncomfortable with the haste of these discussions.

Chair Rich said the Board is voting on what was passed tonight, including cuts, and having more discussion in September.

Commissioner McKee said this is crazy.

Commissioner Bedford clarified that the Board is required to pass a balanced budget.

Bonnie Hammersley said the Board only passed year one.

Commissioner McKee asked if year one is balanced.

Bonnie Hammersley said yes.

**VOTE: Ayes, 3 (Commissioner Price, Chair Rich, Commissioner Greene); Nays, 4 Commissioner Bedford, Commissioner Marcoplos, Commissioner McKee, Commissioner Dorosin**

Impasse

Commissioner Dorosin reiterated his suggestion of going line by line.

No Board members were interested in doing so.

Commissioner McKee respectfully requested one of the affirmative voters, to move the project to years 1, 2 and 3, rescind the motion to move the project up.

Commissioner Dorosin said he would change his vote on the previous motion.

Motion again to move it.

A motion was made by Commissioner Price, seconded by Commissioner Greene to move the discussion of years 2 and 3 to September.

**VOTE: Ayes, 4 (Commissioner Dorosin Commissioner Greene Commissioner Price Chair Rich); Nays, 3 (Commissioner Bedford Commissioner McKee Commissioner Marcoplos)**

Slide 18- Travis Myren – no amendments to County Fee schedule

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 20-21OP-001 | Commissioner Greene | Outside Agencies | Fund ($20,000) to support a new nonprofit Reentry House Plus, Inc. that is in the process of opening a reentry house for men emerging from their sentences at Orange Correctional. | $20,000.00 | | | $20,000.00 |
| 20-21OP-002 | Commissioner Greene | Human Services | Use $20,000 from the Social Justice Fund to support the new nonprofit Reentry House Plus, Inc. | $(20,000.00 | | | $0.00 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 20-21OP-003 | Commissioner Bedford Commissioner McKee | BOCC | Repeal the salary increase for Commissioners effective December 1, 2020. The cost is $12,710.00 including FICA and retirement. | $(12,710.00) | | | ($12,710.00) |
| | | | | | | | |
| 20-21OP-004 | Commissioner Marcoplos | BOCC | Eliminate funding for the National Association of Counties (NACo) membership dues. | $ (2,666.00) | | | ($15,376.00) |
| 20-21OP-005 | Commissioner Marcoplos | Human Services | Direct funds allocated for NACo memberships dues to the Social Justice Fund. | $ 2,666.00 | | | ($12,710.00) |
| 20-21OP-006 | Commissioner Marcoplos | BOCC | Eliminate funding for the UNC School of Government (UNC-SOG) membership dues. | $ (17,168.00) | | | $ (29,878.00) |
| 20-21OP-007 | Commissioner Marcoplos | Human Serices | Direct funds allocated for UNC-SOG memberships dues to the Social Justice Fund. | $ 17,168.00 | | | $ (12,710.00) |
| 20-21OP-008 | Commissioner Marcoplos | BOCC | Eliminate funding for the North Carolina Association of County Commissioners (NCACC) membership dues. | $ (12,755.00) | | | $ (25,465.00) |
| 20-21OP-009 | Commissioner Marcoplos | Human Services | Direct funds allocated for NCACC | $ 12,755.00 | | | $ (12,710.00) |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | memberships dues to the Social Justice Fund. | | | | |
| 20-21OP-010 | Commissioner Marcoplos | BOCC | Eliminate funding for the Triangle J membership | $ (22,213.00) | | | $ (34,923.00) |
| 20-21OP-011 | Commissioner Marcoplos | Human Servies | Direct funds allocated Triangle J membership dues to the Social Justice Fund. | $ 22,213.00 | | | $ (12,710.00) |
| **Amendment** | **Sponsor** | **Department** | **Amendment** | **Amount** | | | **General Fund Total** |
| 20-21OP-012 | Staff | Debt Service | Reduce Debt Service Payments in FY 20-21 due to lower interest rate realized as part of the G.O. Bond issuance in May 2020 | $(209,779.00) | | | $ (222,489.00) |
| 20-21OP-013 | Staff | Transfer to Affordable Houisng Initiatives/Community Development Fund | Reduce County match to the HOME Program as a result of a calculation error in determining the match requirement | $ (3,654.00) | | | $ (226,143.00) |
| 20-21OP-014 | Commissioner Rich | Non-Departmental | Suspend the $568,139 proposed for the Chapel Hill Library in FY 2020-21 | $(568,139.00) | | | $ (794,282.00) |
| 20-21OP-015 | Commissioner Rich | Education | Set up a COVID focused “Education Fund” to assist students in need of technology and broadband in both districts, in order to prevent the opportunity gap from growing larger during the COVID-19 pandemic | $ 500,000.00 | | | $ (294,282.00) |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 20-21OP-016 | Commissioner Rich | Non-Departmental | Set up a fund to assist non-Chapel Hill residents (on a sliding scale) with a household library card if Chapel Hill decides to charge a fee for the use of the library by non-Chapel Hill residents | $ 68,139.00 | | | $ (226,143.00) | |
| [redacted] | | | | | | | | |
| 20-21OP-017 | Staff | Human Rights & Relations | Fund the development of a Racial Equity Index Platform to track progress of the County's racial equity initiatives, and to follow trends in racial disparities | $ 35,000.00 | | | $ (191,143.00) | |
| 20-21OP-018 | Staff | Article 46 Sales Tax Fund | Receipt of $410,000 in Article 46 Sales Tax Small Business Loan Funds to be used for Emergency Grants to small businesses | | | | $ (191,143.00) | $410,000.00 |
| 20-21OP-019 | Staff | Visitors Bureau Fund | Reduce the Visitors Bureau Fund expenditure budget by $19,308 to correct | | | | $ (191,143.00) | $(19,308.00) |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | an error related to indirect cost allocation | | | | | |
| 20-21OP-020 | Staff | Solid Waste Enterprise Fund | Increase the Solid Waste Enterprise Fund expenditure budget by $475,000 to reflect the Transfer of funds to the General Fund as an expense | | | | $ (191,143.00) | $475,000.00 |
| | | | | | | | | |
| 20-21OP-021 | Commissioner Marcoplos | Non-Departmental | Fund Phase II Feasibililty Study of Operations and Maintenance of a Skilled Construction Trades Center | $ 20,000.00 | | | | $(171,143.00) |
| | | | | | | | | |

**CAPITAL BUDGET AMENDMENTS**

| Project | Amendment | Total Expenditure Amount | Commissioner Dorosin Amendment | Commissioner Price Amendment |
|---|---|---|---|---|
| Durham Tech Expansion Project | Move the Durham Tech Expansion Project Planning up to Year 1 | $ 1,000,000 | $ 1,000,000 | $ 1,000,000 |
| Durham Tech Expansion Project | Move the Durham Tech Expansion Project Phase 2 up to Year 2 | $ 14,000,000 | $ 14,000,000 | $ 14,000,000 |
| Durham Tech Expansion Project | Move the Durham Tech Expansion Project Phase 3 up to Year 3 | $ 11,547,911 | $ 11,547,911 | $ 11,547,911 |
| | **Total** | **$ 26,547,911** | **$ 26,547,911** | **$ 26,547,911** |

| Amendment | Total Expenditure Amount | Commissioner Dorosin Amendment *Financing Impact* | Commissioner Price Amendment *Financing Impact* | Notes |
|---|---|---|---|---|
| **Delay the following CIP projects from Year 1 (FY 20-21) to Years 6-10** | | | | |
| **Conservation Easements** | **$ (1,000,000)** | **$ (500,000)** | **$ -** | ***$500,000 County Portion*** |
| **Roofing Projects – Library Design** | **$ (25,000)** | **$ (25,000)** | **$ (25,000)** | ***Project Withdrawn*** |
| **EMS Substation – Morgue Project** | **$ (675,000)** | **$ (675,000)** | **$ (675,000)** | ***Project Budget Reduced to $525,000*** |
| **Blackwood Farm Park** | **$ (350,000)** | **$ (350,000)** | **$ (300,000)** | ***Price Defers Millhouse Instead*** |
| **IT – Infrastructure, Laptop/Desktop Replacement, Cyber Security** | **$ (900,000)** | **$ (900,000)** | **$ -** | ***$934,500 Total Budget*** |
| **Vehicle Replacements** | **$ (250,000)** | **$ (250,000)** | **$ (100,000)** | ***$1,106,400 Total Budget*** |
| **Total** | **$ (3,200,000)** | **$ (2,700,000)** | **$ (1,100,000)** | |

| Amendment | Total Expenditure Amount | Commissioner Dorosin Amendment Financing Impact | Commissioner Price Amendment Financing Impact | Notes |
|---|---|---|---|---|
| **Delay the following CIP project from Year 2 (FY 21-22) to Years 6-10** | | | | |
| **Soccer.com** | **$ (4,589,000)** | **$ (4,589,000)** | **$ (4,589,000)** | |
| **Some IT Infrastructure – Infrastructure, County Fiber** | **$ (1,500,000)** | **$ (1,500,000)** | **$ (382,300)** | ***$2.8 million Total Project Budgets*** |
| **Millhouse Road Park** | **$ (400,000)** | **$ -** | **$ -** | ***Funded with PAYGO, Not Financed*** |
| **Lands Legacy** | **$ (500,000)** | **$ (250,000)** | **$ -** | ***$250,000 County Portion*** |
| **Lake Orange Dam** | **$ (50,526)** | **$ (50,526)** | **$ -** | ***$395,000 Total Project Budget*** |
| **Little River Park, Phase II** | **$ (500,000)** | **$ (250,000)** | **$ (250,000)** | ***50% Split with Durham County*** |

| | | | | |
|---|---|---|---|---|
| **Roofing Projects – Library** | **$ (250,000)** | **$ (250,000)** | **$ (250,000)** | ***Project Withdrawn*** |
| **Twin Creeks Park** | **$ (220,000)** | **$ (220,000)** | **$ (220,000)** | |
| **Old Courthouse Square – Exterior Restoration** | **$ (220,000)** | **$ (200,000)** | **$ -** | ***$220,000 Total Budget*** |
| **Vehicle Replacements** | **$ (250,000)** | **$ (250,000)** | **$ (100,000)** | ***$933,592 Total Budget*** |
| **Total** | **$ (8,479,526)** | **$ (7,559,526)** | **$ (5,791,300)** | |
| **Delay the following CIP projects from Year 3 (FY 22-23) to Years 6-10:** | | | | |
| Millhouse Road Park | $ (6,400,000) | $ (3,200,000) | $ (3,200,000) | *$3.2 million County Portion* |
| Twin Creeks Park | $ (3,780,000) | $ (3,780,000) | $ (3,780,000) | |
| Conservation Easements | $ (1,000,000) | $ (500,000) | $ - | *$500,000 County Portion* |
| Blackwood Farm Park | $ (300,000) | $ (300,000) | $ (300,000) | |
| ~~Fairview Park~~ | ~~$ (2,000,000)~~ | ~~$ -~~ | ~~$ -~~ | ~~*State Funded, No County Costs*~~ |
| Old Courthouse Square | $ (390,000) | $ (390,000) | $ (350,000) | Remove Landscape and Plantings |
| IT – Infrastructure, Laptop/Desktop Replacements, Cyber Security | $ (748,385) | $ (748,385) | | *$748,385 Total Project Budget* |
| Vehicle Replacements | $ (250,000) | $ (250,000) | $ (100,000) | *$961,599 Total Budget* |
| **Total** | **$ (14,868,385)** | **$ (9,168,385)** | **$ (7,730,000)** | |

| **Amendment** | **Total Expenditure Amount** | **Commissioner Dorosin Amendment Financing Impact** | **Commissioner Price Amendment Financing Impact** | **Notes** |
|---|---|---|---|---|
| **Delay the following CIP projects from Year 4 (FY 23-24) to Years 6-10:** | | | | |
| **EMS Substation – New Standalone Facility in Northern Corridor** | **$ (4,000,000)** | **$ (4,000,000)** | **$ -** | |
| **Total** | **$ (4,000,000)** | **$ (4,000,000)** | **$ -** | |
| **Delay the following CIP projects from Year 5 (FY 24-25) to Years 6-10:** | | | | |

| | | | |
|---|---|---|---|
| **Facility Safety and Accessibility Projects – Fire Alarm System Upgrades** | **$ (1,095,980)** | **$ (1,095,980)** | **$ -** |
| **Lake Orange Dam – Intake Tower and De-mucking** | **$ (1,900,000)** | **$ (1,900,000)** | **$ -** |
| **HVAC Projects – New Courthouse HVAC Replacement** | **$ (124,020)** | **$ (124,020)** | **$ -** |
| **Total** | **$ (3,120,000)** | **$ (3,120,000)** | **$ -** |
| | | | |
| **Grand Total CIP Projects Delayed** | **$ (31,267,911)** | **$ (26,547,911)** | **$ (14,621,300)** |
| | | | |
| ***Balance to Finance*** | | ***$ -*** | ***$ 11,926,611*** |

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| mendment | Sponsor | Budget Page | Department | Amendment | Amount | General Fund Total | Other Funds Total |
|---|---|---|---|---|---|---|---|
| 20-21OP-001 | Commissioner Greene | Outside Agencies | | Fund ($20,000) to support a new nonprofit Reentry House Plus, Inc. that is in the process of opening a reentry house for men emerging from their sentences at Orange Correctional. | 20,000.00$ | | $20,000.00 |
| 20-21OP-002 | Commissioner Greene | Human Services | | Use $20,000 from the Social Justice Fund to support the new nonprofit Reentry House Plus, Inc. | (20,000.00)$ | | $0.00 |
| 20-21OP-003 | Commissioner Bedford Commissioner McKee | BOCC | | Repeal the salary increase for Commissioners effective December 1, 2020. The cost is $12,710.00 including FICA and retirement. | (12,710.00)$ | | ($12,710.00) |
| 20-21OP-004 | Commissioner Marcoplos | BOCC | | Eliminate funding for the National Association of Counties (NACo) membership dues. | (2,666.00)$ | | ($15,376.00) |
| 20-21OP-005 | Commissioner Marcoplos | Human Services | | Direct funds allocated for NACo memberships dues to the Social Justice Fund. | 2,666.00$ | | ($12,710.00) |
| 20-21OP-006 | Commissioner Marcoplos | BOCC | | Eliminate funding for the UNC School of Government (UNC-SOG) membership dues. | $ (17,168.00) | | $ (29,878.00) |
| 20-21OP-007 | Commissioner Marcoplos | Human Serices | | Direct funds allocated for UNC-SOG memberships dues to the Social Justice Fund. | $ 17,168.00 | | $ (12,710.00) |
| 20-21OP-008 | Commissioner Marcoplos | BOCC | | Eliminate funding for the North Carolina Association of County Commissioners (NCACC) membership dues. | $ (12,755.00) | | $ (25,465.00) |
| 20-21OP-009 | Commissioner Marcoplos | Human Services | | Direct funds allocated for NCACC memberships dues to the Social Justice Fund. | 12,755.00$ | | $ (12,710.00) |
| 20-21OP-010 | Commissioner Marcoplos | BOCC | | Eliminate funding for the Triangle J membership | (22,213.00)$ | | $ (34,923.00) |

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| Amendment | Sponsor | Budget Page | Department | Amendment | Amount | General Fund Total | Other Funds Total |
|---|---|---|---|---|---|---|---|
| 20-21OP-011 | Commissioner Marcoplos | | Human Services | Direct funds allocated Triangle J membership dues to the Social Justice Fund. | 22,213.00$ | $ (12,710.00) | |
| 20-21OP-012 | Staff | 141 | Debt Service | Reduce Debt Service Payments in FY 20-21 due to lower interest rate realized as part of the G.O. Bond issuance in May 2020 | (209,779.00)$ | $ (222,489.00) | |
| 20-21OP-013 | Staff | 366 | Transfer to Affordable Housing Initiatives/Community Development Fund | Reduce County match to the HOME Program as a result of a calculation error in determining the match requirement | (3,654.00)$ | $ (226,143.00) | |
| 20-21OP-014 | Commissioner Rich | 285 | Non-Departmental | Suspend the $568,139 proposed for the Chapel Hill Library in FY 2020-21 | (568,139.00)$ | $ (794,282.00) | |
| 20-21OP-015 | Commissioner Rich | | Education | Set up a COVID focused “Education Fund” to assist students in need of technology and broadband in both districts, in order to prevent the opportunity gap from growing larger during the COVID-19 pandemic | 500,000.00$ | $ (294,282.00) | |
| 20-21OP-016 | Commissioner Rich | | Non-Departmental | Set up a fund to assist non-Chapel Hill residents (on a sliding scale) with a household library card if Chapel Hill decides to charge a fee for the use of the library by non-Chapel Hill residents | 68,139.00$ | $ (226,143.00) | |
| 20-21OP-017 | Staff | 253 | Human Rights & Relations | Fund the development of a Racial Equity Index Platform to track progress of the County’s racial equity initiatives, and to follow trends in racial disparities | 35,000.00$ | $ (191,143.00) | |
| 20-21OP-018 | Staff | 64 | Article 46 Sales Tax Fund | Receipt of $410,000 in Article 46 Sales Tax Small Business Loan Funds to be used for Emergency Grants to small businesses | $ (191,143.00) | 410,000.00 $ | |
| 20-21OP-019 | Staff | 143 | Visitors Bureau Fund | Reduce the Visitors Bureau Fund expenditure budget by $19,308 to correct an error related to indirect cost allocation | $ (191,143.00) | (19,308.00)$ | |
| 20-21OP-020 | Staff | 350 | Solid Waste Enterprise Fund | Increase the Solid Waste Enterprise Fund expenditure budget by $475,000 to reflect the Transfer of funds to the General Fund as an expense | $ (191,143.00) | 475,000.00 $ | |
| 20-21OP-021 | | | | $ (191,143.00) | | | |
| 20-21OP-022 | | | | $ (191,143.00) | | | |
| 20-21OP-023 | | | | $ (191,143.00) | | | |

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2

| Amendment | Sponsor | Budget Page | Department | Amendment | Amount | General Fund Total | Other Funds Total |
|---|---|---|---|---|---|---|---|
| 20-21OP-001 | Commissioner Greene | Outside Agencies | | Fund ($20,000) to support a new nonprofit Reentry House Plus, Inc. that is in the process of opening a reentry house for men emerging from their sentences at Orange Correctional. | | 20,000.00$ | $20,000.00 |
| 20-21OP-002 | Commissioner Greene | Human Services | | Use $20,000 from the Social Justice Fund to support the new nonprofit Reentry House Plus, Inc. | | (20,000.00)$ | $0.00 |
| 20-21OP-003 | Commissioner Bedford Commissioner McKee | BOCC | | Repeal the salary increase for Commissioners effective December 1, 2020. The cost is $12,710.00 including FICA and retirement. | | (12,710.00)$ | ($12,710.00) |
| 20-21OP-004 | Commissioner Marcoplos | BOCC | | Eliminate funding for the National Association of Counties (NACo) membership dues. | | (2,666.00)$ | ($15,376.00) |
| 20-21OP-005 | Commissioner Marcoplos | Human Services | | Direct funds allocated for NACo memberships dues to the Social Justice Fund. | | 2,666.00$ | ($12,710.00) |
| 20-21OP-006 | Commissioner Marcoplos | BOCC | | Eliminate funding for the UNC School of Government (UNC-SOG) membership dues. | | $ (17,168.00) | $ (29,878.00) |
| 20-21OP-007 | Commissioner Marcoplos | Human Services | | Direct funds allocated for UNC-SOG memberships dues to the Social Justice Fund. | | $ 17,168.00 | $ (12,710.00) |
| 20-21OP-008 | Commissioner Marcoplos | BOCC | | Eliminate funding for the North Carolina Association of County Commissioners (NCACC) membership dues. | | $ (12,755.00) | $ (25,465.00) |
| 20-21OP-009 | Commissioner Marcoplos | Human Services | | Direct funds allocated for NCACC memberships dues to the Social Justice Fund. | | 12,755.00$ | $ (12,710.00) |
| 20-21OP-010 | Commissioner Marcoplos | BOCC | | Eliminate funding for the Triangle J membership | | (22,213.00)$ | $ (34,923.00) |

3

| Amendment # | Sponsor | CIP Budget Page | Department | Amendment | Amount |
|---|---|---|---|---|---|
| 20-21CIP-001 | Commissioner Dorosin | 135 | Education | Move the Durham Tech Expansion Project planning up to year 1 | 1,000,000.00$ |
| 20-21CIP-002 | Commissioner Dorosin | 135 | Education | Move Durham Tech Expansion Project phase 2 up to year 2 | 14,000,000.00$ |
| 20-21CIP-003 | Commissioner Dorosin | 135 | Education | Move the Durham Tech Expansion Project phase 3 up to year 3 | 11,547,911.00$ |
| 20-21CIP-004 | Commissioner Dorosin | Various | County CIP Projects | Delay the following CIP projects from Year 1 (FY 20-21) to Years 6-10: Conservation Easements ($1,000,000); Roofing Projects (25,000); EMS Substation – Morgue Project ($675,000); Blackwood Farm Park ($350,000); IT ($900,000); Vehicle Replacements ($250,000) | (3,200,000.00)$ |
| 20-21CIP-005 | Commissioner Dorosin | Various | County CIP Projects | Delay the following CIP projects from Year 2 (FY 21-22) to Years 6-10: Soccer.com ($4,589,000); some IT Infrastructure | (8,479,526.00)$ |

| | | | | | |
|---|---|---|---|---|---|
| | | | | ($1,500,000); Millhouse Road Park ($400,000); Lands Legacy ($500,000); Lake Orange Dam ($50,526); Little River Park, Phase II ($500,000); Roofing Projects ($250,000); Twin Creeks Park ($220,000); Old Courthouse Square ($220,000); Vehicle Replacements ($250,000) | |
| 20-21CIP-006 | Commissioner Dorosin | Various | County CIP Projects | Delay the following CIP projects from Year 3 (FY 2022-23) to Years 6-10: Millhouse Road Park ($6,400,000); Twin Creeks Park ($3,780,000); Conservation Easements ($1,000,000); Blackwood Farm Park ($300,000); Fairview Park ($2,000,000); Courthouse Square ($390,000); IT ($748,385); Vehicle Replacements ($250,000) | (14,868,385.00)$ |
| 20-21CIP-007 | Commissioner Price | 135 | Education | Move the Durham Tech Expansion Project planning up to year 1 | 1,000,000.00$ |
| 20-21CIP-008 | Commissioner Price | Various | County CIP Projects | Remove the following CIP projects from Year 1 (FY 20-21): EMS – Substation – Morgue project ($675,000); Millhouse Road Park ($300,000); Roofing Project ($25,000); Vehicle Replacements ($100,000) | (1,100,000.00)$ |
| 20-21CIP-009 | Commissioner Price | 135 | Education | Move Durham Tech Expansion Project phase 2 up to year 2 | 14,000,000.00$ |
| 20-21CIP-010 | Commissioner Price | Various | County CIP Projects | Delay the following CIP projects from Year 2 (FY 21-22) to Years 6-10: Soccer.com ($4,589,000); some IT Infrastructure ($382,300); Little River Park, Phase II ($500,000); Roofing Projects ($250,000); Twin Creeks Park ($220,000); Vehicle Replacements ($100,000) | (6,041,300.00)$ |

***(GRANICUS RECORDING STOPPED, ZOOM RECORDING REFERENCED TO END OF MEETING)***

Commissioner McKee said there are staff initiated CIP amendments on the back of attachment a, and asked if these have been addressed (on the green sheet).

Travis Myren said only the solid waste amendment needs to be addressed.

A motion was made by Commissioner Dorosin, seconded by Commissioner Bedford to approve staff initiated amendment 15.

**VOTE: UNANIMOUS**

**Break**

*The Board of County Commissioners to a Break at 11:02 p.m. (to allow Finance and Administrative Services to formulate Draft Resolution of Intent to Adopt FY2020-21 Operating Budget)*

*The meeting resumed at 11:25 p.m.*

**5. Resolution of Intent to Adopt FY2020-21 Annual Operating Budget**

- Approval of Resolution of Intent to Adopt FY2020-21 Annual Operating Budget at the Board of County Commissioners Regular Meeting on June 16, 2020

Paul Laughton reviewed the Resolution of Intent, and said will be part of the agenda packet for the June 16th meeting:

Commissioner McKee asked if the capital CIP of $11 million was what the Board did tonight.

Paul Laughton said that was the reduction of $1,894,500 in year 1 for the County projects; deferring the solid waste projects $570,800 from year 1 to year 2; and school capital increased by $1 million for the Durham Tech project in year 1.

Chair Rich said the next step is for the Board to vote on this budget next week.

Paul Laughton said yes.

**Resolution of Intent to Adopt the FY2020-21 Orange County Budget**

*The items outlined below summarize decisions that the Board acted upon June 9, 2020 in approving the FY2020-21 Orange County Annual Operating Budget and the FY2020-21 (Year 1) Capital Investment Plan Budget.*

*WHEREAS*, the Orange County Board of Commissioners has considered the Orange County FY2020-21 Manager's Recommended Budget and the FY2020-21 Manager's Recommended Capital Investment Plan Budget; and

*WHEREAS*, the Commissioners have agreed on certain modifications to the Manager's Recommended Budget as presented in the FY2020-21 County Manager's Recommended Budget on May 5, 2020; and to the FY2020-21 Manager's Recommended Capital Investment Plan Budget as presented on April 7, 2020;

*NOW THEREFORE BE IT RESOLVED*, that the Orange County Board of Commissioners expresses its intent to adopt the FY2020-21 Orange County Budget Ordinance on **Tuesday**, **June 16, 2020**, based on the following stipulations:

1) **Property Tax Rates**

a) The ad valorem property tax rate shall be set at 86.79 cents per $100 of assessed valuation.

b) The Chapel Hill-Carrboro City Schools District Tax shall be set at 20.18 cents per $100 of assessed valuation.

c) The Fire District and Fire Service District tax rates shall be set at the following rates (all rates are based on cents per $100 of assessed valuation):

| | |
|---|---|
| • Cedar Grove | 8.10 |
| • Greater Chapel Hill Fire Service District | 14.91 |
| • Damascus | 10.80 |
| • Efland | 6.78 |
| • Eno | 9.68 |
| • Little River | 5.92 |
| • New Hope | 10.67 |
| • Orange Grove | 6.81 |
| • Orange Rural | 9.48 |
| • South Orange Fire Service District | 9.68 |
| • Southern Triangle Fire Service District | 10.80 |
| • White Cross | 12.37 |

2) **County Employee Pay and Benefits Plan**

Provide a County employee pay and benefits plan that includes:

a. No Wage increase or Merit pay for FY 2020-21

b. Continue the $27.50 per pay period County contribution to non-law enforcement employees' supplemental retirement accounts and the County matching employees' contributions up to $63.00 semi-monthly (for a maximum annual County contribution of $1,512) for all general (non-sworn law enforcement officer) employees; continue the mandated Law Enforcement Officer contribution of 5.0% of salary, and continue the County's required contribution to the Local Governmental Employees' Retirement System (LGERS) for all permanent employees. For FY 2020-21, the Law Enforcement Officers (LEOs) rate

increases from 9.70 to 10.90 percent of reported compensation, and all other employees rate increases from 8.95 to 10.15 percent of reported compensation.

c. Continue to participate in the North Carolina Health Insurance Pool (NCHIP), and continue medical and prescription third party administrators with Blue Cross Blue Shield of North Carolina (BCBSNC) and Prime Therapeutics, a division of BCBSNC, respectively. No increase to health appropriations, and an increase of $92,236 for dental appropriations. No increase to employee premium equivalent for health, dental, or vision insurance. No increase for health coverage premium equivalent for pre-65 retirees enrolled in the County's group plan, and an increase of $106,003 for the post-65 (Medicare eligible) retirees.

d. Maintain the current Living wage of $15.00 per hour for all permanent employees and $14.95 per hour for temporary employees.

e. Continue the additional eight hours of annual leave to be awarded at an employee's anniversary date, prorated for part time employees.

f. Continue the six-week paid parental leave policy.

3) **Modifications to County Manager's FY2020-21 Recommended Annual Operating Budget**

The following modifications to the County Manager's Recommended Budget are made:

**Adjustments to the Manager's Recommended FY2020-21 Budget**

*On June 9, 2020, the Board of County Commissioners approved the following changes to the Manager's Recommended annual operating budget for the 2020-21 fiscal year. The information below summarizes changes made by the Board.*

| Revenues | Increase | Decrease |
|---|---|---|
| **Manager's Recommended Revenue Budget** | **$239,046,307** | |
| | | |
| | | |
| | | |
| | | |
| | | |
| **Total Revenue Changes** | **$0** | **$0** |
| **Revised Revenue Budget** | **239,046,307** | |

| Expenditures | Increase | Decrease |
|---|---|---|
| **Manager's Recommended Expenditure Budget** | **$239,046,307** | |
| Fund new nonprofit Reentry House Plus, Inc. | $20,000 | |
| Use Social Justice Reserve Fund to fund Reentry House Plus, Inc. | | ($20,000) |
| Repeal Salary Increase for Commissioners | | ($12,710) |
| Reduce Debt Service Payments in FY 20-21 | | ($209,779) |
| Reduce County Match to the HOME Program | | ($3,654) |
| Fund the development of a Racial Equity Index Platform in HR & R | $35,000 | |
| Increase per pupil by $9 | $183,447 | |
| Increase to Social Justice Reserve | $7,696 | |
| **Total Expenditure Changes** | **$246,143** | **($246,143)** |
| **Revised Expenditure Budget** | **$239,046,307** | |

4) **Changes in County Staff Positions (Increase in FTE Approved).**

| COMMUNITY DEVELOPMENT FUND - RECOMMENDED | | | | | | | |
|---|---|---|---|---|---|---|---|
| Department | Position | Start Date | FTE | Total Salary and Benefits | Operating and Start-up Costs | Off-Setting Revenue or Budget Reduction | Total County Cost |
| Housing | Administrative Support II | July 2020 | 0.625 | 34,297 | 1,496 | (35,793) | - |
| Housing | Coordinated Entry Housing Specialist | July 2020 (1) | 1.000 | 60,991 | 3,020 | (64,011) | - |
| Housing | Coordinated Entry Housing Specialist | July 2020 (1) | 1.000 | 60,991 | 3,020 | (64,011) | - |
| Housing | Housing Access Coordinator | July 2020 | 1.000 | 58,012 | 5,402 | (63,414) | - |
| **Totals** | | | **3.625** | **214,291** | **12,938** | **(227,229)** | **-** |
| (1) Coordinated Entry Housing Specialist Positions start date conditional on start date of HUD Grant | | | | | | | |

5) **General Fund Appropriations for Local School Districts**

The following FY2020-21 General Fund Appropriations for Chapel Hill-Carrboro City Schools
and Orange County Schools are approved:

a) Current Expense appropriation for local school districts totals $89,012,561 and equates to a
per pupil allocation of $4,367

1) The Current Expense appropriation to the Chapel Hill-Carrboro City Schools is
$53,395,309

2) The Current Expense appropriation to the Orange County Schools is $35,617,252.

b) School Related Debt Service for local school districts totals $18,297,557.

c) Additional net County funding for local school districts totals $6,629,597.

(1) School Resource Officers and School Health Nurses Contracts - total appropriation of $3,629,597 to cover the costs of School Resource Officers in every middle and high school, and a School Health Nurse in every elementary, middle, and high schools in both school systems.
(2) Deferred maintenance funding of $3,000,000 by ADM is allocated to the school systems by the following: Chapel Hill-Carrboro City Schools appropriation is $1,799,700 and Orange County Schools appropriation is $1,200,300.

6) **Capital Investment Plan Funding for FY2020-21 (Year 1)**

The following FY2020-21 (Year 1) Capital Investment Plan Appropriations are approved:

a) Overall Total Capital Investment Plan Funding of $35,003,347

b) County Capital Projects Funding of $11,188,082

c) School Capital Projects Funding of $21,387,313

d) Water & Sewer Project Funding of $130,000; Solid Waste Project Funding of $1,375,952; and Sportsplex Project Funding of $922,000

7) **County Fee Schedule**

To adopt the County Fee Schedule to include changes in the FY2020-21 Manager's Recommended Annual Operating Budget and approved by the Board of County Commissioners on June 9, 2020.

A motion was made by Commissioner Bedford, seconded by Commissioner Price to adopt the Resolution of Intent.

**VOTE: UNANIMOUS**

The meeting adjourned at 11:42 p.m.

**VOTE: UNANIMOUS**

Penny Rich, Chair

Donna S. Baker
Clerk to the Board

Submitted for approval by David Hunt, Deputy Clerk to the Board.

**Attachment 5**

**DRAFT** **MINUTES**
**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**
**VIRTUAL BUSINESS MEETING**
**JUNE 16, 2020**
**7:00 p.m.**

The Orange County Board of Commissioners met for a Virtual Business Meeting on Tuesday, June 16, 2020 at 7:00 p.m.

**COUNTY COMMISSIONERS PRESENT**: Chair Rich and Commissioners Jamezetta Bedford, Mark Dorosin, Sally Greene, Earl McKee, Mark Marcoplos, and Renee Price
**COUNTY COMMISSIONERS ABSENT**:
**COUNTY ATTORNEYS PRESENT**: John Roberts
**COUNTY STAFF PRESENT**: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

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

Due to current public health concerns, the Board of Commissioners conducted a Virtual Business meeting on June 16, 2020. Members of the Board of Commissioners participated in the meeting remotely. As in prior meetings, members of the public were able to view and listen to the meeting via live streaming video at 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**

**Proposed Addition to the Consent Agenda, as Item o**: North Carolina Housing Finance Agency (NCHFA) – 2020 Essential Single-Family Rehabilitation Loan Pool (ESFRLP20) Award.

A motion was made by Commissioner Bedford, seconded by Commissioner McKee to add the agenda item "North Carolina Housing Finance Agency (NCHFA) – 2020 Essential Single-Family Rehabilitation Loan Pool (ESFRLP20) Award" as Item o on the Consent Agenda.

**VOTE: UNANIMOUS**

**PUBLIC CHARGE**

The Chair acknowledged the public charge.

**2. Public Comments**

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

Frances Castillo said she is the Chair of the Human Relations Commission (HRC), and wanted to share the exciting news that the annual book read will be held virtually this year. She said the book will be *Give Us the Ballot- the Modern Struggle for Voting Rights in America.* She said the discussion will be held on September 13th, from 3-5 p.m. She said the author is Ari Berman, and it is hoped that he will be able to join the discussion. She said the books read's mission statement is: "To engage, educate and enlighten residents regarding the right to vote in America. The anticipated result is to motivate residents to participate, not only in the 2020 election, but in all electoral processes: the ballot has been given, go the polls and cast it". She said this is a bipartisan discussion, and the desire is to have all residents vote.

Riley Ruske said Sunday June 14th was Flag Day. He said a citizen's petition was given to the Orange County Board of Commissioners (BOCC) last fall, asking the Board to recite the pledge at the beginning of each meeting. He asked the Board to vote on his petition.

Chair Rich said the Board has discussed this petition, and decided it wanted to discuss the petition in person, and not at a virtual meeting, and as such this petition discussion has been moved to September.

**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**

Commissioner McKee said he had no comments.

Commissioner Greene said she had no comments.

Commissioner Marcoplos said he had no comments.

Commissioner Bedford expressed her appreciation to all staff, employees and Chair Rich for working during this pandemic, and keeping the County running. She encouraged residents to get vote at home ballots.

Commissioner Price said for those who have known Ellen Reckow, the Metropolitan Planning Organization (MPO) honored her after her 30 years of public service.

Commissioner Price congratulated students for completing a challenging year.

Commissioner Price requested letters of endorsement to David Price for cosponsoring the justice and policing act, as well as to Roy Cooper for the North Carolina Taskforce for racial Equity and Criminal Justice. She said she would like to work with the Sheriff on issues such as no knock warrants, and to keep the community informed. She said to would like to encourage the Sheriff's office to continue to use de-escalation.

Commissioner Dorosin said as society looks at the role of police, he would like the Board to have a serious discussion of Security Resource Officers (SROs) in the schools. He

said many school districts have severed relationships with these police across the country. He petitioned to set up a committee with members from the Orange County Board of Commissioners and the school districts to discuss this topic.

Chair Rich asked if Commissioner Dorosin anticipates this discussion starting now.

Commissioner Dorosin said the sooner it can start, the better.

Chair Rich said she could reach out to the school boards if the Board is in agreement to set up this committee.

Chair Rich said she had a meeting with the Mayors and the UNC Acting Chancellor of Student Affairs, Jonathan Sauls. She said much more detail has been included in the UNC roadmap, and the University has reached out to the Health Department and Orange County. She said UNC is used to doing contact tracing with the students, and some students have returned. She said all have been tested, and all tests are negative thus far. She said everyone will be required to wear masks on campus, no matter where one is. She said the University is unclear as to how many students will come back to campus. She said visitors will not be allowed on the UNC Campus when the students come back. She said the University is considering its professors, as many are over the age of 60, and it plans to be flexible. She said the University is open to communication as any time.

Chair Rich said today's Covid meeting reported that Orange County is not going in the right direction, and the Health Department is trying to get more contract tracers onboard. She said it will get worse before it gets better, and the County has yet to hit the peak of its first wave. She said the rest of the state also has rising numbers, and it is unsure when the second wave will come.

Chair Rich thanked staff and managers for getting the County through these challenging times.

Chair Rich said the Board is supposed to come back in September and meet in person, and she suggested that the Board start with a hybrid meeting process.

Chair Rich said there is still time to do the census.

Chair Rich said parents in the County contacted her and reported that it has been difficult to do remote learning in some areas of the County.

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

**NONE**

**5. Public Hearings**

**NONE**

**6. Regular Agenda**

**a. <u>Approval of Fiscal Year 2020-21 Budget Ordinance, County Grant Projects, and County Fee Schedule</u>**

The Board considered voting adopt the FY2020-21 Budget Ordinance, the FY2020-21 County Grant Projects, and the FY2020-21 County Fee Schedule, consistent with the parameters outlined in the Board's "Resolution of Intent to Adopt the FY2020-21 Orange County Budget".

Travis Myren presented the item below, and this is the formal approval by the Orange County Board of Commissioners:

**Fiscal Year 2020-21**

**Budget Ordinance**
**Orange County, North Carolina**

Be it ordained by the Board of Commissioners of Orange County

**Section I. Budget Adoption**

There is hereby adopted the following operating budget for Orange County for this fiscal year beginning July 1, 2020 and ending June 30, 2021, the same being adopted by fund and activity, within each fund, according to the following summary:

| Fund | Current Revenue | Interfund Transfer | Fund Balance Appropriated | Total Appropriation |
|---|---|---|---|---|
| General Fund | $225,290,887 | $5,486,817 | $8,268,603 | $239,046,307 |
| Emergency Telephone Fund | $755,471 | $0 | $0 | $755,471 |
| Fire Districts Fund | $6,507,480 | $0 | $119,000 | $6,626,480 |
| Section 8 (Housing) Fund | $4,201,264 | $247,025 | $0 | $4,448,289 |
| Community Development Fund | $711,015 | $706,137 | $0 | $1,417,152 |
| Visitors Bureau Fund | $1,614,531 | $0 | $6,486 | $1,621,017 |
| Solid Waste Operations Enterprise Fund | $10,816,640 | $0 | $1,276,244 | $12,092,884 |
| Sportsplex Operations Enterprise Fund | $3,796,991 | $0 | $0 | $3,796,991 |
| Community Spay/Neuter Fund | $69,350 | $0 | $13,000 | $82,350 |
| Article 46 Sales Tax Fund | $4,295,168 | $0 | $0 | $4,295,168 |

**Section II. Appropriations**
That for said fiscal year, there is hereby appropriated out the following:

| Function | Appropriation |
|---|---|
| **General Fund** | |
| Community Services | $14,322,250 |
| General Government | $10,525,739 |
| Public Safety | $27,994,203 |
| Human Services | $41,614,328 |
| Education | $93,440,414 |
| Support Services | $12,773,209 |
| Debt Service | $33,410,925 |
| Transfers to Other Funds | $4,965,239 |
| ***Total General Fund*** | ***$239,046,307*** |
| **Emergency Telephone System Fund** | |
| Public Safety | $755,471 |
| ***Total Emergency Telephone System Fund*** | ***$755,471*** |
| **Fire Districts** | |

| | |
|---|---|
| Cedar Grove | $270,163 |
| Greater Chapel Hill Fire Service District | $275,386 |
| Damascus | $107,373 |
| Efland | $541,553 |
| Eno | $836,169 |
| Little River | $291,501 |
| New Hope | $762,214 |
| Orange Grove | $591,315 |
| Orange Rural | $1,516,816 |
| South Orange Fire Service District | $586,324 |
| Southern Triangle Fire Service District | $255,080 |
| White Cross | $592,586 |
| ***Total Fire Districts Fund*** | ***$6,626,480*** |
| **Section 8 (Housing) Fund** | |
| Human Services | $4,448,289 |
| ***Total Section 8 Fund*** | ***$4,448,289*** |
| **Community Development Fund (Housing Rehabilitation Initiative)** | |
| Human Services | $314,908 |
| ***Total Community Development Fund (Housing Rehabilitation Initiative)*** | ***$314,908*** |
| **Community Development Fund (Housing Displacement Program)** | |
| Human Services | $75,000 |
| ***Total Community Development Fund (Housing Displacement Program)*** | ***$75,000*** |
| **Community Development Fund (HOME Program)** | |
| Human Services | $663,925 |
| ***Total Community Development Fund (HOME Program)*** | ***$663,925*** |
| **Community Development Fund (Homelessness Partnership Program)** | |
| General Government | *$363,319* |
| ***Total Community Development Fund (Homelessness Program)*** | ***$363,319*** |
| ***Total Community Development Fund Programs*** | ***$1,417,152*** |
| | |
| **Visitors Bureau Fund** | |
| General Government | $225,199 |
| Community Services | $1,395,818 |
| ***Total Visitors Bureau Fund*** | ***$1,621,017*** |
| | |
| **Solid Waste Operations Enterprise Fund** | |
| Community Services - Solid Waste/Landfill Operations | $10,275,072 |
| Transfer to Other Funds | $1,817,812 |
| ***Total Solid Waste Operations Enterprise Fund*** | ***$12,092,884*** |
| | |

| | |
|---|---|
| **SportsPlex Operations Enterprise Fund** | |
| Community Services – Sportsplex Operations | $3,073,139 |
| Transfer to Other Funds | $723,852 |
| ***Total Sportsplex Operations Enterprise Fund*** | ***$3,796,991*** |
| **Community Spay/Neuter Fund** | |
| Community Services | $82,350 |
| ***Total Community Spay/Neuter Fund*** | ***$82,350*** |
| **Article 46 Sales Tax Fund** | |
| Community Services | $4,295,168 |
| ***Total Article 46 Sales Tax Fund*** | ***$4,295,168*** |

**Section III. Revenues**

The following fund revenues are estimated to be available during the fiscal year beginning July 1, 2020 and ending June 30, 2021, to meet the foregoing appropriations:

| Function | Appropriation |
|---|---|
| **General Fund** | |
| Property Tax | $167,694,880 |
| Sales Tax | $23,827,353 |
| Licenses & Permits | $274,550 |
| Intergovernmental | $17,710,005 |
| Charges for Services | $12,645,090 |
| Investment Earnings | $515,000 |
| Miscellaneous | $2,624,009 |
| Transfers from Other Funds | $5,486,817 |
| Appropriated Fund Balance | $8,268,603 |
| ***Total General Fund*** | ***$239,046,307*** |
| **Emergency Telephone System Fund** | |
| Charges for Services | $755,471 |
| Appropriated Fund Balance | $0 |
| ***Total Emergency Telephone System Fund*** | ***$755,471*** |
| **Fire Districts** | |
| Property Tax | $6,497,630 |
| Investment Earnings | $9,850 |
| Appropriated Fund Balance | $119,000 |
| ***Total Fire Districts Fund*** | ***$6,626,480*** |
| **Section 8 (Housing) Fund** | |
| Intergovernmental and General Government | $4,201,264 |
| From General Fund | $247,025 |
| ***Total Section 8 Fund*** | ***$4,448,289*** |
| **Community Development Fund (Housing Rehabilitation Initiative)** | |
| From General Fund | $314,908 |
| ***Total Community Development Fund (Housing Rehabilitation Initiative)*** | ***$314,908*** |
| **Community Development Fund (Housing Displacement Program)** | |

| | |
|---|---|
| From General Fund | $75,000 |
| ***Total Community Development Fund (Housing Rehabilitation Initiative)*** | ***$75,000*** |
| **Community Development Fund *(HOME Program)*** | |
| Intergovernmental | $426,299 |
| Program Income | $13,000 |
| From General Fund | $224,626 |
| ***Total Community Development Fund (HOME Program)*** | ***$663,925*** |
| **Community Development Fund (Homelessness Partnership Program)** | |
| Intergovernmental and General Government | $271,716 |
| From General Fund | $91,603 |
| ***Total Community Development Fund (Homelessness Partnership Program)*** | ***$363,319*** |
| ***Total Community Development Fund Programs*** | ***$1,417,152*** |
| | |

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| | |
|---|---|
| **Visitors Bureau Fund** | |
| Occupancy Tax | $1,243,068 |
| Sales & Fees | $500 |
| Intergovernmental | $366,963 |
| Investment Earnings | $4,000 |
| Appropriated Fund Balance | $6,486 |
| ***Total Visitors Bureau Fund*** | ***$1,621,017*** |
| | |
| **Solid Waste Operations Enterprise Fund** | |
| Sales & Fees | $10,158,176 |
| Intergovernmental | $260,793 |
| Miscellaneous | $114,671 |
| Licenses & Permits | $143,000 |
| Interest on Investments | $140,000 |
| Appropriated Reserves | $1,276,244 |
| ***Total Solid Waste Operations Enterprise Fund*** | ***$12,092,884*** |
| **Sportsplex Operations Enterprise Fund** | |
| Charges for Services | $3,796,991 |
| ***Total Sportsplex Operations Enterprise Fund*** | ***$3,796,991*** |
| **Community Spay/Neuter Fund** | |
| Animal Tax | $27,000 |
| Intergovernmental | $30,000 |
| Miscellaneous | $12,350 |
| Appropriated Fund Balance | $13,000 |
| ***Total Community Spay/Neuter Fund*** | ***$82,350*** |
| **Article 46 Sales Tax Fund** | |
| Sales Tax Proceeds | $4,295,168 |

| | |
|---|---|
| ***Total Article 46 Sales Tax Fund*** | ***$4,295,168*** |

**Section IV. Tax Rate Levy**

There is hereby levied for the fiscal year 2020-21 a general county-wide tax rate of 86.79 cents per $100 of assessed valuation. This rate shall be levied in the General Fund. Special district tax rates are levied as follows:

| | |
|---|---|
| Cedar Grove | 8.10 |
| Greater Chapel Hill Fire Service District | 14.91 |
| Damascus | 10.80 |
| Efland | 6.78 |
| Eno | 9.68 |
| Little River | 5.92 |
| New Hope | 10.67 |
| Orange Grove | 6.81 |
| Orange Rural | 9.48 |
| South Orange Fire Service District | 9.68 |
| Southern Triangle Fire Service District | 10.80 |
| White Cross | 12.37 |
| Chapel Hill-Carrboro School District | 20.18 |

**Section V. General Fund Appropriations for Local School Districts**

The following FY 2020-21 General Fund Appropriations for Chapel Hill-Carrboro City Schools and Orange County Schools are approved:

a) Current Expense appropriation for local school districts totals $89,012,561, and equates to a per pupil allocation of $4,367.
    1) The Current Expense appropriation to the Chapel Hill-Carrboro City Schools is $53,395,309.
    2) The Current Expense appropriation to the Orange County Schools is $35,617,252.

b) School Related Debt Service for local school districts totals $18,297,557.

c) Additional County funding for local school districts totals $6,629,597

    (1) School Resource Officers and School Health Nurses Contracts - total appropriation of $3,629,597 to cover the costs of School Resource Officers in every middle and high school, and a School Health Nurse in every elementary, middle, and high schools in both school systems.
    (2) Deferred maintenance funding of $3,000,000 by ADM is allocated to the school systems by the following: Chapel Hill-Carrboro City Schools appropriation is $1,799,700 and Orange County Schools appropriation is $1,200,300.

**Section VI. Schedule B Privilege Licenses**

In accordance with Schedule B of the Revenue Act, Article 2, Chapter 105 of the North Carolina State Statutes, and any other section of the General Statutes so permitting, there are hereby levied privilege license taxes in the maximum amount permitted on businesses, trades, occupations or professions which the County is entitled to tax.

**Section VII. Animal Licenses**

A license costing $10 for sterilized dogs and sterilized cats is hereby levied. A license for un-sterilized dogs and a license for un-sterilized cats is $30 per animal.

**Section VIII. Board of Commissioners' Compensation**

The Board of County Commissioners authorizes that:

- For fiscal year 2020-21, the approved budget does not include a wage increase or merit pay.
- Annual compensation for County Commissioners will include the County contribution for health insurance, dental insurance and life insurance that is provided for permanent County employees, provided the Commissioners are eligible for this coverage under the insurance contracts and other contracts affecting these benefits.
- County Commissioners' compensation includes eligibility to continue to participate in the County health insurance at term end as provided below:

    - If the County Commissioner has served less than two full terms in office (less than eight years), the Commissioner may participate by paying the full cost of such coverage. (If the Commissioner is age 65 or older, Medicare becomes the primary insurer and group health insurance ends.)

    - If the County Commissioner has served two or more full terms in office (eight years or more), the County makes the same contribution for health insurance coverage that it makes for an employee who retires from Orange County after 20 years of consecutive County service as a permanent employee. If the Commissioner is age 65 or older, Medicare becomes the primary insurer and group health insurance ends. The County makes the same contribution for Medicare Supplement coverage that it makes for a retired County employee with 20 years of service.

    - Annual compensation for Commissioners will include a County contribution for each Commissioner to the Deferred Compensation (457) Supplemental Retirement Plan that is the same as the County contribution for non-law enforcement County employees in the State 401 (k) plan. For fiscal year 2020-21, the approved budget continues the County contribution of $27.50 per pay period and a County contribution match of up to $63.00 semi-monthly.

**Section IX. Budget Control**

General Statutes of the State of North Carolina provide for budgetary control measures

to exist between a county and public school system. The statute provides:

**Per General Statute 115C-429:**
(c) The Board of County Commissioners shall have full authority to call for, and the Board of Education shall have the duty to make available to the Board of County Commissioners, upon request, all books, records, audit reports, and other information bearing on the financial operation of the local school administrative unit.

The Board of Commissioners hereby directs the following measures for budget administration and review:
That upon adoption, each Board of Education will supply to the Board of County Commissioners a detailed report of the budget showing all appropriations by function and purpose, specifically to include funding increases and new program funding. The Board of Education will provide to the Board of County Commissioners a copy of the annual audit, monthly financial reports, copies of all budget amendments showing disbursements and use of local moneys granted to the Board of Education by the Board of Commissioners.

The Board of Commissioners hereby approves the following financial policies:

- The County will not initiate any capital funding until October 1, 2020, and pending a review of the first quarter financial report, with the exception of County appropriations to the school districts and any other County Manager exceptions.
- The County will initiate measures to recoup sales tax proceeds on school capital projects through the conveyance of school property to the County with the school property reverting back to the school districts at the end of the construction period.
- The County will ensure that all monthly general ledger postings occur by the 10$^{th}$ work day of each month.
- The County will ensure that monthly financial reports are available by the 15$^{th}$ work day of each month.
- The County will not issue debt for a project until a bid award date and construction start date is established.
- Whereas, it is a best practice for governments to account for capital assets separate from their operating funds, and; Whereas, enterprise funds generally establish Renewal and Replacement Capital Funds to account for the acquisition of capital assets; Therefore,
    - **a.** The Solid Waste Renewal and Replacement Capital Fund is established to account for sources of income earmarked to fund the County Capital Investment Plan. Sources of income including debt financing proceeds, pay-as-you-go funds, and any other sources earmarked to finance acquisition of capital assets.
    - **b.** The Sportsplex Renewal and Replacement Capital Fund is established to account for sources of income earmarked to fund the County Capital Investment Plan. Sources of income including debt financing proceeds, pay-as-you-go funds, and any other sources earmarked to finance acquisition of capital assets.
- Whereas, the County intends to undertake Capital Projects as approved in Year 1 (FY 2020-21) of the Capital Investment Plan, will use its own funds to pay initial Project costs, and then reimburse itself from financing proceeds for these early expenditures. The expected primary type of financing for the Projects is installment financing under Section 160A-20. The financing may include more than one installment financing, and may include installment financings with equipment vendors and installment financings that include the use of limited obligation bonds. The Manager and Finance Officer have advised the Board that it should adopt this resolution to document the County's plans for

reimbursement, in order to comply with certain federal tax rules relating to reimbursement from financing proceeds.

- The Community Loan Fund will issue no interest loans to recipients in this program.
- The County has adopted a policy to fund no interest loans to Non-Profit organizations that meet certain financial criteria, as adopted on September 20, 2018.
- The County will include in its Travel Policy that travel expenses for Commissioners and County Staff will include the purchase of carbon offsets for any airfare and the miles traveled by Car Share vehicles.

**Section X. Internal Service Fund - Health and Dental Insurance Fund**

The Health and Dental Insurance Fund accounts for receipts of premium payments from the County and its employees, employees for their dependents, all retirees and the payment of employee and retiree claims and administration expenses. Projected receipts and fund reserves from the County and employees for fiscal year 2020-21 will be $14,085,214, and projected expenses for claims and administration for fiscal year 2020-21 will be $14,085,214.

**Section XI. Agency Funds**

These funds account for assets held by the County as an agent for other government units, and by State Statutes, these funds are not subject to appropriation by the Board of County Commissioners, and not included in this ordinance.

**Section XII. Encumbrances**

Operating funds encumbered by the County as of June 30, 2020 are hereby reappropriated to this budget.

**Section XIV. Capital Projects & Grants Fund**

The County Capital Improvements Fund, Schools Capital Improvements Fund, Proprietary Capital Funds, and the Grant Projects Fund are hereby authorized. Appropriations made for the specific projects or grants in these funds are hereby appropriated until the project or grant is complete.

The County Capital Projects Fund FY 2020-21 budget, with anticipated fund revenues of $11,188,082 and project expenditures of $11,188,082 is hereby adopted in accordance with G.S. 159 by Orange County for the fiscal year beginning July 1, 2019, and ending June 30, 2020, and the same is adopted by project.

The School Capital Projects Fund FY 2019-20 budget, with anticipated fund revenues of $21,387,313, and project expenditures of $21,387,313 is hereby adopted in accordance with G.S. 159 by Orange County for the fiscal year beginning July 1, 2020, and ending June 30, 2021, and the same is adopted by project.

The Proprietary Capital Funds FY 2020-21 budget, consisting of Water and Sewer Utilities, Solid Waste, and Sportsplex, with anticipated fund revenues of $2,427,952, and project

expenditures of $2,427,952 is hereby adopted in accordance with G.S. 159 by Orange County for the fiscal year beginning July 1, 2020, and ending June 30, 2021, and the same is adopted by project.

The Solid Waste Renewal and Replacement Capital Fund FY 2020-21 budget, with anticipated sources of income of $2,368,764, and anticipated expenditures of $2,368,764 is hereby adopted in accordance with G.S. 159 by Orange County for the fiscal year beginning July 1, 2020, and ending June 30, 2021.

The Sportsplex Renewal and Replacement Capital Fund FY 2020-21 budget, with anticipated sources of income of $1,645,852, and anticipated expenditures of $1,645,852 is hereby adopted in accordance with G.S. 159 by Orange County for the fiscal year beginning July 1, 2020, and ending June 30, 2021.

The County Grant Projects Fund FY 2020-21 budget, with anticipated fund revenues of $658,901, and project expenditures of $658,901, is hereby adopted in accordance with G.S. 159 by Orange County for the fiscal year beginning July 1, 2020, and ending June 30, 2021, and the same is adopted by project.

Any capital project or grant budget previously adopted, the balance of any anticipated, but not yet received, revenues and any unexpended appropriations remaining on June 30, 2020, shall be reauthorized in the FY 2020-21 budget.

**Section XVI. Contractual Obligations**

The County Manager is hereby authorized to execute contractual documents under the following conditions:

1. The Manager may execute contracts for construction or repair projects that do not require formal competitive bid procedures, and which are within budgeted departmental appropriations, for which the amount to be expended does not exceed $250,000.
2. The Manager may execute contracts for general and/or professional services which are within budgeted departmental appropriations, for purchases of apparatus supplies and materials or equipment which are within the budgeted departmental appropriations, and for leases of property for a duration of one year or less and within budgeted departmental appropriations for which the amount to be expended does not exceed $89,999.

3. Subject to prior Board of County Commissioner authorization at an official Board meeting, the Manager is authorized to execute contracts, their amendments and extensions, in amounts otherwise reserved for Board approval and execution by the Chair, up to the Board-approved budgetary amount for a project or service that has been approved by the Board of County Commissioners in the current year budget.

4. Contracts executed by the Manager shall be pre-audited by the Chief Financial Officer and reviewed by the County Attorney to ensure compliance in form and sufficiency with North Carolina law.

5. The Manager may sign intergovernmental service agreements in amounts under $90,000.

6. The Manager may sign intergovernmental grant agreements regardless of amount as long as no expenditure of County matching funds, not previously budgeted and approved by the Board, is required. Subsequent budget amendments will be brought to the Board of County Commissioners for revenue generating grant agreements not requiring County matching funds as required for reporting and auditing purposes.

7. The Manager and Attorney will provide a quarterly report to the County Commissioners showing the type and amount of each intergovernmental agreement signed by the Manager.

This budget being duly adopted this 16th day of June 2020.

| | |
|---|---|
| Donna Baker, Clerk to the Board | Penny Rich, Chair |
| Renee Price, Vice-Chair | Jamezetta Bedford |
| Mark Dorosin | Sally Greene |
| Mark Marcoplos | Earl McKee |

**PUBLIC COMMENT:**

Riley Ruske said Orange County has the highest property and sales tax rate in the state, and this year residents will be hit with a higher tax rate due to the revaluation. He said due to increase in County spending there will be a 6% property tax increase over the next few years. He said there is no relief in sight for residents, and the County government is bloated with wasted funds.

Kristin Driggers said during the last meeting Chair Rich suggested creating an emergency technology fund by reallocating library funding, and the Orange County Board of Commissioners voted instead to fund the Chapel Hill Library. She implored the BOCC to reconsider its vote.

Sonia Dashe echoed the previous speaker. She asked if the Board would please delay its vote on the budget, and reexamine it from an equity mindset in order to benefit the community from a human services role, as opposed to punishment.

Commissioner Price referred to the County fee schedule, and said it is out of date. She asked if the staff could update it over the summer.

A motion was made by Commissioner Price, Commissioner Bedford seconded by for the Board to adopt the FY2020-21 Budget Ordinance, the FY2020-21 County Grant Projects, and

the FY2020-21 County Fee Schedule, consistent with the parameters outlined in the Board's "Resolution of Intent to Adopt the FY2020-21 Orange County Budget".

**VOTE: UNANIMOUS**

**b. <u>Approval of the Orange County Capital Investment Plan Projects of $35,003,347 for FY2020-21</u>**

The Board considered voting to approve the Orange County Capital Investment Plan Projects of $35,003,347 for FY2020-21.

**BACKGROUND:** For over 20 years, the County has produced a Capital Investment Plan (CIP) that establishes a budget planning guide related to capital needs for the County as well as Schools. The current CIP consists of a 5-year plan that is evaluated annually to include year-to year changes in priorities, needs, and available resources. Approval of the CIP commits the County to the first year funding only of the capital projects; all other years are used as a planning tool and serves as a financial plan.

**Capital Investment Plan – Overview**
The FY2020-21 (Year 1) CIP includes County Projects, School Projects, and Proprietary Projects. The School Projects include Chapel Hill Carrboro City Schools, Orange County Schools, and Durham Technical Community College – Orange County Campus projects. The Proprietary Projects include Water and Sewer, Solid Waste Enterprise Fund, and Sportsplex projects.

At the June 9, 2020 Budget Work Session, the Board of County Commissioners approved the Intent to Adopt the FY 2020-21 (Year 1) funding of the Capital Investment Plan. Final decisions on a Five-Year CIP will be considered by the Board in September 2020.

Commissioner Bedford said, out of an abundance of caution to protect her CPA license, she expects to vote no on years 2 and 3 in September, due to wanting to avoid any possible impropriety and conflict with the LGC.

Commissioner Dorosin asked if years 2 and 3 were already approved at last week's meeting.

Travis Myren said the Board is just approving year one tonight for the planning, and the rest of the plan will be reviewed in September.

Commissioner Dorosin said that was not his understanding of last week's decision, and he thought in September the Board was just making off set cuts on which it could not decide last week.

Travis Myren said as of now, the Board does not have years 2 and 3. He said the Board is not accepting years 2 and 3 tonight.

Commissioner Dorosin said it is his understanding that the Board would pick up, in September, where it left off on June 9th. He said the remaining conversation is to determine the offsetting cuts. He said he wanted to be clear that the majority of the Board voted to move the projects into years 2 and 3, and he does not want to re-visit the Board's vote in September.

Travis Myren said the Board can start there.

Commissioner Dorosin said he knows the Board can start there, but he wants to make it clear that the Board is obligated to start there, due to the vote that was taken last week. He said he does not want to get September and have to revote.

Bonnie Hammersley said the motion that was passed last week was to move the project to years 1, 2 and 3, and the only way to change that is for someone who voted for this last week to rescind their vote. He said the Local Government Commission (LGC) does not require a CIP Plan, rather it is a best practice. She said the Board only votes on year 1, with the rest of the plan being conceptual, and voted on officially in consecutive years. She said the Board affirmatively voted to move the project to years 1, 2 and 3, but did not determine any offsets for years 2 and 3.

Commissioner Dorosin said that is correct, as he understands it.

Commissioner Marcoplos said his understanding was that the conversation was to pick up in September about the offsets for years 2 and 3. He said he is having difficulty supporting the offsets in year one, because none of the Board clearly understands the implications of those offsets.

Bonnie Hammersley said the CIP has detailed information on every project in the budget, and if the Board needs more information, it should let staff know.

Commissioner Dorosin said he wanted to follow up on Commissioner Marcoplos' point. He said he did look through the CIP very closely to find the offsetting costs he proposed, and he is aware of the implications of these cuts. He said the decision of what to cut was not easy.

Commissioner Marcoplos said he wants to point out the distinction between knowing what each dollar is spent on these projects versus what will happen if the projects are not completed. He said he hopes the Board of County Commissioners (BOCC) can have a wider discussion in the fall. He said he is confident that Commissioner Dorosin did diligent work in proposing the cuts that he did.

A motion was made by Commissioner Dorosin, seconded by Commissioner Bedford for the Board to approve funding and adopt the Orange County Capital Investment Plan projects for FY2020-21 (Year 1), as stated in Attachment 1.

**VOTE: UNANIMOUS**

**c. <u>Approval of Small Business Program Modifications</u>**

The Board considered voting to:

1) Establish the Small Business Fund on the County's Books and Chart of Accounts;
2) Approve the transfer of the remaining balance of $510,000 from the Small Business bank account to the County's bank account, of which $410,000 is to be used for Emergency grants to small businesses and the remaining $100,000 and any residual balances to be deposited in the County's bank account;
3) Approve the Staff and Small Business Loan Board recommendation for the eventual dissolution of the nonprofit entity named the Orange County Small Business Loan Company Program; and
4) Approve the Staff and Small Business Loan Board recommendation to make all 11 existing loans with an outstanding balance of $286,508.17 as zero interest and subsequent Small Business Loans as zero interest.

Gary Donaldson, Chief Financial Officer, presented the item below:

**BACKGROUND:**

In December 1997, the BOCC approved Articles of Incorporation and Bylaws establishing the nonprofit Orange County Small Business Loan (SBL) Company. Staff and the Small Business

Loan Board are recommending the eventual dissolution of the nonprofit SBL and transferring all funds and the financial administration of the program to County's books and existing policies and procedures. The rationale is that the County's financial administration will provide enhanced system controls through a better financial ledger and software infrastructure, redundancy and systems support than the current SBL financial subsidiary ledger.

Key historical milestones for the SBL Program nonprofit are as follows:

**October 6, 1998 BOCC Meeting**
Operating Policies and Procedures document was approved by BOCC.

**September 1999** - Articles of Incorporation for the Orange County Small Business Loan Program Company were issued by the N.C. Secretary of State.

**March 21, 2000 BOCC Meeting**
The BOCC approved a Loan Program resolution which included a nine-member Board of Directors comprised of three county officials (County Finance Director, County Manager, and Economic Development Director) and six bank representatives.

**March 13, 2007 BOCC Meeting**
Economic Development staff presented recommendations to reorganize and provide capital to the Loan Program. The Economic Development Commission Advisory Board and SBL Board endorsed the recommended changes including $150,000 to the SBL to establish a revolving loan fund which was approved the BOCC.

**November 5, 2007 BOCC Meeting**
Economic Development staff presented revised Bylaws and requested a Resolution which was approved by the BOCC.

**January 15, 2008 BOCC Meeting**
The Board approved changes to the SBL Bylaws to modify the Board of Directors to the current composition:

- 1 BOCC Member
- 2 Small Business Owners
- 2 Local Commercial Bankers
- 1 Economic Development Commission
- Orange County Economic Development Director
- Orange County Finance Director

**2010** – Former County Manager Frank Clifton directed $200,000 from the Orange County/Chapel Hill Visitors Bureau's Fund Balance to the SBL program.
**November 2011** – The one quarter cent sales tax referendum (Article 46) was approved by Orange County voters in November 2011, providing the SBL Loan program $200,000 annually in additional lending capital.

**January 2016** – The Department of Economic Development's active marketing of the SBL program resulted in the use of assigned Article 46 fund balance to supplement the original seeded funds to issue Small Business loans.

**February 7, 2020**
The SBL Board of Directors endorsed recommended changes by the departments of Finance and Economic Development including:

1) Making all Small Business Loans zero interest
2) Enhancing Collections mechanisms to include electronic funds transfer and use of Collection Agencies
3) Revised Small Business practices to conform with the Department of Finance Policies and Procedures Manual

**FINANCIAL IMPACT:** This item proposes to establish the Small Business Loan Fund on the County's Books and Chart of Accounts, and transfer $510,000 from the SBL bank account, of which $410,000 will be used to provide Emergency Small Business grants to businesses impacted by the pandemic. Budget amendments are forthcoming to effectuate these actions.

Gary Donaldson made the following PowerPoint presentation:

**Small Business Program Modifications**
**June 16, 2020 Business Meeting**

**Background**
1997- Board of County Commissioners (BOCC) approved Bylaws and Articles of Incorporation establishing the nonprofit Orange County Small Business Loan (SBL) December 1997

2008- BOCC Approved the current Small Business Loan Board Composition-

- 1 BOCC Member
- 2 Small Business Owners
- 2 Local Commercial Bankers
- 1 Economic Development Commission
- Orange County Economic Development Director
- Orange County Finance Director

❖ Source of funding is Article 46 Sales Tax revenue

❖ SBL program is managed by the Economic Development Department

**Abstract Purpose**

❖ Establish the Small Business Fund on the County's Financial System
❖ Enhanced Policies and Procedures and Controls
❖ Transfer of all remaining balance of $510,000 and accrued balances from the SBL bank account to the County's bank account
❖ Make all outstanding 11 loans (current balance $286,508.17) zero interest and all new loans zero interest
❖ Eventual dissolution of the SBL nonprofit as unanimously voted by the SBL Board

**Dissolution of Small Business Nonprofit**

❖ Transfer funds from Small Business Loan Company to County General Account
❖ Establish County General Ledger Accounts for Income Statement and Balance Sheet reporting
❖ Loan Board Chair submits letter to County Manager ( date to be determined)

- ❖ Complete requisite dissolution forms to NC Secretary of State and Internal Revenue Service

**Policies and Procedures Enhancements**

- ❖ All Financial Transactions to mimic County Financial Policies
- ❖ Authorized Bank Signatures Defaults to County Manager and Finance Director
- ❖ Create Small Business Fund in Tyler MUNIS Financial System to record all financial transactions including tracking Accounts Receivables (A/R)
- ❖ Escalate all outstanding AR balances and take appropriate collection actions

Board Action Steps

- ❖ Approve Staff recommendations
  - Dissolution of SBL nonprofit
  - Conformance to County Policies and Procedures

**Questions/Comments**

Commissioner Price asked if there will be an advisory board.

Gary Donaldson said yes, the Small Business Loan Committee.

Commissioner Bedford thanked staff for moving the data to the County, and she supported the 0% interest loans. She said the Small Business Loan Committee is a great to work with, and the public needs to be better informed that this program exists.

Commissioner Dorosin asked if the status of this committee, moving forward, could be identified.

Gary Donaldson said the pandemic has put everything on pause, but once the status quo returns, the committee will go back to giving out loans.

Commissioner Dorosin asked if this committee is the same one that is overseeing the emergency loan program.

Chair Rich said no it is not, but there are some committee members that overlap between the two groups.

A motion was made by Commissioner Bedford, seconded by Commissioner Price for the Board to:

1) Establish the Small Business Fund on the County's Books and Chart of Accounts;
2) Approve the transfer of the remaining balance of $510,000 from the Small Business bank account to the County's bank account, of which $410,000 is to be used for Emergency grants to small businesses and the remaining $100,000 and any residual balances to be deposited in the County's bank account;
3) Approve the Staff and Small Business Loan Board recommendation for the eventual dissolution of the nonprofit entity named the Orange County Small Business Loan Company Program; and
4) Approve the Staff and Small Business Loan Board recommendation to make all 11 existing loans with an outstanding balance of $286,508.17 as zero interest and subsequent Small Business Loans as zero interest.

**VOTE: UNAIMOUS**

**d. Amendments to the Orange County Solid Waste Ordinance Regarding Disposal of Construction and Demolition Waste at Waste and Recycling Centers**

The Board considered voting to:

1) approve a proposed resolution amending the Solid Waste Ordinance with the amendments becoming effective August 3, 2020;
2) direct solid waste staff to consistently enforce Section 34-40 of the Solid Waste Ordinance related to construction and demolition waste as set forth in the amended Ordinance beginning August 3, 2020; and
3) in the interim, pursue a public education effort to inform the public and also make signage improvements at the various Centers to educate the public and enhance administration of the Ordinance provisions.

Robert Williams, Solid Waste Director, presented this item:

**BACKGROUND:** The Orange County Waste and Recycling Centers (Centers) were established for the disposal of household municipal solid waste and recycling. Specifically, the Orange County Solid Waste Ordinance provides in Section 34-40 that Centers are maintained at selected locations throughout the County for the convenience of County residents. The Section provides a list of wastes that may not be accepted at convenience centers, including commercial waste, institutional waste, industrial waste, land clearing waste, and construction waste and demolition waste. In contrast, the Ordinance specifically provides a list of materials that, if there is a specifically designated area for collection, may be deposited at the Centers, including white goods, furniture, yard waste and tires. These Ordinance provisions have been in effect since May of 1993.

A recent audit of the Centers highlighted that the Ordinance was not being consistently administered by some of the Solid Waste staff. The Centers have traditionally allowed a "wheelbarrows" worth of construction and demolition waste to be deposited in the bulky waste area as an accommodation to residential users of the sites. This amount was being inconsistently applied by staff. In addition, it became apparent that construction and demolition waste of a commercial nature was also being brought to the sites. Individuals that were renovating homes for commercial purposes were bringing or causing large quantities of material
to be brought to the sites.

Staff's recommendation proposes amending the Ordinance to allow for up to 36 cubic feet of residential construction and demolition waste per household per day or weekend period from the users' primary residence. The goal is to support Orange County residential customers disposing of material from a "Do It Yourself" project. The proposed 36 cubic feet quantity was determined using a pickup truck with a 6 foot bed, which is equal to 90 cubic feet of space. Because of limited space and to discourage business usage, 36 cubic feet of material is proposed to be the maximum amount of construction and demolition debris that can accepted.

To further support those goals, the proposed revision to the Ordinance would require that proof of residency be provided prior to unloading of material, hired contractors could not use the Center, and loads exceeding the designated limits will not be accepted. In addition, customers attempting to enter a Center with loads exceeding 36 cubic feet of construction and demolition waste would be declined and not permitted to dispose of any material.

The amendments as proposed also specify the types of waste deemed construction and demolition wastes for this purpose. The materials are those items that are allowed at the

Orange County Construction and Demolition Landfill. Containers for the allowable construction and demolition waste would be available at the Eubanks, Walnut Grove, High Rock and Ferguson Centers. Materials delivered to the C&D containers would then be delivered to the Orange County Construction and Demolition Landfill. (It should be noted that there is not sufficient space to collect material at the Bradshaw Quarry Center, and individuals bringing allowable C&D material to that location will be directed to another Center.)

**FINANCIAL IMPACT:** Current conservative estimates are that 20-25% of bulky wastes delivered to the Waste and Recycling Centers are construction and demolition wastes. Tipping fees for those materials are estimated to be $75,000-$88,000 per year. Increasing the amount of allowable construction and demolition wastes may result in the tipping fees paid to outside vendors to go down $75,000-$88,000 per year resulting
$10,000.

Commissioner McKee said he appreciated the clarification on the cost, and the potential decrease in anticipated cost. He said he is fine with everything, except the 36 cubit feet.

Commissioner Price said she is unclear on the financial impact, and how the County is losing money.

Robert Williams said whoever is allowed to dump construction and demolition (C&D) debris, it is hauled to another entity in Durham, and then the landfill in another County. He said Orange County is not collecting any fees for that.

Commissioner Price said there are tipping fees of $75,000-88,000, and she asked from where these fees come.

Robert Williams said Durham has tipping fees of $47.50 per ton, and Orange County averages 1900 tons of C&D, which is ending up at waste and recycling centers, which is not allowed. He said if this same amount of C&D is delivered to the Orange County landfill at $42 per ton, it is a savings of around $11,000.

Commissioner Price asked if the phrase, “per weekend period” could be clarified.

Robert Williams said that means Saturday or Sunday. He said there are more users on the weekend.

Commissioner Dorosin asked if the photos in the abstract could be explained. He said the first picture is of truck taken from the back, and the second is a picture of a truck taken from the side.

Robert Williams said the first picture shows what 36 cubic feet looks like when it is brought in in the back of an 8 foot pick up truck. He said the second picture shows larger, oversize objects, which hang over the edge of the truck, but would still be accepted because one can still see part of truck bed.

Commissioner Dorosin said the abstract says, “36 cubic feet of quantity is equal to 96 cubic feet of space,” and asked if this could be explained.

Robert Williams said 96 cubic feet of space is the space in a 6-foot pick up bed.

Commissioner Marcoplos asked if there could be a C&D dumpster at each Solid Waste Convenience Center (SWCC), that was policed for amounts, but then dumped into Orange County’s landfill.

Bonnie Hammersley said that is the $10,000 savings to which Robert Williams’ referred in the financial impact. She said SWCC staff would segregate it and send it to the County’s own C&D landfill, as opposed to sending it to Durham.

Robert Williams said with the increase in the number of tons coming into the C&D Landfill, the useable air space will start to be taken up. He suggested that the Board just keep this in mind.

Commissioner Greene asked if there is a plan to enforce these limits.

Robert Williams said through staff training and experience. He said staff will have to judge if a load meets the threshold.

Commissioner Greene asked if there is a reason for choosing 36 cubic feet, and if there is a reason to not go with Commissioner McKee's recommendation of 60 cubic feet.

Robert Williams said his department did some testing, and observed residents typical loads when completing a small home project. He said 36 cubic feet seemed to fall within a typical amount. He said the amounts may go over every now and then, as long as staff has made a good faith effort to judge the amount properly.

Commissioner Greene asked if, based on what his department sees people doing in reality, 36 cubic feet enough to satisfy the problem.

Robert Williams said his department wants to discourage commercial construction from bringing C&D waste.

Commissioner Green asked if regular, non-commercial, residents be able to work with the 36 cubic feet.

Robert Williams said yes.

Commissioner McKee asked if $42 dumping fee is the minimum at the C&D landfill.

Robert Williams said there is a scale there, and it is $22 for up to 1000 pounds in a pick up truck or trailer. He said 1000-1999 pounds is prorated at the landfill, and if waste is brought in a car, and not a pick up truck, there is a flat rate of $5.

Commissioner McKee asked if there is a plan in place to make a change, should the 36 cubic feet be insufficient. He said he is concerned that debris will be found on the side of the road.

Robert Williams said data could be reviewed next year, and any changes as needed.

Commissioner McKee said he disagrees with the amount, and he has problems with illegal dumping on his farm, and he thinks the problem will spread. He said contractors are easy to identify, as well as rental property owners, and he is concerned about regular citizens. He said a compromise would be 60 cubic feet, given that the default policy has been 120 cubic feet for many years. He said 60 cubic feet could be evaluated after a year, just as easily as 36 cubic feet could be.

Chair Rich asked if rental property owners are considered commercial.

Robert Williams said yes, as it is not the owner's primary residence.

Commissioner McKee said commercial dumpers are easy to identify after one or two visits. He said enforcement on commercial contractors will be key, and he understands this may be uncomfortable for staff at times, but it is necessary to protect residential users who pay taxes for solid waste services.

**Resolution of Amendment**

**A Resolution Amending Chapter 34 of the Orange County Code of Ordinances**

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

Whereas, the Solid Waste Ordinance (the "Ordinance") was enacted by the Orange County Board of Commissioners in May, 1993, and

Whereas, the Ordinance establishes convenience centers for the disposal of residential household waste by Orange County residents, and

Whereas, the Ordinance specifically sets forth materials that are not to be brought to the Orange County convenience centers, now referred to as the Waste and Recycling Centers (the Centers), and

Whereas, the Ordinance specifically provides that Construction and Demolition Waste is not allowed at the Centers, and

Whereas, the Board has determined that it is in the interests of the County to allow limited amounts of residential Construction and Demolition Waste to be deposited at the Centers by Orange County residential users; and

Whereas, there is also one provision in the Ordinance that related to the MSW landfill that was closed in 2013 and is no longer relevant.

NOW, therefore be it ordained that the Code of Ordinances, Orange County, North Carolina, Chapter 34, is hereby amended in section 34-40 thereof to read as set forth on the attachment hereto.

This Amendment shall become effective on August 3, 2020.

Adopted by the Orange County Board of Commissioners this ____ day of June, 2020.

A motion was made by Commissioner Marcoplos, seconded by Commissioner Dorosin for the Board to:

1) approve the attached proposed resolution amending the Solid Waste Ordinance with the amendments becoming effective August 3, 2020;
2) direct solid waste staff to consistently enforce Section 34-40 of the Solid Waste Ordinance related to construction and demolition waste as set forth in the amended Ordinance beginning August 3, 2020; and
3) in the interim, pursue a public education effort to inform the public and also make signage improvements at the various Centers to educate the public and enhance administration of the Ordinance provisions.

Commissioner McKee offered a non-friendly amendment to change the 36 feet to 60 cubic feet.

Commissioner Price seconded.

Commissioner Price said initially she had no qualms with this as written, but Commissioner McKee has used SWCC for years, and she respects his comments and input on what is most reasonable to for those who regularly use SWCCs.

Commissioner Greene asked if the resolution includes a provision to review the issue in a year's time.

Chair Rich said it is not in there.

Commissioner McKee said he would accept Commissioner Greene's suggestion to re-evaluate the matter after a year.

Commissioner Price agreed.

Commissioner Marcoplos said he has been using these same SWCC dumpsters for years, which informed his motion as well.

Commissioner Greene said the current practice has been 120 cubit feet, and 60 cubic feet seems a more reasonable reduction than 36 cubic feet.

**VOTE: ON AMENDMENT**

**Ayes, 4 (Commissioner Greene, Commissioner Bedford, Commissioner Price, Commissioner McKee); Nays, 3 (Chair Rich, Commissioner Marcoplos, Commissioner Dorosin)**

**MOTION PASSES**

A motion was made by Commissioner McKee, seconded by Commissioner Bedford for original motion with amendment included

**Ayes, 4 (Commissioner Bedford, Commissioner Greene, Commissioner, Price Commissioner McKee); Nays, 3 (Commissioner Price, Commissioner Marcoplos, Commissioner Dorosin)**

**MOTION PASSES**

**7. Reports**

**a. <u>Report from Sheriff Charles Blackwood on Policing, Racial Justice, and Equity in Orange County</u>**

The Board received a report on the Sheriff's efforts to achieve more equitable policing.

**BACKGROUND:**
Against the backdrop of the devastating deaths of George Floyd, Breonna Taylor, and David McAtee, the topic of equity and racial justice in policing has come in to sharp focus on both the national and local stages. Sheriff Blackwood will address the Commissioners about the efforts of the Sheriff's Office to build community trust, address implicit bias, and identify and implement best practices to address racial disparities in policing.

Sheriff Blackwood said recent events have shocked the community. He said this is the first time society has seen slow motion action before its very eyes. He said it was painful, and many are asking what is being done locally to make sure similar things do not happen here. He said, as a law enforcement leader, he must acknowledge that he is a part of systemic racism. He said his department has made, and continues to make, positive changes, and much great work has been done. He said many residents may not know about this good work, and he welcomes the newly generated interested in making long lasting change to prevent further murders. He said Orange County is doing well, but he knows this can change in an instant.

Sheriff Blackwood said there has been discussion about defunding law enforcement, and it is important to note that Orange County began diverting funds years ago to the Community Resource Court, which was new, innovative, and many were skeptical of its success. He said it has proven itself to be an excellent process. He said it is a different, and positive, experience. He said there are going to be sweeping changes in the courts. He said the changes will be good, but will be uncomfortable for many. He said Orange County has invested in its court system, all of which occurred because of partnerships and re-directing funding that was going to his office to these court programs instead. He said law enforcement is not trained and equipped to handle all social problems, and it is better to let those who are trained should be handling mental health, drug addiction, etc. He said he brought in verbal judo

de-escalation two years ago, and made it available to all County employees, as well as law enforcement throughout the state. He said there is peer support within the jails, which spread to emergency rooms, and allows people to support each other. He said pre-trial supervision and medicated assisted treatment are other programs where Orange County led the way. He listed many other ways that Orange County is creatively approaching law enforcement with great humanity, patience, and holistic planning to help people succeed and be diverted away from the criminal justice system in the first place.

Sheriff Blackwood said he serves on the Racial Justice Task force in Orange and Chatham Counties, where a lot of good work is being done. He said he serves as a Commissioner on the North Carolina Governor's Crime Commission, and is on a special workgroup that is addressing pretrial supervision, bail and bond reform. He said this group has made recommendations to the Governor that will greatly impact the criminal justice system, and provide timely review of first appearances. He said there will also be mandatory training for judges and magistrates. He said there are strong initiatives around the state, as well as locally.

Sheriff Blackwood said he is going to put the brakes on the purchase of the mobile command center, and instead will be using those funds for hiring a licensed clinical social worker to be housed with his community resource division's crisis intervention team, as well as hosting specialized training for all NC law enforcement, and any other departments who would like to attend.

Sheriff Blackwood thanked Chair Rich for helping him through these past two weeks since the death of George Floyd, and helping him work through some questions he had moving forward. He said he and Chair Rich have formed a partnership out of these challenges, despite being from radically different backgrounds. He said petty differences must be put aside, in order to work together for governmental change and action. He said he is so proud and fortunate to work with the Board and staff that exists in Orange County.

Commissioner McKee said he appreciated the Sheriff's comments, and the litany of programs he listed. He said he knows that the community may not know about all of these programs, but together they can serve the community. He said he is old enough to remember how some of these problems were addressed in the past, and he is thankful that things are continuing to change.

Commissioner Dorosin thanked Sheriff Blackwood for providing this report and he is encouraged by the Sheriff's engagement beyond the County. He said he is also greatly encourage by the decision with the command center, and re-deploying the funds to other programs. He said the question of SROs is also something to consider for these funds. He said part of this engagement involves hearing from the community in a public forum, and the next agenda item will look more closely at this need.

Sheriff Blackwood said the SRO issue is going to be something that the schools are discussing. He said the schools originally requested the SROs, and there is an opportunity to change the face of law enforcement in the schools. He said there has to be a way to close the gap of the response between the incident and the arrival of law enforcement. He said this will be an ongoing discussion.

Sheriff Blackwood said he has already started having community discussions, and he serves all people of the County. He said he is going on the road to talk to anyone. He said he would like to have known about the forum before it was proposed publically, so he did not appreciate how the community forum idea transpired. He said he can get over that, and they can move forward together.

Commissioner Dorosin said the intent was to for all of them to put something together collectively.

Commissioner Greene said she appreciated the Sheriff's comments tonight, and she especially pleased to hear of the redirection of the forfeiture funds.

Commissioner Marcoplos said he may not have used the word forum in his conversation with Sheriff Blackwood, but he talked about the need for a community process, and did lead the conversation by saying that the Sheriff had a lot of experience to share. He said more people want to engage this conversation, and Orange County is not Minneapolis. He said what Sheriff Blackwood has been talking about tonight is so important. He said so many residents are uninformed about what is currently being done, and this is the moment not to be missed, and they owe it the community to have this discussion now.

Sheriff Blackwood said they just need to keep moving forward.

Chair Rich thanked Sheriff Blackwood for coming to speak tonight and sharing with the Board. She said she and the Sheriff do often come from different perspectives, but all can work together regardless.

Commissioner Price said Sheriff Blackwood has been open and out in the community, and she is wondering why a forum is needed. She said she has held two community forums in the past, and Sheriff Blackwood always joined. She said a resolution was totally unnecessary, and it was just a matter of calling the Sheriff, and he was always available.

Commissioner Bedford said the Sheriff's department and Caitlin Fenhagen, Criminal Justice Resource Director, are instrumental in the behavioral health committee in Orange County. She said she knew of SROs in the schools but until she became a Commissioner, she has learned so much more. She shared a personal story about her daughter. She said the community needs to know all that the Sheriff's Department is involved in within the community.

Commissioner Dorosin said the purpose of the resolution is for the Orange County Board of Commissioners to go on record that it wants to have a community forum that is sponsored by the BOCC, and held in collaboration with the Sheriff.

Commissioner McKee said he usually does not engage in social media except to find out what is going on in his community. He said last week he saw a picture and video of a military vehicle, which was completely inaccurate and ill informed. He said the Sheriff has a vehicle that is not like the one in the video, and he asked if the Sheriff would clarify the vehicle that his department currently has.

Sheriff Blackwood said his department has a mine resistant, armored personnel carrier, an MRAP, which is stripped down. He said it is a defensive tool that been used three times: a high water rescue in Chapel Hill, where the vehicle was ultimately not needed; in Carrboro, where an armed subject had been in a house for about 12 hours and the Sheriff's department was called to get the gentleman out of the home and get him to safety and services; and the third time it was needed was a high water rescue in the eastern part of the state, but was never used. He said there is no weaponry on the vehicle, and it is to deploy deputies in a safe manner.

Commissioner McKee said it is like his own two-ton truck he has on his farm; a high water truck.

**RECOMMENDATION(S):** The Manager recommends that the Board receive the report from Sheriff Blackwood, and be apprised of this information.

**b. <u>Discussion on a Potential Community Forum Regarding Policing and Racial Justice and Equity in Orange County</u>**

The Board discussed and considered voting to approve a potential community forum regarding policing and racial justice and equity in Orange County and a resolution calling for such a forum.

Commissioner Dorosin and Commissioner Marcoplos presented this item:

**BACKGROUND:**
Commissioners Mark Dorosin and Mark Marcoplos recently shared the attached resolution with other Board members and suggested the Board might want to discuss this topic and potential consideration of the attached resolution.

Commissioner Dorosin said the resolution speaks for itself, and the Board should take a vote and make a commitment. He said it is critical that the Board take a position on whether or not it wants to do this.

Commissioner Dorosin read the resolution:

**A RESOLUTION CALLING FOR A COMMUNITY PUBLIC FORUM TO DISCUSS ISSUES OF POLICING AND RACIAL JUSTICE AND EQUITY IN ORANGE COUNTY**

WHEREAS, the residents of Orange County, North Carolina are committed to discussing and addressing issue of structural racism, inclusion, racial equity, and the continuing legacy of racial segregation and discrimination in this community; and

WHEREAS, on June 2, 2020, the Board of County Commissioners adopted "A Resolution denouncing the murder of George Floyd and addressing the health director's declaration of structural racism as a "public health crisis" in Orange County" and committed to working to dismantling structural racism; and

WHEREAS across the nation local governments and the communities they represent are engaging in a wide-ranging review of police policies and practices in light of these tragic events, and

WHEREAS Orange County places a high priority on community engagement, participation, and transparency; and

WHEREAS unlike municipalities in our state, which directly control their police departments, the Sheriff is an independently elected official under the North Carolina Constitution and the Sheriff's Office is an independent county agency, but by this resolution seeks it's partnership in addressing these issues.

NOW THEREFORE, BE IT RESOLVED that the Orange County Board of Commissioners will conduct a community public forum to discuss issues of policing and racial justice and equity in Orange County, and

BE IT FURTHER RESOLVED that the Orange County Board of Commissioners will request that the Sheriff and the Sheriff's Office be a full and equal partner with the BOCC in planning, organizing, and leading the forum.

This, the 16th Day of June, 2020.

Commissioner Dorosin said Orange County is not a city, and the Sheriff is not their Board's employee. He said it is incumbent of this Board to do this.

A motion was made by Commissioner Dorosin, seconded by Commissioner Marcoplos for the Board to approve the resolution calling for such a community policing forum.

Commissioner Marcoplos said the Board should step up and take the responsibility given to it, since so many resident are asking questions. He said the forum should be straightforward, and the Board needs to listen to its residents.

Commissioner Price said she will abstain from voting on this. She said she recognizes that the intention is good, but she has issues with it. She said a resolution has never before been needed to have a community meeting. She said this is supposed to be about racial equity and justice, and it bothers her to have the Sheriff as an equal partner, but not Annette Moore, Human Rights and Relations Director. She said no person of color is involved in the planning of this forum. She said she agreed with the intent, but she has issues with the process.

Commissioner Greene said she is in favor of this forum and has no issues with the resolution. She agreed with Commissioner Dorosin that the Board should be on record that it is having this conversation. She said she does not understand the bickering, and the Board should just move forward. She said Commissioner Price cannot abstain unless there is a real conflict on interest.

Commissioner Dorosin said to Commissioner Price that nothing has yet been planned. He said all the Orange County Board of Commissioners will be involved in the planning and the execution of this forum, and the topic has simply been brought up for discussion. He said if the majority of the Board votes to have a forum, then planning can begin.

Commissioner Price said she was not trying to bicker, and she recognizes the good intent behind the actions. She said she has a problem with the fact that Commissioner Marcoplos, Commissioner Dorosin, and the Sheriff were putting this idea forward, as they are three white men. She said it would have been more respectful to have some diverse partners to be a part of this.

Commissioner Dorosin said this is an idea, and nothing is planned. He said this has been presented as an idea for the Board to decide upon. He said he likes to have discussions publicly and provide total transparency.

**PUBLIC COMMENT:**

Sonia D said it is important that the planning should involve those most impacted, and she hoped that not only recommendations out of the forum, but real concrete commitment.

Commissioner McKee said he has the same concerns as Commissioner Price, and this could have been a petition. He speculated that the Sheriff had no part in formulating this resolution, and likely neither did Commissioner Price or the HRC. He said there was probably also no input from the people of color in the community. He said he has never seen a resolution come forward like this before, but rather it has always been done using the petition process. He said he feels conversation is important, and he will support the forum. He said if conversations had started years ago, the situation might not be what it is today.

Commissioner McKee said Commissioner Dorosin and Commissioner Marcoplos did not think in advance as to how this would be received, and he hopes the motivation is pure and he will vote for this. He said this could have been handled in a much better way.

Commissioner Marcoplos said he is having a hard time understanding this feedback, and he and Commissioner Dorosin said this was kept wide open with a clean canvas to decide on a forum. He said the resolution format was chosen to promote the urgency of this issue, as opposed to the petition process that takes weeks. He said he is often asked what he is going to do to fight racism, and this is an invitation to all to have a discussion.

Commissioner Dorosin said that Commissioner McKee does not know with whom he has talked, and he has talked to many diverse members of the community. He said this resolution is in response to what has been brought forward to him by the community.

Commissioner Dorosin called the question.

**VOTE: Ayes, 6 (Chair Rich, Commissioner Greene, Commissioner Marcoplos, Commissioner Dorosin, Commissioner McKee, Commissioner Bedford)**

Commissioner Price is present but did not vote.

John Roberts said when members of the Board are physically present for a vote, and choose to abstain, the vote is counted as a "yes". He said the rules of procedure, and the new law, are unclear as to whether a person, who is participating remotely, can abstain. He said the minutes should reflect that Commissioner Price was present, and did not vote, unless she would like to ask the Board to excuse her from voting, in which case the Board would need to vote to allow her to do so.

Commissioner Price asked the Board to excuse her from voting.

A motion was made by Commissioner McKee to excuse Commissioner Price from voting.

No Second.

**MOTION FAILS**

Commissioner Price said she will not vote. She reiterated her reason being that she finds a resolution about racial injustice, that does not include the mention of partnering with people of color, to be concerning. She said she was not sure what is the best adjective to describe her feelings.

Chair Rich said the public forum should occur, and needs to happen soon. She said she has also heard from many community members that want to speak about these issues. She asked if the intent is to have this forum presented by the entire BOCC.

Commissioner Dorosin said one way to do this is like a public hearing, with a short presentation by the Sheriff and the HRC. He said the bulk of the time should be for the public to speak.

Chair Rich said the Board can do it that way, having the BOCC take time to listen and then perhaps collaborative respond to all of the questions that are asked.

Sheriff Blackwood said it is important to keep in mind that, if there are a lot of people, a facilitator may be wise to take input from the public and then have panel respond. He said he would recommend having Caitlin Fenhagen, someone from the courts, the District Attorney, faith community, etc. He said it needs to happen soon, and zoom works well for this format to allow greater numbers and more access.

Commissioner Greene said the Sheriff's comments are in line with what she was thinking. She said people should be able to express freely, with the facilitator keeping the flow organized and moving. She said including representatives from the National Association for the Advancement of Colored People (NAACP) would be good as well.

Commissioner McKee said in these early planning stages, the Board must make sure to involve leaders of color. He said he has not been impacted by issues of race and equity, and does not pretend to know how the conversation should go. He said people of color must be involved at every stage, and the community should be the driver.

Commissioner Marcoplos said these are straightforward ideas. He said the idea of a facilitator will be helpful. He asked if this can be done quickly, and he would like to aim for 3 weeks.

Commissioner Dorosin said the Board/panel should not presume it will have answers, and this is a time to be open to hearing all of the ideas.

Chair Rich said the Board does not need to hear from a panel, but to hear from the public voicing concerns, ideas for change, etc.

Commissioner Bedford said some information that is in the public is grossly inaccurate, and the Board should be able to address such mistakes. She said Commissioners Dorosin and Marcoplos should take this on as the resolution was their idea.

Commissioner Greene agreed with the community having a forum to talk, and said the panel should not be considered to have all the answers, but should be able to correct inaccurate factual information.

Commissioner McKee concurred with Chair Rich's suggestion about a listening session, and Commissioner Bedford's comment to correct any blatant misinformation. He said the Board's primary goals in past community forums have been to listen.

Commissioner Price called her previous listening sessions "Village Circle", and there was not a time limit on the speakers. She said some problems were solved at these sessions, and everyone sat at the same level, on equal ground.

Commissioner Price said she has heard this referred to as a forum, a public hearing, an information session. She said she has heard most of the community talking about what will be done moving forward, as opposed to what is being done currently. She asked if the main goal of the forum could be identified.

Commissioner Marcoplos said he sees the opportunity as a way to provide clear information, for people to express their perspective, and ask questions. He said he thinks some brief presentations in the beginning would be helpful so that the conversation can start from a more informed perspective.

Commissioner Price said those who are affected by racism and inequity want to hear what is going to be done about it, not to have accurate information about what is being done currently.

Chair Rich asked if the Board could move towards next steps.

Commissioner Dorosin said he wants to hear what residents want the Board to do.

Chair Rich said 30 days is way too long to wait.

Bonnie Hammersley said the forum could be held after July 4th, and she can look for a facilitator. She said staff is happy to help in any way, and can set up the zoom component.

Commissioner Marcoplos suggested coming up with a draft list of people who will be on the panel, and he and Commissioner Dorosin can poll the BOCC as to who needs to be involved.

Commissioner Dorosin said he is reluctant to take any leadership on this. He said the Orange County Board of Commissioners is listening, and it is the public's opportunity to speak to the Board's listening ear.

Commissioner Marcoplos said the public needs to speak to someone, and asked if it should just be the BOCC, or should others be included.

Commissioner Greene asked if this forum has a name. She asked if Town Hall would be appropriate. She said she does not want to call it a public hearing.

Chair Rich said she recently participated in a Town Hall, and she is not sure that is the right name. She said people have a lot of feelings and thoughts right now, and want to be heard.

Commissioner Greene suggested calling it a listening session.

Donna Baker asked if people will have to sign up in order to participate.

Chair Rich said in her recent experience there were two rooms on zoom, with the speakers in one room and the listeners in the other. She said a facilitator served as a go between. She said people need to be allowed to speak, and there should be some time limit on the speakers.

Commissioner McKee said community forum indicates that the community is the driver, and there should be no time limit on the speakers. He said if people have something to say,

they should be able to do so completely and freely. He said there should be someone controlling when people speak, or else the meeting could go sideways.

Chair Rich said that is important, or else everyone talks on top of each other.

Commissioner Marcoplos said a facilitator will stop the conversation going sideways.

Commissioner Dorosin said he does not want a facilitator, as it is an artificial intermediary and seems unnecessary. He said the time limit question is trickier.

Donna Baker said current zoom meetings have everyone sign up in advance, and grant people access.

Commissioner Dorosin said that seems fair and appropriate

Chair Rich said she will talk to everyone to start getting an idea of where everyone is.

Commissioner Greene said she is a convert to facilitators.

Commissioner Bedford said Chair Rich and Sheriff Blackwood, and any others that want to, can be a part of a sub-committee. She said she will show up for the forum, and the Board should just move on.

Commissioner Marcoplos said it is important to have clarity on who is hosting or listening. He said he would steer away from having 35 hosts, and put energy into making sure the event is well publicized to those communities from whom the Board most wants to hear; those who are most affected by these issues.

Chair Rich said she will reach out to everyone.

**8. Consent Agenda**

- **Removal of Any Items from Consent Agenda**
  No items removed.

- **Approval of Remaining Consent Agenda**

A motion was made by Commissioner McKee, seconded by Commissioner Price to approve the remaining items on the Consent Agenda.

**VOTE: UNANIMOUS**

**a. Minutes**

The Board approved the draft minutes from May 19 and 21, 2020 as submitted by the Clerk to the Board.

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

The Board adopted a resolution, which is incorporated by reference, to release motor vehicle property tax values for three taxpayers with a total of four bills that will result in a reduction of revenue, in accordance with NCGS.

**c. Property Tax Releases/Refunds**

The Board adopted a resolution, which is incorporated by reference, to release property tax values for five taxpayers with a total of seven bills that will result in a reduction of revenue, in accordance with North Carolina General Statute 105-381.

**d. Voluntary Agricultural District Designation – Multiple Farms**

The Board voted to certify two (2) farm properties totaling 96.9 acres; designate them as Voluntary Agricultural District farms within the White Cross Voluntary Agricultural District; and enroll the lands in the Orange County Farmland Preservation Program's Voluntary Agricultural District (VAD) program.

**e. Approval of Two Contracts Associated with the State of North Carolina's "Building Reuse Grant" Incentive to ABB, Inc.**

The Board approved and authorized the Chair to sign two contracts, on behalf of Orange County, related to the State of North Carolina's "Building Reuse Grant" incentive awarded on July 10, 2019 to ABB, Inc., a local manufacturing industry. This State incentive requires Orange County's participation as part of the "pass through" process for $500,000 in North Carolina Department of Commerce funds to transfer from the State to the County, and then to ABB, Inc.

**f. Request for Road Additions to the State Maintained Secondary Road System for Peninsula Lane and Grassland Court in The Bluffs at Moorefields Subdivision**

The Board voted to make a recommendation to the North Carolina Department of Transportation (NCDOT), and the North Carolina Board of Transportation (NC BOT), concerning a petition to add Peninsula Lane and Grassland Court in The Bluffs at Moorefields Subdivision to the State Maintained Secondary Road System.

**g. JCPC Certification for FY 2020-2021**

The Board approved the Orange County Juvenile Crime Prevention Council (JCPC) Certification and County Plan for FY 2020-2021 and authorize the Chair to sign.

**h. Resolution of Approval – Conservation Easement on Triangle Land Conservancy's Patterson-Thornton Property**

The Board voted on a resolution, which is incorporated by reference, to approve the acceptance by Orange County of a conservation easement donation for Triangle Land Conservancy's Patterson-Thornton Property and authorize the Chair and the Clerk to sign the conservation easement agreement, subject to final review by staff and County Attorney, with a closing and recordation of the document expected to occur on or about June 30, 2020.

**i. Update to Orange County Limited English Proficiency Policy ("Orange County "Language Access Plan")**

The Board approved an update to Orange County's Limited English Proficiency Policy ("Language Access Policy").

**j. Approval of Contract with Ceres Environmental Services, Inc. as a Secondary Provider for Disaster Debris Removal and Clearance Service**

The Board authorized the Manager to sign an Agreement with Ceres Environmental Services, Inc. as a secondary provider for Disaster Debris Removal and Clearance Services for the County.

**k. Fiscal Year 2019-20 Budget Amendment #11**

The Board approved budget, grant, and capital project ordinance amendments for fiscal year 2019-20 for Housing and Community Development; Emergency Services; Miscellaneous; Non-Departmental Corona Virus Relief Fund; Article 46 Sales Tax Fund; Sheriff's Office; Health and Dental Insurance Fund; County Capital Projects; Deferred Maintenance – Schools; Criminal Justice Resource Department; and Arts Commission.

**l. Application for North Carolina Education Lottery Proceeds for Chapel Hill – Carrboro City Schools (CHCCS) and Contingent Approval of Budget Amendment #11-A Related to CHCCS Capital Project Ordinances**

The Board approved an application to the North Carolina Department of Public Instruction (NCDPI) to release proceeds from the NC Education Lottery account related to FY 2019-20 debt service payments for Chapel Hill – Carrboro City Schools (CHCCS), authorize the Chair to sign and to approve Budget Amendment #11-A, contingent on the NCDPI's approval of the application.

**m. Application for North Carolina Education Lottery Proceeds for Orange County Schools (OCS) and Contingent Approval of Budget Amendment #11-B Related to OCS Capital Project Ordinances**

The Board approved an application to the North Carolina Department of Public Instruction (NCDPI) to release proceeds from the NC Education Lottery account related to FY 2019-20 debt service payments for Orange County Schools (OCS), authorize the Chair to sign and to approve Budget Amendment #11-B, contingent on the NCDPI's approval of the application.

**n. Endorsement of Letter to Governor Roy Cooper from Orange County Climate Council**

The Board authorized the Chair to sign the letter from the Orange County Climate Council as an additional endorsement and send the letter to Governor Roy Cooper.

**ADDITION:**

**o. North Carolina Housing Finance Agency (NCHFA) – 2020 Essential Single-Family Rehabilitation Loan Pool (ESFRLP20) Award**

The Board approved the 2020 Essential Single-Family Rehabilitation Loan Pool (ESFRLP20) Assistance Policy and ESFRLP20 Procurement and Disbursement Policy and authorize the County Manager to sign the Funding and Written Agreement for the ESFRLP20 award from the North Carolina Housing Finance Agency (NCHFA).

**9. County Manager's Report**

Bonnie Hammersley thanked the Board for its support through the budget process.

Bonnie Hammersley said staff is working with the Orange County Schools (OCS) on its lease for IT equipment, and the Board of Education (BOE) is working on this next week. She said it does require the Board's approval. She said staff will monitor this closely, and if a brief zoom meeting is needed on this issue, she will let the Board know.

**10. County Attorney's Report**

John Roberts said last week he gave the Board a report on the General Assembly bills, and one issue involves agri-tourism. He said the County cannot regulate those from a land use position. He said the Governor just signed a bill expanding these uses, and those who have concerns should contact the legislature, as there is little the BOCC can do.

**11. *Appointments**

**a. Durham Technical Community College Board of Trustees – Appointment Discussion**

The Board considered making a reappointment to the Durham Technical Community College Board of Trustees.

A motion was made by Commissioner Price, seconded by Commissioner Bedford to appoint the following to the Durham Tech Community College Board of Trustees:

- Position 2 Lee Storrow BOCC Appointee to a Second Full Term expiring 06/30/2024

Commissioner Marcoplos nominated Katie Loovis.
No Second.

**VOTE: UNANIMOUS**

**12. Information Items**

- June 2, 2020 BOCC Meeting Follow-up Actions List
- Memorandum Regarding Expansion of Hillsborough Area Economic Development District (EDD)

- Memorandum from Sheriff Blackwood Regarding Purchase of Mobile Command Center

**13. Closed Session**
**NONE**

**14. Adjournment**

Commissioner Price referred to her earlier comments about proposed thank you letters going to David Price and the Governor. She asked if the Board agrees.

Chair Rich said yes, and asked Commissioner Price to craft these letters and she would sign.

The Board agreed by consensus.

A motion was made by Commissioner Price, seconded by Commissioner McKee to adjourn the meeting at 10:11 p.m.

**VOTE: UNANIMOUS**

Penny Rich, Chair

Donna S. Baker
Clerk to the Board

Submitted for approval by David Hunt, Deputy Clerk to the Board.

**Attachment 6**

**DRAFT** **MINUTES**
**BOARD OF COMMISSIONERS**
**VIRTUAL LISTENING SESSION ON POLICING AND**
**RACIAL JUSTICE IN ORANGE COUNTY**
**July 7, 2020**
**7:00 p.m.**

The Orange County Board of Commissioners met for a Virtual Listening Session on Policing and Racial Justice on Tuesday, July 7, 2020 at 7:00 p.m.

**COUNTY COMMISSIONERS PRESENT**: Chair Rich, and Commissioner Bedford, Commissioner Dorosin, Commissioner Greene, Commissioner McKee, and Commissioner Marcoplos
**COUNTY COMMISSIONERS ABSENT**: Commissioner Price
**COUNTY ATTORNEYS PRESENT**: John Roberts
**COUNTY STAFF PRESENT**: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren, Sheriff Charles Blackwood, Criminal Justice Resources Director Caitlin Fenhagen, Deputy Clerk to the Board David Hunt and Assistant Deputy Clerk II Allen Coleman (All other staff members will be identified appropriately below.)

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

Due to current public health concerns, the Board of Commissioners conducted a Virtual Listening Session on Tuesday, July 7, 2020. Members of the Board of Commissioners participated in the meeting remotely. Members of the public were able to view and listen to the meeting via live streaming video at http://www.orangecountync.gov/967/Meeting-Videos and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

**1. Welcome – Chair Penny Rich**

Chair Rich said tonight's session is not an open dialogue, but the listening session is being recorded to help the County Commissioners, Sheriff's Office, Human Rights and Relations Commission synthesize the information and plan for future actions.

Chair Rich introduced the Commissioners, noting that Commissioner Price is absent due to a death in the family. She introduced Sheriff Blackwood; Caitlin Fenhagen, Criminal Justice Resources Department (CJRD) Director; and Frances Castillo, Human Rights and Relations Commission Chair.

**2. Presentation by Human Relations Commission (HRC) Chair, Frances Castillo**

Frances Castillo provided an overview of the Commission's mission.

**3. Listening Session – Public Comment**

**PUBLIC COMMENT:**

Deborah Stroman said the community is too comfortable, and seeks "normalcy". She read an expert from Dr. Martin Luther King, Jr.'s Letter from a Birmingham Jail. She said

normalcy does not lead to change, and allows for inequities and racism to continue. She said the only normal that is acceptable, is one where all are equal and brotherhood, peace and justice exist. She said she looks forward to further discussions and actions for change.

Tomeka Ward–Satterfield said she appreciates this listening session, but says it feels like an empty gesture by the elected officials. She said she would prefer a study of systemic racism be conducted within the County, and the elected officials tell the community on how they plan to address the problems.

Heather Redding thanked the BOCC for the opportunity to speak. She said issues of racism and white supremacy are baked into American culture, and she is greatly concerned. She said children must be safe in school, but she questions the validity of School Resource Officers (SROs). She asked if the BOCC would examine data regarding the success, or lack thereof, of SROs, and to work with the school boards to make necessary changes. She said the police cannot handle all issues, and funds should be better distributed. She asked the Sheriff's department to give $25,000 of its drug forfeiture funds to a local non-profit, as permitted by law.

Jame Paulen thanked the Board for holding this session. She said she is concerned about police presence in schools, and asked if SROs are a good use of funds. She said funds could be better used in this time of Covid. She echoed the former speaker's comments about the Sheriff's forfeiture funds, and specifically suggested "Fathers on the Move" to receive these funds.

Amelia Covington said police in schools sets a standard for the school to prison pipeline. She said CHCCS is not free from issues of racism, and has the second largest achievement gap in the country. She asked the BOCC to work with the school boards on alternative models of school safety, and echoed the request for the reallocation of Drug Forfeiture funds of $25,000.

Kimberly Brewer said she is the Chair of Orange County Bail Bond Justice, a partnership of 12 local churches seeking to end unjust bail practices in the community. She said the partnership observes court practices, and has found the poor most adversely affected. She highlighted racial inequities within the bail hearing system as well. She said Orange County has made many reforms, but there is room for more.

Anna Richards called to attention the article from the Northern Orange and Chapel Hill National Association for the Advancement of Colored People (NAACP) of a 6-point agenda for transformation in the community. She said this plan looks at many issues including hiring and retention of officers, expectations from Police, etc. She said these groups also support removing police from schools. She said upcoming conversations include the issue of "Counselors, Not Cops in Schools," and will include panelist from around the country. She said a 19-year-old woman was physically assaulted last week at a peaceful protest in Chapel Hill, and this is a sign that this community is also deeply affected by issues of racism. She said she hopes the BOCC will work toward change.

Joseph Verykoukis said he is grateful for leaders such as Sheriff Blackwood and Cait Fenhagen, who are working towards equity. He said he finds a lot of the dialogue around police to be quite detrimental. He said calls to remove SROs from Schools does not sit well with him, as SROs serve students in a support role and keep students safe. He said it would be a mistake to remove them from the schools. He said there are many larger underlying issues that contribute to racism, and societal breakdowns. He said many concerns begin in childhood, and blaming police for all these issues is shortsighted.

Horace Johnson said he is from Orange County, and was part of school integration in the 1960s. He said teachers were not trained or equipped to deal with individuals of color. He said the Sheriff is a smart man, but he wonders how law enforcement is being trained to work with people of color. He said he does not want to defund the police, but he would support reallocating some funds to those who are trained appropriately. He said his father was the mayor of Hillsborough for 12 years, and it is important to reach across the aisle to work

together. He said he would like to see more outreach from the Sheriff's Office, and hopes the BOCC can offer more racial diversity in its own members.

Soteria Shepperson said she is an organizer, business owner, and citizen in Orange County, and is concerned about policing in the schools. She said she has dear white friends, and wonders if they are speaking to their sons, as she has to speak to young black boys in her life. She said White People are also suffering as a result of racism in America. She said she wants to know where white boys are getting guns. She said it takes more time in North Carolina to be a Barber than is does to be a Police Officer. She said she has been a substitute teacher in CHCCS, and on March 11 of this year, she and several students were thrown out of the library by the Chapel Hill Carrboro City Schools PTA president, who stated the PTA meeting was more important than theirs. She said she spoke to the library president, and she wants transformation.

Rachel Thomas–Levy said she lives in Orange County and teaches in a School that is technically in Orange County. She said supports Anna Richards's comments about the NAACP's plan for change. She said she also wants to promote Maria Parker, based out of Athens, who supports defunding police by 50% over 10 years. She said she does not see the need for SROs. She said counselors and social workers are a much better use of funds. She said she lived in Asheville for years, and a black man was killed, much to the surprise of white Asheville. She said she does not want this community to sit by, and be surprised if something happens, and would rather see study and action take place.

Lucy Lewis said she is a Chapel Hill native, and was the first director of the Orange County Human Rights and Relations Department. She echoed support for several previous comments, including realignment of funds; NAACP recommendations; removal of SROs, etc. She said there have been many issues around racism locally and nationally, and she hopes the BOCC will be proactive for change in this community.

Allison Mahaley thanked the BOCC for holding the listening session, and said she is surprised by the lack of diversity in this County. She said the Black Community has been pushed out, and the Court House currently sits in a formerly African American neighborhood. She said the Fairview neighborhood sits on top of a former landfill, and there are deep issues that point to systemic racism here in Orange County. She said she feels a lot of hope that the country is in the middle of a national transformation during this pandemic. She said she realizes the budget has already been set, but hopes to see a long term plan of shifting resources away from law enforcement, and towards agencies that support black and brown communities. She said she is especially concerned about housing, and affordable housing.

Blake Tedder said he just returned from the coast, and was shocked by the Trump and confederate flags that he saw. He said it is a different world than what he sees in Orange County. He said overt racism is definitely here in Orange County, but it looks different than the eastern coast. He said the BOCC has to step up its game regarding systemic racism, and overt racism is on the rise and is beyond concerning. He said local leaders must be a shining light. He agreed with listening to the words of the NAACP, and other speakers here tonight. He said he is extremely worried that racism will continue to get a foothold, and Orange County will be taken down.

Elvira Mebane said she was not going to speak, as she was attending a virtual meeting with the Board of Elections. She said she is concerned about SROs, and many kids do not see them as armed police person. She said the SROs present a positive role to the students. She said her own child is ready to attend to high school, and his experience with SROs was incredibly positive. She said she would like to find a way to keep the SROs presence in the schools, and suggested they may not need to have guns. She said the SRO programs have helped her child. She challenged the BOCC to find a way to allow students to continue to have positive relationships with law enforcement.

Gayane Chambless said Elvira Mebane's comments hit home. She said there are so many issues in play, and her focus is on relationship building as a means for change. She said law enforcement can interact positively with students, and have safe relationships that allow interactions to be more productive. She said the community cannot be so divisive. She said a safety presence is necessary, should an emergency occur, and teachers should not have to be armed. She said she would be open to the reallocation of funds from the police to mental health, etc. She said she would like to provide more training to law enforcement in such areas. She applauded Sheriff Blackwood's vision and efforts thus far.

Joseph Verykoukis said Elvira Mebane articulated the importance of SROs being on site at schools. He said Orange County is growing, and defunding law enforcement is a bad idea. He said police keep people safe.

Jame Paulen said the idea of reallocating funds for police officers in schools is to put those funds towards school counselors, trained professionals, etc. that help with investing in students mental health, food, etc. She said law enforcement does not always make people feel safe. She said greater resources for mental health needs and relationship building would create a stronger community. She said she is glad the BOCC chose to listen prior to making a plan.

Amelia Covington reiterated that defunding the police is asking society to reimagine of what safety could look like.

Heather Redding said the criminal justice system is broken, and current practices are not working. She said it is too late for reform, but rather a total change and transformation is needed. She said more prisons and jails are not needed. She said there are communities already doing the work, and the wheel does not need to be reinvented. She said leaders need to listen to the most vulnerable, and those who are most affected by systemic racism.

Horace Johnson said if two snakes mate, you will get a snake. He said he has the utmost confidence in Sheriff Blackwood, and his deputies. He said Police officers are protectors, but there are a few that spark some concern for him. He said he would really like to see a thorough screening process involved in hiring police officers.

Soteria Shepperson said the reopen NC movement is nonsense, and she was surprised that a cohort of white citizens could walk around with guns and the state gets reopened. She asked what it must feels like to wake up White. She said she has imagined what is must be like to walk without someone following her, or being able to take a run without fear of being shot. She said leaders must be proactive and not reactive, and an area of great concern is guns.

Tracy Bell said there must be a bridge built between law enforcement and the community. She said law enforcement needs to be focused on helping people in the community. She said she is a media specialist in Chapel Hill Carrboro City Schools, and she would love to see the schools work with law enforcement to partner on positive relationships.

Verla Insko said she did not plan to speak, and she has enjoyed listening to the conversation. She said the BOCC is collecting information about the current situation, but these conversations are a starting point for long-term change for the next generation and how they grow up. She looks forward to more social integration.

Souna, (she) Culturally Specific Trainer, said Dr. Joy Degruy talks about how past trauma affects a person currently. She said there have been hundreds of years of trauma without mental health care. She said this trauma has never been recognized or healed. She echoed support for reallocation of drug forfeiture funds to Fathers on the Move, as well as the plan outlined by the NAACP.

Elizabeth Evans said she had not intended to speak, but has been touched by the positive experiences between SROs and students. She said the core issue is relationship building, which seems to be fostered by the field of mental health and guidance. She agreed with the reallocation of funds for these types of uses.

Sophie Suberman said she is glad the BOCC is having this session, and zoom is a hard format to have such a listening session. She said relationship building is important, not only

between people, but between systems as well. She said Covid is going to bring so many changes, many of which will more adversely affect brown and black people. She said taking advantage of poor people, discrimination, etc. is built into the foundation of this country, and must be addressed if real change is to be achieved. She said having conversations like this – showing up and asking – is being a part of the change.

Elizabeth Evans stressed the importance of having bilingual people involved with building relationships: Spanish, Burmese, and Karen,

Souna, (she) Culturally Specific Trainer, suggested using repurposed funds to extend the Orange County Health Department hours to include weekends and some sort of emergency services through the health department. She asked the BOCC to seek consideration to help with the eviction crisis and housing crisis, e.g. extend payment deadlines. She suggested making police hiring procedures public, along with any officers who have received complaints or concerns. She said the public could be part of the hiring and investigative process.

Mark Xavier said he would like to speak about the Education in Orange County, and the numbers over the years are alarming for African American kids. He asked if the BOCC can help to stop these trends. He said if a problem is solvable, but continues for several years, the Board should address the issue and try to help. He said the BOCC is not the school board, but it can still be helpful in educational issues. He said he would also like the Board to help make the police system better in Orange County. He said no one is benefitting from the County until everyone is benefitting.

Jean Bolduc applauded the Board for its efforts with this session. She said it has been her experience that when elected officials get together and want to be quite, it can be very challenging. She said her son was in middle school in the early 90s, and was headed for Orange High School, which was full of troubles. She said there was a lot of violence, which would have resulted in arrests, had the actions occurred elsewhere. She said the Governors Crime Commission put out $1 million to fund SROs to help get a handle on these situations. She joined the task force to help create a safe schools program, and wrote the grant that funded the original SRO program. She said the intention at that time was for the SROs to be focused on relationship building and preventative strategies to keep schools safe. She said this program has been well run by the Sheriff's department, and has been racially balanced in its officers, and she is confident that it can continue to be a leading program in the state. She urged the BOCC to have the community review the program, and establish any improvements that may be needed. She said not to throw the baby out with the bath water.

Sophie Suberman referred to previous comments about restorative practice and trauma, and said all have experience with trauma in one way or another. She said we do not have good systems to process feelings, and there are people from within the system who were not able to speak tonight for fear of retaliation for their comments. She asked if there are ways to support governmental systems that allow those from within to voice their feelings, without fear of retaliation. She said this is especially important in cross-cultural communication.

Horace Johnson said he worked as the Director of City Wide Programs for the New York City Housing Authority for 20 years, with children and after school programming. He said the system in Orange County is woefully inadequate in dealing with children after school. He said if students are not athletes, they have nothing to do. He said a transportation system is needed to take children to after school programing, and community centers to house them. He encouraged the Board to get out into the community, and learn more about the children and their needs.

Charlene Campbell echoed Horace Johnson's comments, and said there is a desperate need for after schools activities for Middle and High School students. She said if one is not in band or sports, there is really nothing for one to do at school.

Souna, (she) Culturally Specific Trainer, said after school programming is important, and it is also important to as why are parents having to work so long in order to live here. She said

the cost of living affects how much time people can spend with families and neighbors, and puts additional stress on families.

**4. Commissioner Remarks**

Mark Marcoplos said this was a really good forum, and he hopes conversations will continue. He said there are so many more people who can contribute to this, and the Board will do its best work through collaboration, and it may not always be comfortable. He said this is time to get stuff done. He said in chaos there is opportunity.

Mark Dorosin thanked all of this evening's participants, and said this is the beginning of the beginning. He said further comments can be emailed or called in to the Board. He said the County website contains links to the Resolution designating Racism as a public health issue in Orange County, Governor Coopers Executive Order, police data, etc. He said the Board did not hold a forum just to have a forum. He said the Board will process this evening's comments and determine what falls under the purview of the Board, the Sheriff, the HRC, etc. He said there will be continued transparency.

Sally Greene thanked all the residents who came out and spoke, and the comments have been very enlightening and helpful.

**5. Closing Remarks – Annette Moore, Human Rights and Relations Director**

Annette Moore read Commissioners Price's prepared remarks:

First, I personally want to express my appreciation to those of you who have the willingness to stand up for civil rights, the courage to show up for justice, the moral conviction to speak up for human dignity, and the audacity to rise up and say, Black Lives Matter.

As we proceed to break the chains of structural racism, we need to do some truth-telling. We must understand that the strength and wealth of America was built on stolen land by stolen people. The land on which we now sit was stolen from the Indigenous People of the so-called New World. The people who labored, with no just compensation, were stolen from their homelands in Africa.

So, the process to dehumanize people of color began centuries ago, and this dehumanization is embedded deep in the American psyche. Meanwhile, the struggle and the demand for human dignity also began centuries ago and has perpetuated unto today.

With the recent witnessing of violence and murder of Black men, women and children, we are seeing a resurgence in protests and outcries for reforms—for reforms in law enforcement, in the judicial system, in our schools and in other sectors of our society. Once again, as in generations past, Americans are endeavoring to right the wrongs of history. Indeed, we have made progress, and indeed, we still have a long way to go.

If we are to disrupt racism, if we are to change hearts and minds, and if we are to envision freedom, dignity and justice for everyone, we must join together in solidarity and do the work. The challenge is to recognize and respect the value of the lives of Black, Indigenous and People of Color in our local and global communities. I believe we can do this.

On behalf of the Board of County Commissioners, thank you to the people of Orange County who have voiced their concerns and opinions in this listening session, thank you for participating, and know that we will take action based on your input.

Renée A. Price, Commissioner/Vice-Chair

Chair Rich reminded the public that the listening session is being recorded, in order to synthesize information, and work on possible changes in policy and practices.

**Adjournment**

The listening session adjourned at 9:06 p.m.

**VOTE: UNANIMOUS**

Penny Rich, Chair

David Hunt
Deputy Clerk to the Board

**Attachment 7**

**DRAFT** **MINUTES**
**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**
**VIRTUAL SPECIAL MEETING**
**JULY 14, 2020**
**7:00 p.m.**

The Orange County Board of Commissioners met for a Virtual Special Meeting on Tuesday, July 14, 2020 at 7:00 p.m.

**COUNTY COMMISSIONERS PRESENT**: Chair Rich and Commissioners Jamezetta Bedford, Mark Dorosin, Sally Greene, Mark Marcoplos, and Renee Price
**COUNTY COMMISSIONERS ABSENT**: Commissioner Earl McKee
**COUNTY ATTORNEYS PRESENT**: John Roberts
**COUNTY STAFF PRESENT**: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

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

Due to current public health concerns, the Board of Commissioners conducted a Virtual Special Meeting on July 14, 2020. Members of the Board of Commissioners participated in the meeting remotely. As in prior meetings, members of the public were able to view and listen to the meeting via live streaming video at orangecountync.gov/967/Meeting-Videos and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

**1. Call to Order**

**2. Announcements, Petitions and Comments by Board Members**

Commissioner Bedford said she was accepted to take the Global Climate Reality Training, and is looking forward to it.

Commissioner Greene said she had no comments.

Commissioner Marcoplos said he is concerned about UNC opening up and he is wondering what the Board's role is in this, how to stay on top of UNC's plans, and how the Board can affect these plans through its role in the County.

Commissioner Price petitioned that Orange County declare June 19th as an official holiday, and said she sent a draft of a proposed resolution that she will address at the September 1st meeting.

Commissioner Dorosin said he thought last week's public forum went well. He said he has heard a lot of good feedback from the community, and he looks forward to the follow up on what the Board heard. He said he was sorry that Commissioner Price could not attend, but the comments she sent were powerful. He said he is glad the Human Relations Commission (HRC) is engaged, and the Chapel Hill-Carrboro City Schools' Board of Education (CHCCS BOE) will be discussing SROs at an upcoming meeting.

Chair Rich said she also thought the listening session went well. She said a comment was made about the Health Department clinic hours, and she looked at the hours at both clinics. She said there is room for improvement, and it may be possible to cut a few hours from Sunday and add them to Saturday. She asked staff look at this, and bring information back to the Board of County Commissioners (BOCC).

Chair Rich referred to UNC, and said the County has been working with UNC for about three weeks. She said UNC is working hand in hand with the Health Department, and this information is in the notes that she shares with the Orange County Board of Commissioners each week. She said that Orange County has no jurisdiction over UNC. She said those involved are all concerned about keeping Orange County residents safe.

Chair Rich said it is not clear how many students are coming back, but some students are already coming back. She said everyone should be concerned about the students coming back, and the plan is to keep the communications open between all entities.

Chair Rich referred to the Governor's press conference about the re-opening of grades K-12, and said plan B will be followed. She said she is happy to speak with anyone who has further questions, and there is so much that is still unknown.

Bonnie Hammersley added that she is included on weekly calls with the Provost, and possible plans if they have to go to the off ramp (shut down). She said Provost Bolen has offered to talk with the elected boards, and the avenue for bringing questions is to let her know, and she will take the question to her meeting with the Towns and UNC. She said there is uncertainty, and no one knows the impact of the students coming back. She said UNC is trying to keep all informed.

Commissioner Price asked if there has there been any word from the Chambers of Commerce regarding concerns about students coming back.

Chair Rich said the Chambers are looking forward to having more business back, and they will welcome students back cautiously.

Commissioner Marcoplos asked if the University has a plan to ramp up testing and test locations. He asked if there will be testing locations near transit.

Chair Rich said testing will be run through student health. She said she will forward any information that she receives from UNC.

**3. Resolution Regarding a Financing Agreement between Orange County Schools and J.P. Morgan to Provide Computers for Students**

The Board considered adopting a resolution approving a financing agreement between Orange County Schools (OCS) and J.P. Morgan for the purchase of computers for students for FY 2020-24 to replace outdated and out of warranty equipment using a sustainable and predictable funding model.

Paul Laughton, Finance and Administrative Services, reviewed the item below and the resolution:

**BACKGROUND:**

In 2012, OCS embarked on a 1:1 computer initiative, providing individually assigned laptops to each student in grades 3-12. Teachers were also assigned laptops to complement the District's instructional approach to include digital access. Teachers, administrators, instructional support staff, and most central office employees use a Windows laptop or desktop.

In 2016, OCS refreshed its hardware used in the 1:1 program. Students from grades 3-12 were assigned individual Chromebooks and each classroom in grades K-2 was provided a cart of

iPads. There were significant improvements provided by the 2016 refresh, including better performance, better security and greater ease of device management.

The end of reasonable life for the devices purchased in 2016 has arrived. These devices have served students and staff well, but increasing hardware failure rates, the concomitant expiration of the warranty coverage and general expectations for device longevity have the District in need of device replacement for students and staff.

With the unexpected coronavirus crisis and its significant impacts on instruction and operations, the District is more reliant than ever on reliable and portable technology for students and staff. Consequently, the need to ensure individually assigned technology is available to ALL students, including K-2, is acute. Similarly, staff reliance on portable technology to ensure remote work is efficient and effective has been increased significantly in this crisis.

Working closely with the District's legal counsel, the District's Information Technology staff developed a Request for Proposals (RFP) to solicit bids in accordance with State and District purchasing requirements. The RFP sought bids on 8,000 Chromebooks for students in grades 1-12, including loaner equipment and 1,000 Windows laptops for all staff assigned computers to perform their work. Kindergartners will use repurposed iPads the District already has. The RFP also required accidental damage coverage to ensure the equipment would be continuously maintained for the next four years.

Three vendors responded to the RFP. The evaluation criteria listed in the RFP were used to determine the best responsive bid. Based on the evaluation criteria, the District's Information Technology staff recommended CDW-G as the vendor to receive the award. While the price difference between the two lowest bidders is slight, the staff device being proposed by the lowest bidder is nearly a half a pound heavier than the device proposed by CDW-G. In the evaluation, teachers unanimously indicated that weight was a significant factor for them, particularly if they were to use these devices in tablet mode while roaming the classroom. During the Orange County Board of Education's June 22, 2020 Work Session, the Board unanimously approved the selection of CDW-G as the vendor, as well as approving J.P. Morgan as the financing institution for the purchase.

**FINANCIAL IMPACT:** The total purchase cost is $4,516,816.75. The district is utilizing currently available funds of $1,516,816.75 from its Article 46 Sales Tax Technology project and School Capital Technology project towards the purchase. This leaves a balance of $3,000,000, which will be installment financed with J.P. Morgan over a four (4) year period, with annual installment payments of $771,116.94 over the fiscal years of 2020-21 through 2023-24.
Article 46 Sales Tax proceeds would be used to cover the required annual installment payments of $771,116.94, and are included in the Orange County Schools Technology Plan project within the County's Capital Investment Plan.

**RES # 2020-042**

**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 J.P. Morgan, LLC 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 J.P. Morgan up to $3,084,467.76 over the 2020-21, 2121-22, 2022-23, and 2023-24 fiscal years; and

WHEREAS, the Board of Education will pay J.P. Morgan in approximate installments of $771,116.94 in the 2020-21 fiscal year, $771,116.94 in the 2021-22 fiscal year, $771,116.94 in the 2022-23 fiscal year, and $771,116.94 in the 2023-24 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 agrees to appropriate sufficient funds to the Orange County Board of Education in ensuing fiscal years to meet the J.P. Morgan 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 shall be a part of, and not in addition to, regular appropriations made to the Board of Education. Said funds obligated by this contract for fiscal years 2020-21, 2021-22, 2022-23, and 2023-24 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.

Todd Jones, OCS Chief Technical Officer, introduced himself.

Commissioner Dorosin said he has a lot of concerns about student privacy; what type of monitoring the schools do; the type of privacy waiver students are expected to sign; and any disciplinary measures that can be taken based on off site usage. He said if staff cannot respond tonight, he would like detailed answers to be sent afterwards.

Todd Jones said all of the data storage provided by OCS is cloud based, and there are strict protections on access to that student data. He said this cloud provider is very familiar with the K-12 space.

Todd Jones said the student's devices go through a filtering system to insure that inappropriate content is not being accessed. He said the monitoring system is hosted by MCMC, a state organization that provides computing service throughout the state for schools and local government. He said the schools do not proactively comb the data, but rather look to classroom teachers to monitor in the classroom, and teachers can request audits of the websites being accessed by students. He said principals and the CTO also have the right to review the data. He said student technology still authenticates through the districts filters, regardless of the location of the device.

Commissioner Dorosin asked if there is a written policy that the district can share.

Todd Jones said OCS has policies for students and teachers usage of computers, and he will share them with the Orange County Board of Commissioners.

A motion was made by Commissioner Bedford, seconded by Commissioner Price for the Board to adopt the resolution approving the financing agreement and authorize the Chair to sign the resolution regarding the agreement between Orange County Schools and J.P. Morgan

for the purchase of computers for students for FY 2020-24 to replace outdated and out of warranty equipment using a sustainable and predictable funding model.

Commissioner Bedford expressed gratitude to both school boards for their service as they develop plans for re-opening. She said the BOCC is here to support the schools, and she is glad for the flexibility offered in the plans.

Commissioner Price asked if the cost of maintenance could be further explained.

Todd Jones said maintenance costs are included. He said the district has opted for accidental damage coverage, given the rough and tumble world of K-12. He said this allowed the district to forego additional charges, and leveled the playing field with fines etc. He said this helped move the district forward in its equity goals.

**VOTE: UNANIMOUS**

**4. Adjourn**

A motion was made by Commissioner Bedford, seconded by Commissioner Price for the Board to adjourn the meeting at 7:29 p.m.

**VOTE: UNANIMOUS**

Penny Rich, Chair

Donna S. Baker
Clerk to the Board

Submitted for approval by David Hunt, Deputy Clerk to the Board.

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** September 1, 2020

**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 seven bills that will result in a reduction of revenue.

**BACKGROUND:** North Carolina General Statute (NCGS) 105-381(a)(1) allows a taxpayer to assert a valid defense to the enforcement of the collection of a tax assessed upon his/her property under three sets of circumstances:

(a) "a tax imposed through clerical error", for example when there is an actual error in mathematical calculation;
(b) "an illegal tax", such as when the vehicle should have been billed in another county, an incorrect name was used, or an incorrect rate code (the wrong combination of applicable county, municipal, fire district, etc. tax rates) was used;
(c) "a tax levied for an illegal purpose", which would involve charging a tax which was later deemed to be impermissible under state law.

NCGS 105-381(b), "Action of Governing Body" provides that "Upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the taxing unit shall within 90 days after receipt of such a request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct liability or notify the taxpayer in writing that no release or refund will be made".

For classified motor vehicles, NCGS 105-330.2(b) allows for a full or partial refund when a tax has been paid and a pending appeal for valuation reduction due to excessive mileage, vehicle damage, etc. is decided in the owner's favor.

**FINANCIAL IMPACT:** Approval of these release/refund requests will result in a net reduction of $1,974.92 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2020-2021 is $1,974.92.

**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-2020-046

**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, David Hunt, Deputy 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 _____, 2020.

_____
Deputy Clerk to the Board of Commissioners

# BOCC REPORT - REGISTERED MOTOR VEHICLES
# SEPTEMBER 1, 2020

| NAME | ACCOUNT NUMBER | BILLING YEAR | ORIGINAL VALUE | ADJUSTED VALUE | FINANCIAL IMPACT | REASON FOR ADJUSTMENT | ADDITIONAL EXPLANATION |
|---|---|---|---|---|---|---|---|
| Boyd, Jenny Melissa | 55144544 | 2020 | 49,530 | 0 | (856.70) | County changed to Durham (illegal tax) | |
| Ellis, Steven | 51590562 | 2019 | 37,960 | 37,960 | (297.38) | *Situs error (clerical error) | |
| McKenzie, Christine | 48376857 | 2019 | 40,091 | 32,410 | (123.95) | Value adjustment (appraisal appeal) | |
| Palmer, Shanell | 54400074 | 2019 | 26,520 | 26,520 | (224.50) | *Situs error (clerical error) | |
| Taylor, Teresa | 51483108 | 2019 | 28,250 | 28,250 | (230.49) | *Situs error (clerical error) | |
| Vanschaick, John | 55995921 | 2019 | 9,620 | 9,620 | (104.75) | *Situs error (clerical error) | |
| Vanschaick, John | 55214931 | 2020 | 15,169 | 15,169 | (137.15) | *Situs error (clerical error) | |
| | | | | | **(1,974.92)** | **TOTAL** | |

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| ***Adjustment Descriptions*** |
|---|
| *Clerical error G.S. 105-381(a)(1)(a): e.g. when there is an actual error in mathematical calculation.* |
| *Illegal tax G.S. 105-381(a)(1)(b): e.g. when the vehicle should have been billed in another county, an incorrect name was used, or an incorrect rate code was used.* |
| *Tax levied for an illegal purpose G.S. 105-381(a)(1)(c): e.g. charging a tax that was later deemed to be impermissible under State law.* |
| *Appraisal appeal G.S. 105-330.2(b): e.g. reduction in value due to excessive mileage or vehicle damage.* |
| **Situs error: An incorrect rate code was used to calculate bill. Value remains constant but bill amount changes due to the change in specific tax rates applied to that physical location.* |
| *Classification GS 105-330-9(b): e.g. Antique automobiles are designated a special class of property under the NC Constitution.* |
| |
| The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes. |
| Approval of the release or refund of the principal tax amount also constitutes approval of the release or |
| refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount. |

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

## Titles and Brands: Section 1, Chapter 7

NCDMV Title Manual 14th Edition Revised January 2016

**Title:** Document that records the ownership of vehicles and the liens against them.
**Custom-Built:** A vehicle that is completely reconstructed or assembled from new or used parts. Will be branded "Specially Constructed Vehicle"
**Flood Vehicles:** A motor vehicle that has been submerged or practically submerged in water to the extent that damage to the body, engine, transmission or differential has occurred.
**Reconstructed Vehicles:** A motor vehicle required to be registered that has been materially altered from original construction due to the removal addition or substitution of essential parts.
**Salvaged Motor Vehicles:** Is a vehicle that has been damaged by collision or other occurrence to the extent that the cost of repairs exceeds 75% of fair market value, whether or not the motor vehicle has been declared a total loss by an insurer. Repairs shall include the cost of parts and labor, or a vehicle for which an insurance company has paid a claim that exceeds 75% of the Fair Market Value. If the salvaged vehicle is six model years old or newer, an Anti-Theft Inspection by the License and Theft Bureau is required.
**Salvage Rebuilt Vehicle:** A salvaged vehicle that has been rebuilt for title and registration.
**Junk Vehicle:** A motor vehicle which is incapable of operation or use upon the highways and has no resale value except as scrap or parts. The vehicle shall not be titled.
**Antique Vehicle:** A motor vehicle manufactured in 1980 and prior
**Commercial Trucking (IRP):** The International Registration Plan is a registration reciprocity agreement among jurisdictions in the US and Canada which provides for payment of license fee on the basis of fleet miles operated in various jurisdictions.
**Total Loss**: Repairs were more than the market value of the vehicle and the insurance company is unwilling to pay for the repairs.
**Total Loss/Rebuilt**: Whatever the repairs were to make the vehicle road worthy after a Total Loss status has been given. Vehicle must be 5 years old or older. Vehicle status then remains as salvaged or rebuilt.
**Certificate of Destruction**: NC DMV will not register this type of vehicle. It is not fit for North Carolina roads.

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** September 1, 2020

**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 forty-eight taxpayers with a total of fifty-seven bills that will result in a reduction of revenue.

**BACKGROUND:** The Tax Administration Office has received forty-eight 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 $120,562.89 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-2020-047

**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, David Hunt, Deputy 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 _____, 2020.

_____
Deputy 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
# SEPTEMBER 1, 2020

| NAME | ACCOUNT NUMBER | BILLING YEAR | ORIGINAL VALUE | ADJUSTED VALUE | FINANCIAL IMPACT | REASON FOR ADJUSTMENT | ADDITIONAL INFORMATION |
|---|---|---|---|---|---|---|---|
| Adcock, Bruce C. | 315189 | 2020 | 18,000 | - | (173.28) | Incorrect value (clerical error) | Taxable value changed due to recalculating of land value for tax relief |
| Adcock, Dorothy | 212138 | 2020 | 64,250 | 49,938 | (132.70) | Incorrect value (clerical error) | Taxable value changed due to recalculating of land value for tax relief |
| Brown, Danny L. | 1020461 | 2020 | 20,700 | - | (199.28) | Incorrect value (clerical error) | Taxable value changed due to recalculating of land value for tax relief |
| Bryant, Georgie H. | 112535 | 2020 | 18,000 | 60 | (173.28) | Incorrect value (clerical error) | Taxable value changed due to recalculating of land value for tax relief |
| Cagle, Roy Lee Sr. | 241201 | 2020 | 29,350 | 16,950 | (119.37) | Incorrect value (clerical error) | Taxable value changed due to recalculating of land value for tax relief |
| Carrboro Family Pharmacy Inc. | 256573 | 2020 | 10,631 | - | (177.44) | Doubled billed (clerical error) | Also billed on account 3184302 |
| Cecil, Billy Robert | 3141 | 2020 | 47,600 | 28,585 | (177.92) | Incorrect value (clerical error) | Taxable value changed due to recalculating of land value for tax relief |
| Chang, Charlie | 284915 | 2020 | 19,000 | - | (177.78) | Incorrect value (clerical error) | Taxable value changed due to recalculating of land value for tax relief |
| Chapel Hill OBGYN | 34127 | 2019 | 211,024 | 45,141 | (2,676.86) | Incorrect value (clerical error) | Disposals were not picked up during keying 2019 listings |
| Cofie, Leslie Emmanuel | 1072901 | 2018 | 13,260 | - | (273.16) | Illegal tax (clerical error) | Gap bill: vehicle registered in Texas during gap period |
| Cotton, Annie E. | 242072 | 2020 | 34,300 | 12,080 | (265.18) | Incorrect value (clerical error) | Taxable value changed due to recalculating of land value for tax relief |
| Cox, Charles Bryan III | 3186352 | 2019 | 16,580 | - | (642.42) | Illegal tax (clerical error) | Gap bill: vehicle registered in New York during gap period |
| Crooks, Kimberly Ann | 1072849 | 2018 | 13,080 | - | (769.00) | Illegal tax (clerical error) | Gap bill: vehicle registered in California during gap period |
| Davis, Rebecca Overman | 224929 | 2020 | 37,100 | 17,380 | (189.84) | Incorrect value (clerical error) | Taxable value changed due to recalculating of land value for tax relief |
| Delon, Kenneth L. | 255367 | 2020 | 150,600 | 102,600 | (714.19) | Incorrect value (clerical error) | Taxable value changed due to recalculating of land value for tax relief |
| Dodson, Betty Jo Bullock | 236369 | 2020 | 20,000 | - | (192.54) | Incorrect value (clerical error) | Taxable value changed due to recalculating of land value for tax relief |
| Dolan, Francine | 295525 | 2020 | 20,000 | - | (192.54) | Incorrect value (clerical error) | Taxable value changed due to recalculating of land value for tax relief |
| Flack, Curtis Lee | 312038 | 2020 | 30,950 | 19,150 | (113.61) | Incorrect value (clerical error) | Taxable value changed due to recalculating of land value for tax relief |
| Freeman, Charles Edward | 278995 | 2020 | 113,750 | 102,859 | (104.86) | Incorrect value (clerical error) | Taxable value changed due to recalculating of land value for tax relief |
| Graffeo, Ronald W. | 286204 | 2020 | 108,396 | 83,446 | (233.45) | Incorrect value (clerical error) | Taxable value changed due to recalculating of land value for tax relief |
| Hazzard, Walter W. | 66907 | 2020 | 40,000 | 26,577 | (129.49) | Incorrect value (clerical error) | Taxable value changed due to recalculating of land value for tax relief |
| Health System Properties LLC | 197402 | 2020 | 13,175,000 | 8,331,444 | (78,160.47) | Illegal tax (clerical error) | Value changed to correspond with payment amount stipulated in Memorandum of Understanding |
| Henderson, Vernon | 87672 | 2020 | 30,000 | 6,950 | (221.90) | Incorrect value (clerical error) | Taxable value changed due to recalculating of land value for tax relief |
| HHanover LLC | 233458 | 2020 | 1,642,100 | 1,312,100 | (5,325.21) | Incorrect value (clerical error) | Inadvertent change in land valuation |
| Jordan, Elizabeth Margaret | 3186539 | 2020 | 6,570 | - | (203.20) | Illegal tax (clerical error) | Gap bill: vehicle registered in Georgia during gap period |
| Leasure, Amber | 3186356 | 2019 | 7,950 | - | (555.92) | Illegal tax (clerical error) | Gap bill: vehicle registered Ohio during gap period |
| Leathers, Annie W. | 282315 | 2020 | 21,200 | 3,200 | (173.29) | Incorrect value (clerical error) | Taxable value changed due to recalculating of land value for tax relief |
| Lee, John Damian | 3186476 | 2020 | 11,691 | 1,169 | (112.55) | Incorrect value (clerical error) | Incorrect value was placed on property |
| LFW Properties LLC | 305753 | 2019 | 400,747 | 246,797 | (1,440.51) | Incorrect value (clerical error) | Agricultural Present Use Value was not applied from 2017 Present Use Value application approval |
| LFW Properties LLC | 305753 | 2018 | 400,747 | 246,797 | (1,413.57) | Incorrect value (clerical error) | Agricultural Present Use Value was not applied from 2017 Present Use Value application approval |
| LFW Properties LLC | 305753 | 2017 | 400,747 | 246,797 | (1,394.02) | Incorrect value (clerical error) | Agricultural Present Use Value was not applied from 2017 Present Use Value application approval |
| LGI Homes NC LLC. | 3183587 | 2020 | 80,640 | 1,040 | (1,064.97) | Illegal tax (clerical error) | No improvements on this property as of January 1, 2020 |
| Lynch, Benjamin | 3182296 | 2019 | 8,650 | - | (806.11) | Illegal tax (clerical error) | Gap bill: vehicle was registered in Texas during gap period |
| Meriwether, Brenda | 14309 | 2020 | 34,400 | - | (321.99) | Illegal tax (clerical error) | Doublewide was sold |
| Miller, Coy Heirs | 197762 | 2019 | 93,161 | N/A | (2,938.32) | Assessed in error (Illegal tax) | Present Use Value compliance received |
| Miller, Coy Heirs | 197762 | 2018 | 93,161 | N/A | (3,126.48) | Assessed in error (Illegal tax) | Present Use Value compliance received |
| Miller, Coy Heirs | 197762 | 2017 | 93,161 | N/A | (3,286.00) | Assessed in error (Illegal tax) | Present Use Value compliance received |
| Murphy, Daniel | 218359 | 2020 | 422,600 | 422,600 | (4,292.45) | Incorrect value (clerical error) | Land value was not included in the deferment |
| Musso, Alan Anthony | 3184005 | 2019 | 6,950 | - | (407.80) | Illegal tax (clerical error) | Gap bill: vehicle was registered in Texas during gap period |
| Nutter Farms LLC | 1058362 | 2020 | 1,607,006 | 1,566,206 | (388.48) | Incorrect value (clerical error) | Incorrect in-process value on tax bill |
| Ortiz, Emilia Montanez | 1011934 | 2018 | 43,200 | - | (409.19) | Doubled billed (clerical error) | Leasehold is billed on account 3181706 |
| Ray, Joseph E. | 235618 | 2020 | 317,400 | 291,900 | (252.86) | Incorrect value (clerical error) | Value changed due to timely submission of data validation request |
| Roberts-Cooper, Cathleen | 3184943 | 2019 | 3,800 | - | (352.59) | Illegal tax (clerical error) | Gap bill: vehicle was registered in Georgia during gap period |
| Strouds Creek Homeowners Association Inc. | 1061726 | 2019 | 55,700 | 1 | (534.38) | Incorrect value (clerical error) | Value reduced to $1 due to property transferring to Home Owners Association |
| TGAP The Warehouse At Chapel Hill c/o Preiss Co LLC | 3185423 | 2020 | 116,032 | 116,032 | (187.24) | Illegal tax (clerical error) | Extension granted to incorrect account, listing penalties removed |
| Ullo-Padilla, Oscar Rene | 1011934 | 2019 | 46,300 | - | (446.65) | Doubled billed (clerical error) | Also billed on account 3181706 |
| Wang, Songzhuang | 1074798 | 2019 | 9,516 | - | (168.92) | Assessed in error (illegal tax) | Property located in Wake County |
| Welch, John Calvin III | 1071492 | 2018 | 6,710 | 6,710 | (186.15) | Illegal tax (clerical error) | Gap bill: vehicle should be billed for 21 months instead of 39 months |
| Whaley Zhong, Becky Hang | 3182211 | 2019 | 6,600 | - | (292.89) | Illegal tax (clerical error) | Gap bill: vehicle was registered in Minnesota during gap period |
| Williams, Anne Elizabeth | 249930 | 2019 | 244,500 | 204,900 | (392.67) | Incorrect value (clerical error) | Living area and air conditioning errors identified in 2017 not corrected |
| Williams, Anne Elizabeth | 249930 | 2018 | 244,500 | 204,900 | (381.78) | Incorrect value (clerical error) | Living area and air conditioning errors identified in 2017 not corrected |
| Williams, Anne Elizabeth | 249930 | 2017 | 244,500 | 204,900 | (376.75) | Incorrect value (clerical error) | Living area and air conditioning errors identified in 2017 not corrected |

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**
**SEPTEMBER 1, 2020**

| NAME | ACCOUNT NUMBER | BILLING YEAR | ORIGINAL VALUE | ADJUSTED VALUE | FINANCIAL IMPACT | REASON FOR ADJUSTMENT | ADDITIONAL INFORMATION |
|---|---|---|---|---|---|---|---|
| Willoughby, Rick | 1067611 | 2017 | 6,970 | - | (290.40) | Incorrect value (clerical error) | Gap bill: vehicle was registered in Indiana during gap period |
| Wolfe, Walter G. | 1058394 | 2020 | 490,099 | N/A | (639.27) | Assessed in error (Illegal tax) | Previously disqualified from PUV, compliance evidence received, rollback reversed |
| Wolfe, Walter G. | 1058394 | 2019 | 358,999 | N/A | (685.62) | Assessed in error (Illegal tax) | Previously disqualified from PUV, compliance evidence received, rollback reversed |
| Wolfe, Walter G. | 1058394 | 2018 | 358,999 | N/A | (729.26) | Assessed in error (Illegal tax) | Previously disqualified from PUV, compliance evidence received, rollback reversed |
| Wolfe, Walter G. | 1058394 | 2017 | 358,999 | N/A | (774.84) | Assessed in error (Illegal tax) | Previously disqualified from PUV, compliance evidence received, rollback reversed |
| | | | | **Total** | **(120,562.89)** | | |

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:** September 1, 2020

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

**SUBJECT:** Applications for Property Tax Exemption/Exclusion

**DEPARTMENT:** Tax Administration

**ATTACHMENT(S):**
Exempt Status Resolution
Spreadsheet
Requests for Exemption/Exclusion

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

**PURPOSE:** To consider eleven untimely applications for exemption/exclusion from ad valorem taxation for twelve bills for the 2020 tax year.

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

Six of the applicants are applying for homestead exclusion based on NCGS 105-277.1, which allows exclusion of the greater of $25,000 or 50% of the appraised value of the residence.

One applicant is applying are for exclusion based on NCGS 105-278.3, which allows for exclusion from property taxes for property used for a religious purpose.

Two of the applicants are applying for Circuit Breaker exclusion based on NCGS 105-277.1B which allows for tax relief based on income. The Circuit Breaker exclusion is a tax deferral program.

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

One applicant is applying for exclusion based on NCGS 105-277.1C, which allows for an exclusion of $45,000 for an honorably discharged Disabled American Veteran.

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

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

**FINANCIAL IMPACT:** The reduction in the County's tax base associated with approval of the exemption application will result in a reduction of FY 2020/2021 taxes due to the County, municipalities, and special districts in the amount of $ 78,388.95.

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

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

**RECOMMENDATION(S):** The Manager recommends that the Board approve the attached resolution for the above-listed applications for FY 2020/2021 exemption.

**NORTH CAROLINA**
**ORANGE COUNTY**

RES-2020-048

**EXEMPTION/EXCLUSION RESOLUTION**

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

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

**Whereas**, the Tax Administrator has determined that the applicants could have been approved for 2018 had applications been timely.

**NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT** the properties applying for exemption for 2019 are so approved as exempt.

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

Ayes: Commissioners _____

_____

Noes: _____

I, David Hunt, Deputy 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 _____, 2020.

_____
Deputy Clerk to the Board of Commissioners

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

# BOCC REPORT - REAL/PERSONAL
# LATE EXEMPTION/ EXCLUSION
# SEPTEMBER 1, 2020

| NAME | ACCOUNT NUMBER | BILL YEAR | ORIGINAL VALUE | TAXABLE VALUE | FINANCIAL IMPACT | REASON FOR ADJUSTMENT |
|---|---|---|---|---|---|---|
| Amity United Methodist Church | 3183132 | 2020 | 3,946,100 | 0 | (63,678.21) | Late application General Statute 105-278.3 (religious purposes) |
| Barnes, Barbara | 215868 | 2020 | 211,600 | 105,800 | (1,707.29) | Late application for exemption General Statute105-277.1 (homestead exemption) |
| Biek, Mary Patricia | 200929 | 2020 | 229,100 | 229,100 | (2,042.71) | Late application for exemption General Statute105-277.1B (circuit breaker) |
| Caignon, Denise | 265853 | 2020 | 325,700 | 162,850 | (2,718.12) | Late application for exemption General Statute105-277.1 (homestead exemption) |
| Christmas, Chihiro | 181534 | 2020 | 253,700 | 253,700 | (2,088.16) | Late application for exemption General Statute105-277.1B (circuit breaker) |
| Crain, Ernest | 13500 | 2020 | 170,600 | 125,600 | (446.22) | Late application for exemption General Statute105-277.1C (disabled veteran) |
| Empowerment | 51054 | 2020 | 0 | 0 | - | Late application General Statute105-278.6 (low or moderate income housing) |
| Empowerment | 51055 | 2020 | 0 | 0 | - | Late application General Statute105-278.6 (low or moderate income housing) |
| Hausler, Shelley | 45539 | 2020 | 300,500 | 157,268 | (1,686.84) | Late application for exemption General Statute105-277.1 (homestead exemption) |
| Lane, Catherine | 209259 | 2020 | 340,700 | 170,350 | (2,843.31) | Late application for exemption General Statute105-277.1 (homestead exemption) |
| Pettiford, David | 2032 | 2020 | 148,140 | 103,140 | (427.00) | Late application for exemption General Statute105-277.1 (homestead exemption) |
| Vered, Lior | 193682 | 2020 | 234,400 | 189,400 | (751.09) | Late application for exemption General Statute105-277.1 (homestead exemption) |
| | | | | | (78,388.95) | Total |
| | | | | | | |

*Circuit Breaker does not result in a reduction in value. The exemption received is based on the income of the taxpayer.

The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.
Approval of the release or refund of the principal tax amount also constitutes approval of the release or
refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.

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

**Date: August 12, 2020**

**To Whom It May Concern:**

**I, Roger Shumate, Trustees Chairperson for Amity United Methodist Church, request that our property be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020 and beyond on Tax Abstract or Parcel Identification Number(s) (PIN) # 3183182 or 9789359182.**

**In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.**

**Please explain:**
**We are a church and our property is used to carry out the functions of our church. Our plat changed because, under eminent domain, an easement was signed over to the Town of Chapel Hill and NCDOT for the addition of a bike lane on N. Estes Drive. We have never had to pay property taxes on our church property. We were not informed that this was necessary when the easement was granted but found out when a tax bill was received.**

**How did you find out about the program(s)? Call to Tax Assessor's Office about tax bill.**

**Thank you,**

Roger C Shumate for Amity UMC

**(Signature)**

**FILED**

JUL 14 2020

ORANGE COUNTY
TAX ADMINISTRATION

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

Date: 7/13/2020

To Whom It May Concern:

I, (PRINT NAME) BARBARA BARNES,
wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020
on Tax Abstract or Parcel Identification Number(s) (PIN) #
9799770592.

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.

Please explain:
IRS Tax Form 1040 for 2019 is not available until July 14, 2020.

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

Thank you,
Barbara Barnes
(Signature)

RECEIVED
JUN 19 2020
Orange County Tax

June 17, 2020

To whom it may concern,

I am writing to explain the lateness of this application. Because I have been quarantined due to Covid-19, I was unable to meet the June 1st deadline. Thank you for your consideration for property tax assistance.

Sincerely,
Mary Patricia Biek

Mary Patricia Biek

FILED

JUN 22 2020

ORANGE COUNTY
TAX ADMINISTRATION

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

**Date: 06/22/2020**

**To Whom It May Concern:**

**I, Denise Caignon, wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020 on Tax Abstract or Parcel Identification Number(s) (PIN) #9779067293.**

**In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.**

**Please explain:**

***I thought I wasn't allowed to submit my application until I had filed my 2019 tax return, which I just did. Because of COVID-19, both the IRS and NC Department of Revenue allowed late-filing of taxes (up until July 15, 2020). I assumed the Orange County Tax Assessor would also honor this delayed date, given that complete information about my income was not available to me until I filed my returns. Thank you very much for considering my application for homestead property tax relief. Please let me know if you need more information.***

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

***There was a flyer in correspondence sent to me by the assessor's office.***

**Thank you,**

Denise Caignon

FILED
JUL 01 2020
ORANGE COUNTY
TAX ADMINISTRATION

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

Date: 7/1/2020

To Whom It May Concern:

I, (PRINT NAME) CHIHIRO CHRISTMAS,
wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020
on Tax Abstract or Parcel Identification Number(s) (PIN) #
9778294908.

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.

Please explain:
This year tax filing delate, I thought it would be late for applying the request of property Tax reduce

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

Thank you,

Chihiro Christy
(Signature)

FILED

JUN 24 2020

ORANGE COUNTY
TAX ADMINISTRATION

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

Date: June 22, 2020

To Whom It May Concern:

I, (PRINT NAME) Ernest D. II + Brenda M. Crain,
wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020
on Tax Abstract or Parcel Identification Number(s) (PIN) #
9759008545.

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.

Please explain:
Did not know we had to submit an application and the coronavirus pandemic.

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

Thank you,
Brenda M Crain
(Signature)

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

**Date:** 4-7-2020

**To Whom It May Concern:**

**I, (PRINT NAME)** Delores Bailey (EmPowerment),
**wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year** 2020
**on Tax Abstract or Parcel Identification Number(s) (PIN) #**
9788030940, 9788030899.

**In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.**

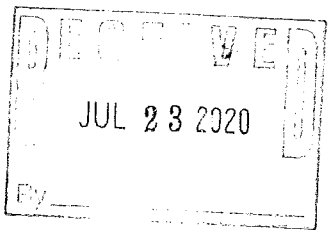
**Please explain:**
This Property is being purchased for affordable housing construction. It is currently to vacant lots.

**How did you find out about the program(s)?** we are a nonprofit that does affordable housing

**Thank you,**

Delores Bailey
**(Signature)**

July 23, 2020




To Whom It May Concern:

I want to apologize for the lateness of this Property Tax Relief application and hope that it can still be considered for this year. It is late because my tax preparer (VITA program) closed before my appointment date due to COVID 19.

When I realized that the program would not resume, I prepared my own taxes and found that I had little or no taxable income and was not required to file either federal or state tax. This has made it difficult to provide the documentation you require. Please contact me if there is any other information you need.

Thank you for your consideration.

Yours truly,

Shelley Hausler

Shelley Hausler

917 Lystra Lane
Chapel Hill, N.C. 27517
919-933-5467

RECEIVED
JUL 14 2020
Orange County Tax

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

**Date:** July 13, 2020

**To Whom It May Concern:**

**I, (PRINT NAME)** Catherine F. Lane **, wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year** 2020 **on Tax Abstract or Parcel Identification Number(s) (PIN) #** 9778754384 **. Please note that the deadline to submit a timely application Deadline is June 1st of the tax year.**

**In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.**

**Please explain:**
I am a 85 year old, (Female) and I am on a fixed income. I struggle to make all ends meet to survive and Property taxes are really taking a lot From me trying to make it and Survive. my Medications alone take most of what I have to survive, I misplaced the First letter sent to apply For Reduce PROPERTY Tax and I apologize, please help With
**How did you find out about the program(s)?** SECU (Credit Union) Tax reduction.

**Thank you,**

Catherine F. Lane

**(Signature)**

**FILED**

JUN 29 2020

ORANGE COUNTY
TAX ADMINISTRATION

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

**Date:** 6/22/20

**To Whom It May Concern:**

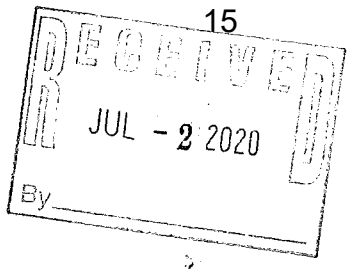
**I, (PRINT NAME)** David L. Pettiford,
**wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year** 2020
**on Tax Abstract or Parcel Identification Number(s) (PIN) #**
9868675440.

**In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.**

**Please explain:**
Covid 19 shut down. Took time getting document

**How did you find out about the program(s)?** Tax personnel person

**Thank you,**
David L Pettiford
**(Signature)**




Lior Vered, Ph.D.
204 Barrington Hill Road
Chapel Hill, NC 27516
Phone: 909-919-6691
Email: liorvered1@gmail.com
07/02/2020

Orange County Tax Office
P.O. Box 8181
Hillsborough, NC 27278-8181

Dear Sir or Madam,

I am writing to apply for disabled veteran exclusion on my home at 204 Barrington Hill Road, Chapel Hill as the surviving spouse of a veteran who passed due to a service connected disability. I understand that the deadline for the application has passed, but I was hoping an exemption could be made. Due to COVID-19 and the social isolation it forced, it was incredibly difficult to get together the necessary paperwork in a timely manner.

Attached is my application, a photocopy of my ID card and form NCDVA-9. I have yet to file for 2019 taxes, and assumed this document is not needed since there is no income requirement for this exclusion, but am happy to provide you with my tax return after the filing deadline, if needed.

Thank you for your consideration and hard work. I await your decision. I am available for any additional information or to answer any questions, if needed.

Sincerely,

Lior Vered, Ph.D.

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** September 1, 2020

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

**SUBJECT:** Tax Collector's Annual Settlement for Fiscal Year 2019-20

**DEPARTMENT:** Tax Administration

**ATTACHMENT(S):**
Resolution
Reports (5)
Order to Collect
*Report of Delinquent Property Taxes (provided to Deputy Clerk on Flash Drive)*

**INFORMATION CONTACT:**
Nancy T. Freeman, Director,
919-245-2735

**PURPOSE:** To receive the tax collector's annual settlement on current and delinquent taxes, approve by resolution the accounting thereof, and upon acceptance of the reports, issue the Order to Collect for Fiscal Year 2020-2021.

**BACKGROUND:** The annual settlement provides in detail the collection for the County, all fire and special districts, and the Towns of Carrboro, Chapel Hill, Hillsborough and Mebane during Fiscal Year 2019-2020.

For fiscal year ended June 30, 2020, Orange County's overall current year tax collection percentage was 99.15%. The overall collection percentage can be broken down further into three property classifications: real property, personal property, and motor vehicles. Orange County's fiscal year 2019-2020 current year tax collection percentage for real property was 99.19%, personal property was 97.12%, which includes motor vehicle gap bills that are billed monthly by the County rather than by the State. The collection rate for registered motor vehicle taxes collected by the State (VTS Registered Motor Vehicles) was 99.84%.

The tax collector is required by North Carolina General Statute (NCGS) 105-373 to give an annual settlement to the governing body. It is the intent of the Machinery Act to create a direct relationship of responsibility and accountability between the tax collector and governing body.

Furthermore, NCGS 105-373 requires the tax collector to furnish a sworn report to the governing body showing a list of property owners whose taxes remain unpaid for the preceding fiscal year. There are four sections to the report: business personal property owners, public personal property owners, individual personal property owners and real property owners. By acceptance of the resolution the Board designates said list to be entered into the minutes. The tax claim is not discharged or written off. These accounts are recharged to the collector as delinquent accounts, and the collector has full authority to use levy and garnishment to affect their collection. Lists have been provided to the Deputy Clerk to the Board for the permanent record of all outstanding tax by property classification.

Two settlement reports for tax are included.

- The first shows all taxes charged for collection for the 2019-2020 fiscal year. All uncollected taxes allowed as credits in a settlement are recharged to the tax collector. Per NCGS 105-373(3)(b) the tax collector is credited with (paraphrased):
    1. All sums representing taxes collected and deposited;
    2. Releases approved by the governing body;
    3. The principal amount of taxes constituting liens on real property;
    4. Amount shown on the insolvent list;
    5. Discounts as allowed by law;
    6. Commissions (if any) lawfully payable to the tax collector as compensation;
    7. Outstanding Property Tax Commission appeals.

- The second settlement report shows all prior years' taxes collected during the 2019-2020 fiscal year. NCGS 105-378 limits the tax collector's use of enforced collection remedies to ten years from the due date of the tax. As such, for fiscal year 2019-2020 the tax collector was charged with collecting remaining taxes from the years 2009-2018, in addition to current year 2019 taxes.

Additional reports are included for review by the governing board:

- One of the reports provides details of all other miscellaneous revenue charged to the Tax Collector for collection during fiscal year 2019-2020.
- An additional report is a minimal bill report that provides the number of bills and amount of taxes waived in accordance with a resolution approved by the governing board on July 26, 1995. NCGS 105-321(f) states, in part, that the governing body of a taxing unit may direct its tax assessor and tax collector not to collect minimal taxes where the total principal amount does not exceed five dollars.
- Another report shows the accounts receivable information for 2019 taxes at the beginning of the 2020 fiscal year.
- The final report is a copy of the delinquent property tax accounts as of June 30, 2020. It has been provided to the Deputy Clerk on a flash drive.

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

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

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

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

- Receive the Tax Collector's annual settlement, approve and authorize the Chair to sign the resolution accepting it as reported for entry into the minutes; and
- Approve, authorize the Chair to sign, and issue the Order to Collect to the Tax Collector for Fiscal Year 2020-2021.

**RESOLUTION APPROVING THE
TAX COLLECTOR'S ANNUAL SETTLEMENT
FOR THE CURRENT YEAR 2019
AND PRIOR YEARS**

**BE IT RESOLVED** by the Board of Commissioners of Orange County that the following documents attached hereto are received and approved, consisting of the following:

1. Settlement of 2019 Tax Accounts
2. Settlement of Prior Years (2009-2018) Tax Accounts
3. Tax Collector's Report of 2019 Unpaid Taxes
4. Tax Collector's Report of Minimal Property Tax Bills
5. Report of Collections of Non-Tax Revenue and Miscellaneous Taxes
6. Tax Collectors Accounts Receivable

**ADOPTED** this the 1st day of September, 2020.

_____
Penny Rich
Chair, Board of County Commissioners

Attest:

_____
Clerk to the Board of County Commissioners

**Settlement for 2019 Tax Accounts**
**Orange County, Fire and Special Districts**
**Towns of Carrboro, Chapel Hill, Hillsborough and Mebane**
**for Fiscal Year 2019-2020**

| | Orange County | Fire & Special Districts | Town of Carrboro | Town of Chapel Hill | Town of Hillsborough | Town of Mebane | Grand Total |
|---|---|---|---|---|---|---|---|
| **CHARGES** | | | | | | | |
| Adjusted Levy-Real | 147,051,425.56 | 28,023,986.85 | 13,098,566.17 | 38,915,981.69 | 6,300,664.81 | 1,284,134.70 | 234,674,759.78 |
| Adjusted Levy-Personal | 6,906,131.15 | | 341,692.94 | 1,499,979.35 | 440,999.63 | 337,790.92 | 9,526,593.99 |
| Adjusted Levy-Motor Vehicles | 1,858.84 | | - | 180.11 | - | 115.36 | 2,154.31 |
| Adjusted Levy--Personal & Motor Vehicles | | 1,023,490.57 | | | | | 1,023,490.57 |
| Adjusted Levy-Vehicle Fees | | | - | 120.00 | - | | 120.00 |
| Adjusted Levy-VTS Registered Motor Vehicles | 10,499,721.85 | 1,823,162.08 | 1,465,623.07 | 2,685,460.98 | 695,968.43 | 118,790.09 | 17,288,726.50 |
| Interest & Penalties | 273,309.90 | 46,979.46 | 13,455.61 | 55,336.82 | 9,371.46 | 816.36 | 399,269.61 |
| **Total** | **164,732,447.30** | **30,917,618.96** | **14,919,337.79** | **43,157,058.95** | **7,447,004.33** | **1,741,647.43** | **262,915,114.76** |
| **CREDITS** | | | | | | | |
| Real Uncollected | 1,185,063.30 | 197,069.99 | 56,096.61 | 115,900.70 | 56,667.43 | 2,102.60 | 1,612,900.63 |
| Personal Uncollected | 198,708.30 | | 16,839.44 | 59,829.14 | 4,647.76 | 1,013.00 | 281,037.64 |
| Motor Vehicles Uncollected | - | | - | - | - | - | - |
| Personal & Motor Vehicles Uncollected | | 38,623.39 | | | | | 38,623.39 |
| Motor Vehicle Fees Uncollected | | | - | - | - | | - |
| VTS Registered Motor Vehicles Uncollected | 16,520.92 | 3,243.34 | 4,267.10 | 3,876.29 | 980.94 | 226.07 | 29,114.66 |
| VTS Registered Motor Vehicles Cash Deposited | 10,483,200.93 | 1,819,918.74 | 1,461,355.97 | 2,681,584.69 | 694,987.49 | 118,564.02 | 17,259,611.84 |
| Cash Deposited | 152,848,953.85 | 28,858,763.50 | 13,380,778.67 | 40,295,868.13 | 6,689,720.71 | 1,619,741.74 | 243,693,826.60 |
| **Total** | **164,732,447.30** | **30,917,618.96** | **14,919,337.79** | **43,157,058.95** | **7,447,004.33** | **1,741,647.43** | **262,915,114.76** |
| **COLLECTION CREDIT** | | | | | | | |
| Cash Deposited | **163,332,154.78** | **30,678,682.24** | **14,842,134.64** | **42,977,452.82** | **7,384,708.20** | **1,738,305.76** | **260,953,438.44** |
| Prop Tax Appeals Pending Credit | - | | | | - | | - |
| **Total Collection Credit** | **163,332,154.78** | **30,678,682.24** | **14,842,134.64** | **42,977,452.82** | **7,384,708.20** | **1,738,305.76** | **260,953,438.44** |
| **COLLECTION PERCENTAGE** | | | | | | | |
| Real | 99.19% | 99.30% | 99.57% | 99.70% | 99.10% | 99.84% | |
| Personal | 97.12% | | 95.07% | 96.01% | 98.95% | 99.70% | |
| Motor Vehicles | 100.00% | | | | | | |
| Personal & Motor Vehicles | 97.12% | 96.23% | | | | | |
| Motor Vehicle Fees | | | | | | | |
| VTS Registered Motor Vehicles | 99.84% | 99.82% | 99.71% | 99.86% | 99.86% | 99.81% | |
| **Total** | **99.15%** | **99.33%** | **99.48%** | **99.58%** | **99.16%** | **99.81%** | |

**Collection Percentage Reported in the CAFR and to the LGC** Combined County, Fire & Special District **Overall Collection** **99.25%**

Nancy T. Freeman, Tax Collector for Orange County, Towns of Carrboro, Chapel Hill, Hillsborough and Mebane, and applicable fire/special districts, being duly appointed, respectfully reports that he has made a diligent effort within the time permitted by law to collect the taxes due from persons listed out of their personal property and by other means available to him for collection of such taxes.

Sworn to and subscribed before me this the 17th day of August, 2020.

Valerie Ann Curry Notary Public

VALERIE ANN CURRY NOTARY PUBLIC ALAMANCE COUNTY, N.C.

My commission expires 9-23-2022

Nancy T. Freeman, Tax Collector

# SETTLEMENT OF UNPAID TAXES
## FOR THE YEARS 2009-2018
### Orange County, Fire and Special Districts
### Towns of Carrboro, Chapel Hill, Hillsborough, and Mebane

| | | Adjusted Levy | Total Collections | Uncollected Balance (Accounts Receivable) | Interest Collected |
|---|---|---|---|---|---|
| Orange County | | 3,411,383.92 | 976,508.01 | 2,434,875.91 | |
| Downtown Revitalization | | 3,700.14 | 1,436.99 | 2,263.15 | |
| Cedar Grove Fire | | 14,344.08 | 5,798.34 | 8,545.74 | |
| Greater Chapel Hill Fire | | 122.36 | 47.47 | 74.89 | |
| Damascus Fire | | 1,015.66 | 746.75 | 268.91 | |
| Efland Fire | | 29,823.93 | 9,805.23 | 20,018.70 | |
| Eno Fire | | 14,904.42 | 4,709.22 | 10,195.20 | |
| Little River Fire | | 5,878.17 | 2,039.18 | 3,838.99 | |
| New Hope Fire | | 11,964.96 | 4,669.21 | 7,295.75 | |
| Orange Rural Fire | | 44,847.89 | 21,118.35 | 23,729.54 | |
| Orange Grove Fire | | 14,002.57 | 5,232.01 | 8,770.56 | |
| South Orange Fire | | 19,006.30 | 6,716.01 | 12,290.29 | |
| Southern Triangle Fire | | 3,774.53 | 1,004.34 | 2,770.19 | |
| White Cross Fire | | 26,870.90 | 7,471.34 | 19,399.56 | |
| CH Carrboro School District | | 299,833.92 | 74,645.30 | 225,188.62 | |
| **Total County, Fire, and Special Districts** | | **3,901,473.75** | **1,121,947.75** | **2,779,526.00** | **211,157.34** |
| Town of Carrboro | Real | 164,247.43 | 57,162.26 | 107,085.17 | |
| | Personal Property and Motor Vehicle | 115,363.97 | 8,129.17 | 107,234.80 | |
| | **Total** | **279,611.40** | **65,291.43** | **214,319.97** | **11,029.42** |
| Town of Chapel Hill | Real | 171,487.28 | 33,548.94 | 137,938.34 | |
| | Personal Property and Motor Vehicle | 245,380.50 | 31,662.04 | 213,718.46 | |
| | **Total** | **416,867.78** | **65,210.98** | **351,656.80** | **14,236.56** |
| Town of Hillsborough | Real | 142,796.48 | 39,061.50 | 103,734.98 | |
| | Personal Property and Motor Vehicle | 43,392.96 | 2,998.01 | 40,394.95 | |
| | **Total** | **186,189.44** | **42,059.51** | **144,129.93** | **9,583.31** |
| Town of Mebane | Real | **7,298.29** | **2,714.82** | **4,583.47** | |
| | Personal Property and Motor Vehicle | **8,648.28** | **454.81** | **8,193.47** | |
| | **Total** | **15,946.57** | **3,169.63** | **12,776.94** | **508.75** |

Nancy T. Freeman, Tax Collector for Orange County, Towns of Carrboro, Chapel Hill, Hillsborough and Mebane, and applicable fire/special districts, being duly appointed, respectfully reports, in accordance with G.S. 105-373(b), the amount of taxes remaining unpaid for years 2009 through 2018, that she has made a diligent effort within the time permitted by law to collect such taxes out of the personal property of such taxpayers, or by other means available to her for collection of such taxes.

Sworn and subscribed before me on this the 17th day of August, 2021

Nancy T. Freeman

Nancy T. Freeman, Tax Collector




Valerie Ann Curry Notary Public My commission expires 9-23-2022

# 2019-2020 Non-Tax Revenue and Miscellaneous Taxes

## 2019-2020 COLLECTIONS OF NON-TAX REVENUE

| | | |
|---|---|---|
| Emergency Services Ambulance Fees (not inclusive of Medicaid Reimbursement) | $ | 2,777,700.33 |
| Medicaid Reimbursement for Emergency Services | $ | 539,086.00 |
| Beer & Wine Licenses | $ | 12,895.00 |
| Rental Vehicle Gross Receipts Tax | $ | 88,126.73 |
| Emergency Mgmt Collection (all other charges but ambulance) | $ | 23,580.00 |
| Efland Sewer Loan Collection | $ | 1,239.80 |
| Solid Waste Programs Fee Collection | $ | 9,005,101.58 |
| Waste Center Fee Collection | $ | 2,198.06 |
| 3R Fee Collection | $ | 6,306.39 |
| Occupancy Tax Collection | $ | 1,343,303.47 |
| **TOTAL** | **$** | **13,799,537.36** |

## 2019-2020 COLLECTION OF RENTAL VEHICLE GROSS RECEIPT TAX FOR MUNICIPALITIES

| | | |
|---|---|---|
| Chapel Hill | $ | 68,547.85 |
| Hillsborough | $ | 10,813.74 |
| Carrboro | $ | 46.80 |
| **TOTAL** | **$** | **79,408.39** |

## 2019-2020 COLLECTION OF FEES FOR MUNICIPALITIES

| | | |
|---|---|---|
| Chapel Hill Stormwater | $ | 2,792,435.59 |
| Carrboro Stormwater | $ | 800,943.81 |
| Hillsborough Stormwater | $ | 666,355.07 |
| Hillsborough Waterstone Assessment | $ | 619,299.61 |
| **TOTAL** | **$** | **4,879,034.08** |

## COLLECTIONS OF MISCELLANEOUS AD VALOREM TAXES & MOTOR VEHICLE TAG FEES

Note: Registered Motor Vehicle taxes are now collected at the State level. Collection information for both Durham and Mebane will eventually dwindle to zero.

| | *Fiscal Year 2019-2020* | | | | All Prior Years | | | |
|---|---|---|---|---|---|---|---|---|
| | **Adjusted Levy** | **Total Collected** | **Amount Uncollected** | **Collection Percentage** | **Adjusted Levy** | **Total Collected** | **Amount Uncollected** | **Collection Percentage** |
| **Town of Mebane, Motor Vehicle Taxes** | 115.36 | 115.36 | - | 100.00% | 3,422.41 | 154.54 | 3,267.87 | 4.52% |
| **City of Durham, Motor Vehicle Taxes** | - | - | - | 0.00% | 212.26 | - | 212.26 | 0.00% |
| **City of Durham, Motor Vehicle Tag Fees** | - | - | - | 0.00% | 60.00 | - | 60.00 | 0.00% |

**TAX COLLECTOR'S REPORT**
**OF MINIMAL PROPERTY TAX BILLS**
**Fiscal Year 2019-2020**

North Carolina General Statute 105-321(f) is a provision authorizing the governing board of a taxing unit that collects its own taxes to adopt a resolution foregoing the collection of bills that do not exceed a specified amount, up to five dollars ($5.00). The Orange County Board of Commissioners has adopted, by resolution effective July 26, 1995, a policy change to permit the County Assessor and Tax Collector to waive the billing and collection of tax notices that do not exceed five dollars ($5.00), and that the tax collector keep record of such and report the total amount as part of annual settlement.

There were no motor vehicle notices that were less than five dollars ($5.00). The total number of real estate and personal property notices less than five dollars ($5.00) is 2549. The total amount of taxes waived is $6,403.93.

Nancy T. Freeman
Orange County Tax Administrator

Sworn to and subscribed before me this
the 17th day of August, 2020.

Notary Public

My Commission expires 9-23-2022



ORANGE COUNTY
NORTH CAROLINA
TAX OFFICE

Nancy T. Freeman, Tax Administrator | 228 S. Churton Street, Hillsborough, NC 27278 | 919.245.2100

State of North Carolina
County of Orange

Tax Collector's Report of FY 2019-2020
Accounts Receivable – Real/Personal Property

Nancy T. Freeman, Tax Collector for Orange County, Towns of Carrboro, Chapel Hill, Hillsborough, and Mebane, and applicable Fire Districts being duly appointed, deposes and says:

A complete list of persons owning real and personal property whose tax remain unpaid and the principal amount due has been filed with the Clerk to the Board of County Commissioners and is available for inspection.

The principal amount of 2019 real and personal property as of July 1, 2020 is $1,906,995.31.

Nancy T Freeman
Nancy T. Freeman
Orange County Tax Collector

Sworn to and subscribed before me this
the 17th day of August, 2020.

Valerie Ann Curry
Notary Public

My Commission expires 9-23-2022

VALERIE ANN CURRY NOTARY PUBLIC ALAMANCE COUNTY, N.C.

## ORDER OF THE BOARD OF COUNTY COMMISSIONERS IN ACCORDANCE WITH G.S. 105-321

**State of North Carolina**
**County of Orange**

**ORDER OF THE BOARD OF COUNTY COMMISSIONERS**
**IN ACCORDANCE WITH G.S. 105 – 373 and 105 – 321**

**To: Nancy T. Freeman**
**Tax Collector of Orange County, Towns of Carrboro, Chapel Hill, Mebane and Hillsborough, and applicable Fire Districts**

You are hereby authorized, empowered, and commanded to collect the taxes remaining unpaid as set forth in the 2011 through 2020 tax records filed in the office of the Tax Collector, and in the tax receipts herewith delivered to you in the amounts and from the taxpayers likewise therein set forth. You are further authorized, empowered, and commanded to collect the 2011 through 2020 taxes charged and assessed as provided by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law. Such taxes are hereby declared to be a first lien on all real property of the respective taxpayers in Orange County, Town of Carrboro, Town of Chapel Hill, Town of Hillsborough, Town of Mebane, Fire Districts of Orange Rural, Efland, South Orange, New Hope, Eno, Orange Grove, Greater Chapel Hill, Little River, Cedar Grove, Southern Triangle, Damascus, and White Cross, and Special Districts of Chapel Hill-Carrboro Schools and Chapel Hill Downtown Service District, and this order shall be a full and sufficient authority to direct, require and enable you to levy on and sell any real and personal property, and attach wages and/or other funds, of such taxpayers, for and on account thereof, in accordance with law.

You are further authorized to call upon the Sheriff to levy upon and sell personal property under execution for the payment of taxes.

Within available funds in the budget ordinance and personnel positions established, the Tax Collector may hire employees, and they shall have the authority to perform those functions authorized by the Machinery Act of Chapter 105 of North Carolina General Statutes and other applicable laws for current and previous years' taxes. County personnel presently in the Tax Collector's office will continue to serve in their respective collection positions.

Witness my hand and official seal, this 1st day of September, 2020

_____
Penny Rich
Chair, Board of County Commissioners

Attest:

_____
Clerk to the Board of County Commissioners

ORD-2020-020

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** September 1, 2020

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

**SUBJECT:** Fiscal Year 2020-21 Budget Amendment #1

**DEPARTMENT:** Finance and Administrative Services

**ATTACHMENT(S):**

Attachment 1. Budget As Amended Spreadsheet
Attachment 2. Year-to-Date Budget Summary
Attachment 3. List of CRF - Round 2 Funding Allocation
Attachment 4. Letter of Request and Resolution from Town of Carrboro Related to the South Orange Fire Service District

**INFORMATION CONTACT:**

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

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

**BACKGROUND:**

Note: The term "Deferred Revenues" used in several of the items listed below is also known as unearned revenue or prepayments, and refers to revenue received in FY 2019-20 in advance of FY 2020-21. Deferred revenue is reserved and accounted for on the County's balance sheet as a liability to avoid expenditure in FY 2019-20. At the start of FY 2020-21, the deferred revenue is then recognized on the income statement as revenue.

**Non-Departmental – Coronavirus Relief Funding (CRF) - Round 2**

1. Orange County has received its Round 2 State-wide per capital share of Coronavirus Relief Funding (CRF) in the amount of $2,881,614. Consistent with the Round 1 CRF allocation, the County will receive $1,671,336, and the municipalities of Chapel Hill, Carrboro, Hillsborough, and Mebane will receive a total of $1,210,278, based on a per capital allocation. This budget amendment provides for the receipt of these funds, and allocates the funds consistent with the Round 1 CRF Funding Plan as approved by the Board of Commissioners on May 19, 2020. *(See Attachment 1, column #1 and Attachment 3)*

**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.

**Non-Departmental – Coronavirus Relief Funding (CRF) – Round 1**

**2.** At its May 19, 2020 Virtual Business Meeting, the Board of Commissioners approved the Coronavirus Relief Funding (CRF) Round 1 funding allocation of $1,546,136 to the County and a total of $1,119,617 to the municipalities of Chapel Hill, Carrboro, Hillsborough, and Mebane, based on a per capita allocation, and at its June 16, 2020 meeting, approved the receipt of the funds totaling $2,665,753. As of June 30, 2020, funds totaling $1,326,713 had been utilized per the approved funding allocation. This budget amendment provides for the receipt of $1,339,040 in deferred revenue for use of these remaining funds in FY 20-21. *(See Attachment 1, column #2)*

**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.

**South Orange Fire Service District**

**3.** The Town of Carrboro Fire Department provides fire protection for the South Orange Fire Service District through a contract between the County and the Town. The Carrboro Town Council has requested the use of $125,000 from the South Orange Fire Service District's available fund balance to provide funding for the purchase of a water tanker truck. This budget amendment provides for the appropriation of $125,000 from the district's fund balance for the above stated purpose. With this appropriation, approximately $61,000 remains available in the district's fund balance. *(See Attachment 1, column #3 and Attachment 3)*

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

- **GOAL: CREATE A SAFE COMMUNITY**
  The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

**Board of Elections**

**4.** Orange County Board of Elections has received notification of a 2020 CARES Act Sub-grant award of $143,766, as well as a 2020 HAVA (Help America Vote Act) Sub-grant award of $10,000. The budget period for the CARES Act funds is July 1, 2020 – December 31, 2020, and the budget period for the HAVA funds is July 1, 2020 – June 30, 2021. Both the CARES Act and HAVA funds will be used to prevent, prepare for, and respond to the coronavirus pandemic during the 2020 federal election cycle. This budget

amendment provides for the receipt of both the CARES Act funds of $143,766 and the HAVA funds of $10,000. *(See Attachment 1, column #4)*

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

**Article 46 Sales Tax Fund – Small Business Loan Program**

**5.** The Board of County Commissioners approved the receipt of $100,000 and any residual balances (a total of $9,787) from available Small Business Loan Program funds into the Article 46 Sales Tax Fund as part of Budget Amendment #10 in FY 19-20, as well as $410,000 as part of the Approved FY 20-21 Budget to provide emergency grants to small businesses. Of these budgeted amounts, there is currently $264,787 remaining available, as well as $64,796 available in the original Small Business Loan Pool account within the Article 46 Sales Tax Fund, for a total available of $329,583 for a possible Round 3 funding to small businesses. To better track these funds and expenditures, this budget amendment provides for the establishment of a special revenue fund, and allocates available funds totaling $329,583 from the Article 46 Sales Tax Fund to the newly created special revenue fund. *(See Attachment 1, column #5)*

**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.

**Animal Services**

**6.** Animal Services received donations in the amount of $8,715 through the Community Giving program, for use toward a shaded dog park. This budget amendment provides for receipt and use, consistent with intent of the donations, in the Community Giving Fund, a special revenue fund outside of the General Fund. *(See Attachment 1, column #6)*

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

**Housing and Community Development**

**7.** The Department of Housing and Community Development has budgetary changes to the following programs:

- **Housing Choice Voucher (HCV) Program** - the program appropriated $79,370 in administrative funding received late in FY 2019-20 for use toward Landlord incentives. Applications were sent out in May and June, and were due back to the department in July and August. The department is now in the lease up process and is now ready to use the landlord incentive funds. As these funds remained unspent at the end of FY 2019-20, this budget amendment re-appropriates the full, unspent amount for use toward the same purpose in FY 2020-21.

- **Partnership to End Homelessness Program**
  - Receipt of Emergency Solutions Grant – COVID 19 (ESG-CV) grant awards to be used to fund one (1) 1.0 FTE Rapid Rehousing Case Manager position and two (2) 1.0 FTE Peer Support Specialists in the Partnership to End Homelessness, through June 30, 2022. This budget amendment authorizes the use of grant funds in the amounts of $85,408 and $140,816, respectively, for the purpose of startup and ongoing position-related costs, contingent on receipt of the grant.
  - Partnership to End Homelessness is requesting to use funding secured through the CARES Act, a reallocation of existing revenue, as well as funding approved for a current 0.625 FTE Administrative Support position to temporarily increase the FTE authorization by .375 FTE to a 1.0 FTE Programs Coordinator position through June 30, 2021. At July 1, 2021, the position would then revert to a 0.625 FTE Administrative Support position. The cost of the position is estimated at $68,329 annually and is contingent on receipt of grant funding.

This budget amendment provides for the receipt of the Grant funds, and approves the creation of a time-limited 1.0 FTE Rapid Rehousing Case Manager, (2) 1.0 FTE time-limited Peer Support Specialists through June 30, 2022, and a temporary increase of .375 FTE for a 1.0 FTE time-limited Programs Coordinator through June 30, 2021. *(See Attachment 1, column #7)*

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

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

**Department of Social Services**

**8.** The Department of Social Services (DSS) has received federal CARES funds for adult and child protective services in the amount of $66,787. These funds will be used to fund three (3) time-limited Social Work positions (1.0 FTE each) for six months. These positions will be funded through December 31, 2020 using CARES funds, and the department will use anticipated salary savings to continue staffing these positions through February 28, 2021.

**9.** The Department has received $20,993 in donations for the annual toy chest drive. These funds will be used for that purpose. These funds will be appropriated in the DSS Client Fund, a special revenue fund outside of the General Fund.

This budget amendment provides for the receipt of these additional Grant funds and donations, and approves the creation of three (3) new time-limited Social Work positions (1.0 FTE each) for 6 months. *(See Attachment 1, column #8)*

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

- **GOAL: CREATE A SAFE COMMUNITY**
  The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.
- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**
  The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.

**Department of Environment, Agriculture, Parks and Recreation**

**10.** The Department of Environment, Agriculture, Parks and Recreation (DEAPR) has deferred revenue for the following programs:

- **NC Matching Grant** – As of June 30, 2020, the department has $8,316 in deferred revenue, for use in FY 2020-21, related to the Soil and Water division's NC Matching Grant, Matching funds are used for office and educational supplies, staff training and certification costs and award sponsorship.
- **Little River Park Donations** – As of June 30, 2020, the department had received Little River Park donations of $38,936. These funds have been earmarked as deferred revenue for use in FY 2020-21

This budget amendment provides for the receipt of these deferred revenues for use in FY 20-21. *(See Attachment 1, column #9)*

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

**Department on Aging**

**11.** The Department on Aging has deferred revenue for the following programs:

- **Carol Woods Donation** – As of June 30, 2020, the department has $252,411 in deferred revenue, for use in FY 2020-21, related to the Carol Woods Donation. These funds will used for Master Aging Plan Initiatives, and are budgeted in the multi-year Grant Fund, outside of the General Fund.
- **Senior Health Insurance and Information Program (SHIIP)** – As of June 30, 2020, the department had received SHIIP Funds of $12,561. These funds have been earmarked as deferred revenue for use in FY 2020-21.
- **Medicare Improvements for Patients and Providers Act (MIPPA)** – As of June 30, 2020, the department had $11,826 in deferred revenue, for use in FY 2020-21, related to the MIPPA grant.

This budget amendment provides for the receipt of these deferred revenues for use in FY 20-21. *(See Attachment 1, column #10)*

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goals are applicable to these items:

- **GOAL: CREATE A SAFE COMMUNITY**
  The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.
- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
  The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

**Criminal Justice Resource Department**

**12.** The Criminal Justice Resource Department (CJRD) has the following budgetary changes:

- **ABC Board Funds** - After the County's FY 2020-21 Budget was approved, CJRD received official notification that the ABC Board Funds were to be reduced from $32,500 to $25,000. This amendment reduces that revenue and the drug treatment court expenditures by $7,500 accordingly.
- **Cardinal Innovation Grants** - As of June 30, 2020, CJRD has $17,759 in deferred revenue (unspent funds) for use in FY 2020-21. These are related to two Cardinal Innovations grants awarded to the department in FY2019-20 to provide COVID related benefits to clients.
- **Emergency Solutions Grant** - CJRD has received a two-year grant from the Emergency Solutions Grant in the amount of $115,409. These funds will be used to create a new time-limited (1.0 FTE) Harm Reduction Clinical Coordinator for the duration of the grant through June 30, 2022. These funds will be received and appropriated in a multi-year Grant Fund project, outside of the General Fund.

This budget amendment provides for the budgetary changes listed above, and approves the creation of a new 1.0 FTE time-limited Harm Reduction Clinical Coordinator position through June 30, 2022. *(See Attachment 1, column #11)*

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

- **GOAL: CREATE A SAFE COMMUNITY**
  The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.
- **GOAL: 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.

**County Manager**

**13.** The County Manager's Department has deferred revenue and the receipt of additional funds for the following programs:

- **Food Council** – As of June 30, 2020, the department has $16,498 in deferred revenue, for use in FY 2020-21, related to the Food Council Division. These funds will be utilized for division activities, consistent with the MOE signed by the County and the municipalities, and are budgeted in the multi-year Grant Fund, outside of the General Fund.
- **Arts Commission**
  - **NC Arts Council Grant** - as of June 30, 2020, the department had received $15,000 from an NC Arts Council Grant. These funds have been earmarked as deferred revenue for use in FY 2020-21. These funds are budgeted in the Visitors Bureau Fund, outside of the General Fund.
  - **Orange County Arts Assistance Grant Program** – This program will allocate $50,000 towards the Orange County-based arts organizations who collectively contribute $131 million to the local economy each year. This program will follow the format of the annual Grassroots Arts Program, requiring an application that will evaluate each organization's financial standing and operating procedures in light of COVID-19. A panel of Orange County Arts Commission advisory board members will review the applications and make funding decisions. Organizations employing full-time staff will be prioritized. The online application period will be September 7 – September 30, 2020. This budget amendment allocates $50,000 from the Emergency Small Business Grant Fund to the Visitors Bureau Fund (Arts Commission budget), outside of the General Fund, to cover the cost of this Arts Assistance Grant Program.

This budget amendment provides for the receipt of these deferred revenues and additional funds for use in FY 2020-21. *(See Attachment 1, column #12)*

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

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
  The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

**Library Services**

**14.** Library Services has received a strategic planning grant from the Library Services and Technology Act (LSTA). This will allow the department to complete a strategic plan for the upcoming years and receive annual state funding. The award from the LSTA is $32,438 and the County match is $10,812. The matching funds will be covered through a reallocation of existing FY 2020-21 departmental expenditures.

This budget amendment provides for the receipt of the grant funds for use in FY 20-21. *(See Attachment 1, column #13)*

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

- **GOAL: CREATE A SAFE COMMUNITY**
  The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.
- **GOAL: 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.

**Solid Waste Programs Fee**

**15.** The FY 20-21 Approved County Fee Schedule inadvertently omitted the Solid Waste Programs Fee for the City of Mebane residents who live in Orange County, but pay for and receive curbside recycling from the City of Mebane. The reduction of this curbside recycling service reduces the annual Solid Waste Programs Fee for those City of Mebane residents from $142.00 to $94.72. This budget amendment amends the FY 2020-21 Approved County Fee Schedule to include this $94.72 Solid Waste Programs Fee amount. No adjustments are needed to the revenue within the Solid Waste Enterprise Fund, as the approved revenue stream related to the Solid Waste Programs Fee already included the impact of this reduced fee amount.

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

**Health Department**

**16.** The Orange County Health Department has received notification of the following additional funds:

- **Medicaid Maximization Funds** – receipt of additional $43,425 in Medicaid Maximization funds from the North Carolina Department of Health and Human Services, Division of Health Benefits, related to the final 2015 Medicaid Cost Settlement report. These funds will be appropriated to the Medicaid Maximization account for the purpose of renovations, and amends the following Medicaid Maximization Capital Project Ordinance:

***Medicaid Maximization Capital Project ($43,425) - Project # 30012***

Revenues for this project:

| | Current FY 2020-21 | FY 2020-21 Amendment | FY 2020-21 Revised |
|---|---|---|---|
| Medicaid Maximization Funds | $11,535,737 | $43,425 | $11,579,162 |
| **Total Project Funding** | **$11,535,737** | **$43,425** | **$11,579,162** |

Appropriated for this project:

| | Current FY 2020-21 | FY 2020-21 Amendment | FY 2020-21 Revised |
|---|---|---|---|
| Medicaid Maximization Project | $11,535,737 | $43,425 | $11,579,162 |
| **Total Costs** | **$11,535,737** | **$43,425** | **$11,579,162** |

Note: The Current FY 2020-21 Budget represents the cumulative budgeted funds for this project since inception of the Medicaid Maximization Capital Project. Staff plans to bring recommendations to the Board of County Commissioners at a future BOCC meeting for closing out completed portions of County capital projects.

- **COVID-19 Crisis Response Grant –** receipt of CARES grant funds totaling $54,514 for the grant period ending May 31, 2021. The department will use these funds to hire a temporary part-time nurse and Certified Medical Assistants (to conduct mobile COVID-19 testing in Orange County) in support of the COVID-19 pandemic response.
- **Emerging Infectious Diseases (ELC) Enhancing Detection Activities Grant –** receipt of CARES grant funds totaling $244,133 for the grant period ending May 31, 2021. The department will use these funds to hire temporary part-time case investigators, and a temporary data intern to assist in monitoring COVID-19 data systems and reporting in support of the COVID-19 pandemic response.

This budget amendment provides for the receipt of these additional funds for use in FY 20-21 *(See Attachment 1, column #14)*

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

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

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

**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 $4,854,190; increases the Fire Districts Fund by $125,000; decreases the Article 46 Sales Tax Fund by $329,583; increases the Small Business Loan Program Fund by $279,583; increases the Community Giving Fund by $8,715; increases the Housing Choice Voucher Fund by $79,370; increases the Community Development Fund by $226,224; increases the DSS Client Services Fund by $20,993; increases the Multi-year Grant Projects Fund by $384,318; increases the Visitors Bureau Fund by $65,000; and increases the County Capital Projects Fund by $43,425.

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

**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 | 1. Receipt of Coronavirus Relief Funds (Round 2) in the amount of $2,881,614 | 2. Receipt of $1,339,040 in Deferred Revenue from remaining, unspent Coronavirus Relief Funds (Round 1) from FY 19-20 for use in FY 20-21 | 3. BOCC approved fund balance appropriation of $125,000 from the South Orange Fire Service District | 4. Board of Elections - receipt of 2020 CARES Act Sub-grant award of $143,766 and a 2020 HAVA Sub-grant award of $10,000 | 5. Small Business Loan Program - allocates available funds of $329,583 from the Article 46 Sales Tax Fund to the newly created Small Business Loan special revenue fund | 6. Community Giving Fund - receipt of donations of $8,715 for Animal Services for use toward a shaded dog park | 7. Housing Choice Voucher (HCV) Program - appropriation of fund balance of $79,370 from the HCV Fund towards Landlord Incentives; receipt of Emergency Solutions Grant funds of $140,816 for a Street Outreach Program, and $85,408 for Rapid Rehousing Services | 8. DSS - reciept of CARES funds of $66,787 for adult and child protective services, and receipt of $20,993 in donations for the Annual Toy Chest Drive | 9. DEAPR - Deferred Revenue of $8,316 from NC Match Grant funds and $38,936 in Little River Park Donations for use in FY 20-21 | 10. Department on Aging - Deferred Revenue of $252,411 in Carol Woods Donation, $12,561 in SHIIP funds, and $11,826 in MIPPA funds for use in FY 20-21 | 11. Criminal Justice Resource Department - a reduction of $7,500 in ABC Board funds in FY 20-21, deferred revenue of $17,759 in Cardinal Innovation Grant funds for use in FY 20-21, and receipt of an Emergency Solutions Grant of $115,409 | 12. County Manager - Deferred Revenue of $16,498 for the Food Council; $15,000 for the Arts Commission, for use in FY 20-21; allocates $50,000 from the Emergency Small Business Grant Fund to the Arts Commission for the OC Arts Assistance Grant Program | 13. Library Services - receipt of a LSTA Grant of $32,438 with a $10,812 local match coming from a reallocation of existing FY 20-21 departmental expenditures | 14. Health Department - receipt of a CARES COVID-19 Crisis Response Grant of $54,514, and receipt of a ELC CARES Grant of $244,133, both in support of the COVID-19 pandemic response | Budget as Amended Through BOA #1 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ***General Fund*** | | | | | | | | | | | | | | | | | | |
| **Revenue** | | | | | | | | | | | | | | | | | | |
| **Property Taxes** | $ 167,694,880 | $ - | $ 167,694,880 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 167,694,880 |
| **Sales Taxes** | $ 23,827,353 | $ - | $ 23,827,353 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 23,827,353 |
| **License and Permits** | $ 274,550 | $ - | $ 274,550 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 274,550 |
| Aging | $ 714,177 | | $ 714,177 | | | | | | | | | | | $ 24,387 | | | | $ 738,564 |
| DEAPR | $ 130,424 | | $ 130,424 | | | | | | | | | | $ 8,316 | | | | | $ 138,740 |
| Health | $ 1,615,735 | | $ 1,615,735 | | | | | | | | | | | | | | $ 298,647 | $ 1,914,382 |
| Library | $ 100,000 | | $ 100,000 | | | | | | | | | | | | | $ 32,438 | | $ 132,438 |
| Social Services | $ 10,026,947 | | $ 10,026,947 | | | | | | | | | $ 66,787 | | | | | | $ 10,093,734 |
| Local | $ 47,761 | | $ 47,761 | $ 2,881,614 | $ 1,339,040 | | $ 153,766 | | | | | | | | | | | $ 4,422,181 |
| Other | $ 1,265,770 | | $ 1,265,770 | | | | | | | | | | | | $ (7,500) | | | $ 1,258,270 |
| **Intergovernmental** | $ 17,710,005 | $ - | $ 17,710,005 | $ 2,881,614 | $ 1,339,040 | $ - | $ 153,766 | $ - | $ - | $ - | $ 66,787 | $ 8,316 | $ 24,387 | $ (7,500) | $ - | $ 32,438 | $ 298,647 | $ 22,507,500 |
| **Charges for Service** | $ 12,645,090 | $ - | $ 12,645,090 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 12,645,090 |
| **Investment Earnings** | $ 515,000 | | $ 515,000 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 515,000 |
| **Miscellaneous** | $ 2,624,009 | | $ 2,624,009 | | | | | | | | | $ 38,936 | | $ 17,759 | | | | $ 2,680,704 |
| **Transfers from Other Funds** | $ 5,486,817 | | $ 5,486,817 | | | | | | | | | | | | | | | $ 5,486,817 |
| **Fund Balance** | $ 8,268,603 | | $ 8,268,603 | | | | | | | | | | | | | | | $ 8,268,603 |
| ***Total General Fund Revenues*** | $ 239,046,307 | $ - | $ 239,046,307 | $ 2,881,614 | $ 1,339,040 | $ - | $ 153,766 | $ - | $ - | $ - | $ 66,787 | $ 47,252 | $ 24,387 | $ 10,259 | $ - | $ 32,438 | $ 298,647 | $ 243,900,497 |
| **Expenditures** | | | | | | | | | | | | | | | | | | |
| Finance and Administrative Services | $ 1,606,253 | | $ 1,606,253 | | | | | | | | | | | | | | | $ 1,606,253 |
| Asset Management Services | $ 5,337,736 | $ - | $ 5,337,736 | | $ 546,110 | | | | | | | | | | | | | $ 5,883,846 |
| Human Resources | $ 1,006,264 | $ - | $ 1,006,264 | $ 131,795 | $ 184 | | | | | | | | | | | | | $ 1,138,243 |
| Information Technologies | $ 3,846,104 | $ - | $ 3,846,104 | $ 316,741 | $ 144,762 | | | | | | | | | | | | | $ 4,307,607 |
| Non-Departmental | $ 687,264 | $ - | $ 687,264 | $ 1,210,278 | $ 30,158 | | | | | | | | | | | | | $ 1,927,700 |
| **Support Services** | $ 12,773,209 | $ - | $ 12,773,209 | $ 1,658,814 | $ 721,214 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 15,153,237 |
| Board of Elections | $ 843,363 | $ - | $ 843,363 | | | | $ 153,766 | | | | | | | | | | | $ 997,129 |
| Tax Administration | $ 3,895,052 | $ - | $ 3,895,052 | | $ 40,000 | | | | | | | | | | | | | $ 3,935,052 |
| **General Government** | $ 25,639,107 | $ - | $ 25,639,107 | $ - | $ 40,000 | $ - | $ 153,766 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 25,832,873 |
| Animal Services | $ 2,325,362 | $ - | $ 2,325,362 | | | | | | | | | | | | | | | $ 2,325,362 |
| DEAPR | $ 4,056,712 | $ - | $ 4,056,712 | | $ 26,000 | | | | | | | | $ 47,252 | | | | | $ 4,129,964 |
| Planning and Inspections | $ 3,174,530 | $ - | $ 3,174,530 | | | | | | | | | | | | | | | $ 3,174,530 |
| **Community Services** | $ 14,322,250 | $ - | $ 14,322,250 | $ - | $ 26,000 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 47,252 | $ - | $ - | $ - | $ - | $ 14,395,502 |
| Department of Social Services | $ 21,351,429 | $ - | $ 21,351,429 | $ 145,000 | $ 55,893 | | | | | | $ 66,787 | | | | | | | $ 21,619,109 |
| Health | $ 10,461,605 | $ - | $ 10,461,605 | $ 10,000 | | | | | | | | | | | | | $ 298,647 | $ 10,770,252 |
| Department on Aging | $ 2,192,238 | $ - | $ 2,192,238 | | | | | | | | | | | $ 24,387 | | | | $ 2,216,625 |
| Human Rights and Relations | $ 479,427 | $ - | $ 479,427 | $ 23,000 | $ 55,547 | | | | | | | | | | | | | $ 557,974 |
| Housing and CD | $ 418,275 | $ - | $ 418,275 | $ 60,000 | $ 12,000 | | | | | | | | | | | | | $ 490,275 |
| Library Services | $ 2,483,318 | $ - | $ 2,483,318 | $ 4,800 | | | | | | | | | | | | $ 32,438 | | $ 2,520,556 |
| **Human Services** | $ 41,614,328 | $ - | $ 41,614,328 | $ 242,800 | $ 123,440 | $ - | $ - | $ - | $ - | $ - | $ 66,787 | $ - | $ 24,387 | $ - | $ - | $ 32,438 | $ 298,647 | $ 42,402,827 |
| Criminal Justice Resource Department | $ 735,949 | $ - | $ 735,949 | | $ 31,457 | | | | | | | | | $ 10,259 | | | | $ 777,665 |
| Emergency Services | $ 11,816,610 | $ - | $ 11,816,610 | | $ 101,500 | | | | | | | | | | | | | $ 11,918,110 |
| **Public Safety** | $ 27,994,203 | $ - | $ 27,994,203 | $ - | $ 132,957 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 10,259 | $ - | $ - | $ - | $ 28,137,419 |
| **Education** | $ 111,737,971 | | $ 111,737,971 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 111,737,971 |
| **Transfers Out** | $ 4,965,239 | $ - | $ 4,965,239 | $ 980,000 | $ 295,429 | | $ - | | | | | | | | | | | $ 6,240,668 |
| ***Total General Fund Appropriation*** | $ 239,046,307 | $ - | $ 239,046,307 | $ 2,881,614 | $ 1,339,040 | $ - | $ 153,766 | $ - | $ - | $ - | $ 66,787 | $ 47,252 | $ 24,387 | $ 10,259 | $ - | $ 32,438 | $ 298,647 | $ 243,900,497 |
| | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - |
| ***Visitors Bureau Fund*** | | | | | | | | | | | | | | | | | | |
| **Revenues** | | | | | | | | | | | | | | | | | | |
| **Occupancy Tax** | $ 1,243,068 | | $ 1,243,068 | | | | | | | | | | | | | | | $ 1,243,068 |
| **Sales and Fees** | $ 500 | | $ 500 | | | | | | | | | | | | | | | $ 500 |
| **Intergovernmental** | $ 366,963 | | $ 366,963 | | | | | | | | | | | | $ 15,000 | | | $ 381,963 |
| **Investment Earnings** | $ 4,000 | | $ 4,000 | | | | | | | | | | | | | | | $ 4,000 |
| **From General Fund** | $ - | | $ - | $ 40,000 | $ 25,000 | | | | | | | | | | | | | $ 65,000 |
| **Small Business Loan Funds** | | | | | | | | | | | | | | | $ 50,000 | | | $ 50,000 |
| **Appropriated Fund Balance** | $ 6,486 | $ - | $ 6,486 | | | | | | | | | | | | | | | $ 6,486 |
| ***Total Revenues*** | $ 1,621,017 | $ - | $ 1,621,017 | $ 40,000 | $ 25,000 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 65,000 | $ - | $ - | $ 1,751,017 |
| **Expenditures** | | | | | | | | | | | | | | | | | | |
| General Government | $ 225,199 | | $ 225,199 | | | | | | | | | | | | $ 15,000 | | | $ 240,199 |
| Community Services | $ 1,395,818 | $ - | $ 1,395,818 | $ 40,000 | $ 25,000 | | | | | | | | | | $ 50,000 | | | $ 1,510,818 |
| ***Total Housing Fund Revenues*** | $ 1,621,017 | $ - | $ 1,621,017 | $ 40,000 | $ 25,000 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 65,000 | $ - | $ - | $ 1,751,017 |
| ***Fire District Funds*** | | | | | | | | | | | | | | | | | | |
| **Revenues** | | | | | | | | | | | | | | | | | | |
| **Property Tax** | $ 6,497,630 | | $ 6,497,630 | | | | | | | | | | | | | | | $ 6,497,630 |
| **Intergovernmental** | $ - | | $ - | | | | | | | | | | | | | | | $ - |
| **Investment Earnings** | $ 9,850 | | $ 9,850 | | | | | | | | | | | | | | | $ 9,850 |
| **Appropriated Fund Balance** | $ 119,000 | | $ 119,000 | | | $ 125,000 | | | | | | | | | | | | $ 244,000 |
| ***Total Fire Districts Fund Revenue*** | $ 6,626,480 | $ - | $ 6,626,480 | $ - | $ - | $ 125,000 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 6,751,480 |
| **Expenditures** | | | | | | | | | | | | | | | | | | |
| Remittance to Fire Districts | $ 6,626,480 | $ - | $ 6,626,480 | | | $ 125,000 | | | | | | | | | | | | $ 6,751,480 |

**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 | 1. Receipt of Coronavirus Relief Funds (Round 2) in the amount of $2,881,614 | 2. Receipt of $1,339,040 in Deferred Revenue from remaining, unspent Coronavirus Relief Funds (Round 1) from FY 19-20 for use in FY 20-21 | 3. BOCC approved fund balance appropriation of $125,000 from the South Orange Fire Service District | 4. Board of Elections - receipt of 2020 CARES Act Sub-grant award of $143,766 and a 2020 HAVA Sub-grant award of $10,000 | 5. Small Business Loan Program - allocates available funds of $329,583 from the Article 46 Sales Tax Fund to the newly created Small Business Loan special revenue fund | 6. Community Giving Fund - receipt of donations of $8,715 for Animal Services for use toward a shaded dog park | 7. Housing Choice Voucher (HCV) Program - appropriation of fund balance of $79,370 from the HCV Fund towards Landlord Incentives; receipt of Emergency Solutions Grant funds of $140,816 for a Street Outreach Program, and $85,408 for Rapid Rehousing Services | 8. DSS - reciept of CARES funds of $66,787 for adult and child protective services, and receipt of $20,993 in donations for the Annual Toy Chest Drive | 9. DEAPR - Deferred Revenue of $8,316 from NC Match Grant funds and $38,936 in Little River Park Donations for use in FY 20-21 | 10. Department on Aging - Deferred Revenue of $252,411 in Carol Woods Donation, $12,561 in SHIIP funds, and $11,826 in MIPPA funds for use in FY 20-21 | 11. Criminal Justice Resource Department - a reduction of $7,500 in ABC Board funds in FY 20-21, deferred revenue of $17,759 in Cardinal Innovation Grant funds for use in FY 20-21, and receipt of an Emergency Solutions Grant of $115,409 | 12. County Manager - Deferred Revenue of $16,498 for the Food Council; $15,000 for the Arts Commission, for use in FY 20-21; allocates $50,000 from the Emergency Small Business Grant Fund to the Arts Commission for the OC Arts Assistance Grant Program | 13. Library Services - receipt of a LSTA Grant of $32,438 with a $10,812 local match coming from a reallocation of existing FY 20-21 departmental expenditures | 14. Health Department - receipt of a CARES COVID-19 Crisis Response Grant of $54,514, and receipt of a ELC CARES Grant of $244,133, both in support of the COVID-19 pandemic response | Budget as Amended Through BOA #1 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Section 8 Housing Fund** | | | | | | | | | | | | | | | | | | |
| **Revenues** | | | | | | | | | | | | | | | | | | |
| Intergovernmental | $ 4,201,264 | | $ 4,201,264 | | | | | | | | | | | | | | | $ 4,201,264 |
| Miscellaneous | | | | | | | | | | | | | | | | | | $ - |
| Transfer from General Fund | $ 247,025 | | $ 247,025 | | $ 50,000 | | | | | | | | | | | | | $ 297,025 |
| Appropriated Fund Balance | $ - | $ - | $ - | | | | | | | | | | | | | | | $ - |
| ***Total Housing Fund Revenues*** | $ 4,448,289 | $ - | $ 4,448,289 | $ - | $ 50,000 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 4,498,289 |
| **Expenditures** | | | | | | | | | | | | | | | | | | |
| Housing Fund | $ 4,448,289 | $ - | $ 4,448,289 | | $ 50,000 | | | | | | | | | | | | | $ 4,498,289 |
| **Community Development Fund (Housing Displacement Program)** | | | | | | | | | | | | | | | | | | |
| **Revenues** | | | | | | | | | | | | | | | | | | |
| Transfer from General Fund | $ 75,000 | | $ 75,000 | | $ 190,227 | | | | | | | | | | | | | $ 265,227 |
| ***Total Revenues*** | $ 75,000 | $ - | $ 75,000 | $ - | | | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 265,227 |
| **Expenditures** | | | | | | | | | | | | | | | | | | |
| Housing Displacement Program | $ 75,000 | | $ 75,000 | | $ 190,227 | | | | | | | | | | | | | $ 265,227 |
| **Community Development Fund (Homelessness Partnership)** | | | | | | | | | | | | | | | | | | |
| **Revenues** | | | | | | | | | | | | | | | | | | |
| General Government Revenue | $ - | $ - | $ - | | | | | | | | | | | | | | | |
| Intergovernmental | $ 271,716 | | $ 271,716 | | | | | | | | | | | | | | | $ 271,716 |
| Appropriated Fund Balance | $ - | | $ - | | | | | | | | | | | | | | | $ - |
| Transfer from General Fund | $ 91,603 | | $ 91,603 | | $ 30,202 | | | | | | | | | | | | | $ 121,805 |
| ***Total Revenues*** | $ 363,319 | $ - | $ 363,319 | $ - | $ 30,202 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 393,521 |
| **Expenditures** | | | | | | | | | | | | | | | | | | |
| Homelessness Partnership Program | $ 363,319 | | $ 363,319 | | $ 30,202 | | | | | | | | | | | | | $ 393,521 |
| ***Grant Project Fund*** | | | | | | | | | | | | | | | | | | |
| **Revenues** | | | | | | | | | | | | | | | | | | |
| **Intergovernmental** | $ 480,481 | | $ 480,481 | | | | | | | | | | | | $ 115,409 | $ 16,498 | | $ 612,388 |
| **Charges for Services** | $ 75,000 | | $ 75,000 | | | | | | | | | | | | | | | $ 75,000 |
| **Transfer from General Fund** | $ 103,420 | | $ 103,420 | | | | | | | | | | | | | | | $ 103,420 |
| **Miscellaneous** | | | $ - | | | | | | | | | | | $ 252,411 | | | | $ 252,411 |
| **Transfer from Other Funds** | | | $ - | | | | | | | | | | | | | | | $ - |
| **Appropriated Fund Balance** | $ - | $ - | $ - | | | | | | | | | | | | | | | $ - |
| ***Total Revenues*** | $ 658,901 | $ - | $ 658,901 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 252,411 | $ 115,409 | $ 16,498 | $ - | $ 1,043,219 |
| **Expenditures** | | | | | | | | | | | | | | | | | | |
| **Support Services** | $ - | $ - | $ - | $ - | | | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - |
| Food Council | $ 72,629 | | $ 72,629 | | | | | | | | | | | | | $ 16,498 | | $ 89,127 |
| **General Government** | $ 72,629 | $ - | $ 72,629 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 16,498 | $ - | $ 89,127 |
| **Community Services** | $ - | $ - | $ - | $ - | | | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - |
| Senior Citizen Health Promotion(Wellness) | $ 149,095 | $ - | $ 149,095 | | | | | | | | | | | | | | | $ 149,095 |
| Master Aging Plan | $ 175,000 | $ - | $ 175,000 | | | | | | | | | | | $ 252,411 | | | | $ 427,411 |
| Outreach Literacy Time to Read-Library | $ 77,177 | | $ 77,177 | | | | | | | | | | | | | | | $ 77,177 |
| **Human Services** | $ 401,272 | $ - | $ 401,272 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 252,411 | $ - | $ - | $ - | $ 653,683 |
| EM Performance Grant | $ 35,000 | | $ 35,000 | | | | | | | | | | | | | | | $ 35,000 |
| Local Reentry Council Grant - CJRD | $ 150,000 | | $ 150,000 | | | | | | | | | | | | | | | $ 150,000 |
| Emergency Solutions Grant - CJRD (Multi-Yr) | | | | | | | | | | | | | | | 115,409 | | | $ 115,409 |
| **Public Safety** | $ 185,000 | $ - | $ 185,000 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 115,409 | $ - | $ - | $ 300,409 |
| ***Total Expenditures*** | $ 658,901 | $ - | $ 658,901 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 252,411 | $ 115,409 | $ 16,498 | $ - | $ 1,043,219 |
| ***DSS Client Services Fund*** | | | | | | | | | | | | | | | | | | |
| **Revenues** | | | | | | | | | | | | | | | | | | |
| Intergovernmental | $ - | | $ - | $ - | | | $ - | $ - | $ - | $ - | $ 20,993 | $ - | $ - | $ - | $ - | $ - | $ - | $ 20,993 |
| General Government | $ - | | $ - | | | | | | | | | | | | | | | $ - |
| Transfer from Grant Projects | $ - | | $ - | | | | | | | | | | | | | | | $ - |
| ***Total Revenues*** | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 20,993 | $ - | $ - | $ - | $ - | $ - | $ - | $ 20,993 |
| **Expenditures** | | | | | | | | | | | | | | | | | | |
| General Assistance | | | $ - | $ - | | | $ - | $ - | $ - | $ - | $ 20,993 | $ - | $ - | $ - | $ - | $ - | $ - | $ 20,993 |

**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 | 1. Receipt of Coronavirus Relief Funds (Round 2) in the amount of $2,881,614 | 2. Receipt of $1,339,040 in Deferred Revenue from remaining, unspent Coronavirus Relief Funds (Round 1) from FY 19-20 for use in FY 20-21 | 3. BOCC approved fund balance appropriation of $125,000 from the South Orange Fire Service District | 4. Board of Elections - receipt of 2020 CARES Act Sub-grant award of $143,766 and a 2020 HAVA Sub-grant award of $10,000 | 5. Small Business Loan Program - allocates available funds of $329,583 from the Article 46 Sales Tax Fund to the newly created Small Business Loan special revenue fund | 6. Community Giving Fund - receipt of donations of $8,715 for Animal Services for use toward a shaded dog park | 7. Housing Choice Voucher (HCV) Program - appropriation of fund balance of $79,370 from the HCV Fund towards Landlord Incentives; receipt of Emergency Solutions Grant funds of $140,816 for a Street Outreach Program, and $85,408 for Rapid Rehousing Services | 8. DSS - reciept of CARES funds of $66,787 for adult and child protective services, and receipt of $20,993 in donations for the Annual Toy Chest Drive | 9. DEAPR - Deferred Revenue of $8,316 from NC Match Grant funds and $38,936 in Little River Park Donations for use in FY 20-21 | 10. Department on Aging - Deferred Revenue of $252,411 in Carol Woods Donation, $12,561 in SHIIP funds, and $11,826 in MIPPA funds for use in FY 20-21 | 11. Criminal Justice Resource Department - a reduction of $7,500 in ABC Board funds in FY 20-21, deferred revenue of $17,759 in Cardinal Innovation Grant funds for use in FY 20-21, and receipt of an Emergency Solutions Grant of $115,409 | 12. County Manager - Deferred Revenue of $16,498 for the Food Council; $15,000 for the Arts Commission, for use in FY 20-21; allocates $50,000 from the Emergency Small Business Grant Fund to the Arts Commission for the OC Arts Assistance Grant Program | 13. Library Services - receipt of a LSTA Grant of $32,438 with a $10,812 local match coming from a reallocation of existing FY 20-21 departmental expenditures | 14. Health Department - receipt of a CARES COVID-19 Crisis Response Grant of $54,514, and receipt of a ELC CARES Grant of $244,133, both in support of the COVID-19 pandemic response | Budget as Amended Through BOA #1 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ***Article 46 Sales Tax Fund*** | | | | | | | | | | | | | | | | | |
| **Revenues** | | | | | | | | | | | | | | | | | |
| Sales Tax Proceeds | $ 3,885,168 | | $ 3,885,168 | $ - | | | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 3,885,168 |
| Small Business Loan Funds | $ 410,000 | | $ 410,000 | | | | | $ (329,583) | | | | | | | | | $ 80,417 |
| ***Total Revenues*** | $ 4,295,168 | $ - | $ 4,295,168 | $ - | $ - | $ - | $ - | $ (329,583) | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 3,965,585 |
| **Expenditures** | | | | | | | | | | | | | | | | | |
| Economic Development and Schools | $ 3,885,168 | | $ 3,885,168 | $ - | | | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 3,885,168 |
| Small Business Loan Program | $ 410,000 | | $ 410,000 | $ - | | | $ - | $ (329,583) | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 80,417 |
| ***Total Expenditures*** | $ 4,295,168 | $ - | $ 4,295,168 | $ - | $ - | $ - | $ - | $ (329,583) | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 3,965,585 |
| ***Small Business Loan Program Fund*** | | | | | | | | | | | | | | | | | |
| **Revenues** | | | | | | | | | | | | | | | | | |
| Small Business Loan Funds | $ - | | $ - | $ - | | | $ - | $ 329,583 | $ - | $ - | $ - | $ - | $ - | $ - | $ (50,000) | $ - | $ 279,583 |
| From Article 46 Sales Tax Fund | | | | | | | | | | | | | | | | | |
| ***Total Revenues*** | $ - | $ - | $ - | $ - | | | $ - | $ 329,583 | $ - | $ - | $ - | $ - | $ - | $ - | $ (50,000) | $ - | $ 279,583 |
| **Expenditures** | | | | | | | | | | | | | | | | | |
| Small Business Loans | $ - | | $ - | $ - | | | $ - | $ 329,583 | $ - | $ - | $ - | $ - | $ - | $ - | $ (50,000) | $ - | $ 279,583 |
| ***Community Giving Fund*** | | | | | | | | | | | | | | | | | |
| **Revenues** | | | | | | | | | | | | | | | | | |
| Donations | $ - | | $ - | $ - | | | $ - | | $ 8,715 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 8,715 |
| ***Total Revenues*** | $ - | $ - | $ - | $ - | | | $ - | $ - | $ 8,715 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 8,715 |
| **Expenditures** | | | | | | | | | | | | | | | | | |
| Community Giving Projects | $ - | | $ - | $ - | | | $ - | | $ 8,715 | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ 8,715 |

# 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 #1 (September 1, 2020) | |
| Grant Funds | $502,610 |
| Non Grant Funds | $4,351,580 |
| General Fund - Fund Balance for Anticipated Appropriations (i.e. Encumbrances) | $0 |
| General Fund - Fund Balance Appropriated to Cover Anticipated and Unanticipated Expenditures | $0 |
| **Total Amended General Fund Budget** | **$243,900,497** |
| Dollar Change in 2020-21 Approved General Fund Budget | $4,854,190 |
| % Change in 2020-21 Approved General Fund Budget | 2.03% |

**Authorized Full Time Equivalent Positions**

| | |
|---|---|
| Original Approved General Fund Full Time Equivalent Positions | 940.080 |
| Original Approved Other Funds Full Time Equivalent Positions | 97.950 |
| **Total Approved Full-Time-Equivalent Positions for Fiscal Year 2020-21** | **1,038.030** |

# Attachment 3

## Coronavirus Relief Fund- Round 2
## Department Compilation

**County Round 2**
**CARES Budget** $ 1,671,336.12

| Department Name | Recommended Dollars | Description |
|---|---|---|
| Aging | $ 5,236.00 | 2 Laptops for Employment Specialist and other to be shared between three interns |
| Animal Services | $ 18,326.00 | 7 Laptops; currently using loaners |
| Asset Management Services | Use of Unspent Round 1 Funds | |
| DEAPR | $ 20,334.00 | IT needs includes 7 Laptops, 3 Hotspots, 4 Monitors, Software and Docking Station |
| DSS | $ 50,000.00 | Continue mass food distribution to vulnerable residents |
| | $ 25,000.00 | To support child protections and employment services |
| | $ 50,000.00 | Child care and other support services |
| | $ 25,326.00 | 5 laptops and upgrades to 12 Desktops for microphones and webcameras |
| | $ 20,000.00 | Stipend for essential services |
| Economic Development | $ 25,000.00 | Visitors Bureau-Phase 2 Media Extension for Emergency Tourism |
| | $ 10,000.00 | Visitors Bureau-To fund a "stay at home/vacation at home" campaign |
| | $ 5,000.00 | Visitors Bureau-To fund safety posters |
| Emergency Services | $ 8,822.88 | 12 hand held devices for daily decon of ambulances |
| Finance | $ 1,212.00 | 6 large monitors for AP and Accountant teleworking |
| Health | $ 1,125.00 | 15 Virtual Desktops for Epidemiology Group Technology |
| | $ 28,944.00 | 5 Laptops for Epidemiology and 3 for Environmental Health w/ GIS |
| | $ 3,000.00 | 10 Cell Phones for Epidemiology |
| | $ 4,000.00 | 10 Hotspots |
| | $ 10,000.00 | Chamber of Commerce Public Health Campaign; $10,000 Match |
| | $ 1,500.00 | Dental iPad for VRI |

| Department Name | Recommended Dollars | | Description |
|---|---|---|---|
| Housing | $ | 940,000.00 | The Emergency Housing Assistance Fund provides funding for rental and utility |
| | $ | 35,000.00 | Legal Aid Contract |
| | $ | 25,000.00 | EHA Administrator |
| Human Resources | $ | 131,795.00 | Payroll expenses for public safety, public health, health care, human services who are substantially dedicated to mitigating COVID-19 public health emergency. Expenses of providing paid sick and paid family and medical elave to public employees to enable compliance with COVID-19 public health precautions. |
| Human Rights and Relations | $ | 18,000.00 | Temporay Administrative Support; triage cases and prepare paperwork for tenants including emergency housing intake |
| | $ | 5,000.00 | Legal Service Cost and Supplies |
| | $ | 5,236.00 | Note: Additional 2 Laptops and Software for Temps |
| Information Technology | $ | 136,904.24 | 79 Laptops with MS Office/No Dock |
| Library | $ | 18,326.00 | 7 Laptops, Docks and software for remote work |
| | $ | 18,000.00 | 75 Wi-Fi Units to further remote work |
| | $ | 4,800.00 | Curb side equipment; book carts and stools to facilitate curbside pick-up and social distancing |
| Planning | $ | 2,909.00 | 1 Laptop, Dock Station, Printer, Scanner and Software. |
| Tax Administration | $ | 7,854.00 | 3 Laptops; additional 9 included in IT requests |
| | $ | 2,094.00 | 6 Printers |
| | $ | 1,400.00 | 2 Hot Spots |
| | $ | 4,992.00 | Other IT equipmet includes monitors, 6 walkie talkie, laptop stands and desktop scanners |
| | $ | 1,200.00 | Large dropbox |
| **Total** | **$** | **1,671,336.12** | |
| Remit to Municipalities: | | | |
| Chapel Hill | $ | 806,852.00 | |
| Carrboro | $ | 288,161.00 | |
| Hillsborough | $ | 86,449.00 | |
| Mebane | $ | 28,816.00 | |
| **Total** | **$** | **1,210,278.00** | |
| **Grand Total** | **$** | **2,881,614.12** | |

**TOWN OF CARRBORO**
**Fire-Rescue Department**
NORTH CAROLINA
WWW.TOWNOFCARRBORO.ORG

August 3, 2020

Penny Rich, Board Chair
Orange County Board of County Commissioners
300 West Tryon Street
P.O. Box 8181
Hillsborough, NC 27278

Dear Chair Rich,

In the submission of the FY 2020-2021 South Orange Fire Service District budget, the Carrboro Fire Department submitted for partial funding for the purchase of a water tanker truck from Orange County. On June 23, 2020, the Carrboro Town Council approved their FY 2020-2021 budget, which included the balance of the funding for the apparatus purchase.

I am hereby requesting the amount of $125,000.00 to be distributed to the Town of Carrboro for the purchase of the tanker. I have enclosed minutes from the town council meeting as well as the agenda reflecting the town's passage of the budget, which included the tanker truck.

Regards,

David R Andrews

David Andrews
Town Manager

**A motion was made by Council Member Foushee, seconded by Council Member Seils, to approve the following resolution:**

RESOLUTION TO REQUEST USE OF SOUTH ORANGE FIRE DISTRICT FUND BALANCE FOR PURCHASE OF A TANKER TRUCK

WHEREAS, The Town of Carrboro provides fire, rescue and EMS services to the South Orange Fire District; and

WHEREAS, the taxes paid by property owners in the South Orange Fire District are used to pay the Town of Carrboro for services provided to the South Orange Fire District; and,

WHEREAS, the South Orange Fire District will have a calculated fund balance of $175,675 through June 20, 2020; and,

WHEREAS, the Town of Carrboro has identified a need to purchase a tanker truck at an estimated cost of $350,000; and.

WHEREAS, a new tanker truck provides for increased efficiency in service delivery;

NOW THEREFORE, the Carrboro Town Council hereby:

1. Authorizes the Town Manager to submit a letter of request to Orange County requesting to use available Fund Balance from South Orange Fire District.

2. Such letter of request shall be limited to an amount not to exceed $125,000 for the purchase of a tanker truck.

3. This Resolution if effective upon passage by the Carrboro Town Council.

4. A copy of this resolution shall be forwarded to the Finance Officer within 2 days.

This, the 16th day of June, 2020.

The motion was approved with the following vote:

**Ayes:** Mayor Lydia Lavelle, Council Member Barbara Foushee, Council Member Jacquelyn Gist, Council Member Randee Haven-O'Donnell, Council Member Susan Romaine, Council Member Damon Seils, Council Member Sammy Slade

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** September 1, 2020

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

**SUBJECT:** Approval of Eno-Haw Regional Hazard Mitigation Plan

**DEPARTMENT:** Emergency Services

**ATTACHMENT(S):**
Resolution of Adoption

***UNDER SEPARATE COVER:***
*Eno-Haw Regional Hazard Mitigation Plan (717 Pages) Only Available Electronically at http://www.enohawhmp.com/assets/pdf/documents/EnoHaw%20HMP%20Revised%20Review%20Draft.pdf*

**INFORMATION CONTACT:**
Kirby Saunders, Emergency Management Coordinator, 919-245-6135
Sarah Pickhardt, Emergency Management Planner, 919-245-6138
Sasha Godwin, Emergency Management Planner, 919-245-6160

**PURPOSE:** To approve a resolution adopting the Eno-Haw Regional Hazard Mitigation Plan as approved by the North Carolina Division of Emergency Management.

**BACKGROUND:** In October of 2000, the "Disaster Mitigation Act of 2000" (DMA 2000) (PL 106-390) was signed into law, which amended the "Robert T. Stafford Disaster Relief and Emergency Act of 1988." DMA 2000 requires local governments to adopt a hazard mitigation plan in order to be eligible for hazard mitigation funding. To remain eligible for funding, each local government must update the hazard mitigation plan every five years.

In addition, North Carolina General Statute §166-A - 19.41 states as a condition of State public assistance funds following a disaster "the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act."

Previously, Orange County, in partnership the Town of Carrboro, the Town of Chapel Hill, the Town of Hillsborough, the County of Durham and its encompassed municipalities, the County of Alamance and its encompassed incorporated areas, updated the "Orange County Hazard Mitigation Plan" in accordance with State and Federal requirements. The plan was adopted by the BOCC on June 16, 2015. For this 2020 update, Person County and its encompassed incorporated areas have joined the planning process.

In an effort to reduce costs associated with hazard mitigation planning, the State prioritizes planning funding provided to counties to those who collaboratively create regional hazard mitigation plans with neighboring jurisdictions that are face comparable or similar hazards. The goal is to combine efforts and have counties create comprehensive, multi-county/multi-

jurisdictional plans while using fewer resources. No local control is lost by any participating entity in the regional plan, and each participant retains the right to apply for State or Federal funding. Furthermore, as an additional benefit, any combination of participants can choose to share the cost of any required local match when applying for project funding.

In accordance with State and Federal regulations, the Eno-Haw Regional Hazard Mitigation Planning Team, which consists of representatives from Orange County Planning and Inspections, Orange County Emergency Services, and the other participating jurisdictions, began meeting in mid-2019 to work with Wood, a contractor provided by the State, to create the new Eno-Haw Regional Hazard Mitigation Plan. Collectively, the team evaluated past hazards and incidents, the geographical profile, the population profile, recently updated Flood Insurance Rate Maps (FIRMs), assessments from the Triangle Regional Resiliency Study, and other data to compile a profile for the region. Additionally, mitigation goals, strategies, and actions were developed for the region.

A draft of the Eno-Haw Regional Hazard Mitigation Plan was submitted to the State Hazard Mitigation Officer for review in June 2020. The State returned comments on July 10, 2020, and the local planning team returned the plan with requested revisions. The plan was returned with the suggested revisions on July 13, 2020 for approval and NC Emergency Management returned an official approval letter on July 17, 2020. The Federal Emergency Management Agency (FEMA) is currently reviewing the plan and is expected to issue an approval within the next 30 days. Local government approval of the plan is occurring ahead of the expected FEMA approval in order to ensure necessary deadlines are met. If FEMA's review results in any significant revisions, the plan will be brought back to the BOCC for re-adoption at a later date.

**FINANCIAL IMPACT:** There are no direct negative financial impacts associated with the adoption of the Eno-Haw Regional Hazard Mitigation Plan. The State has provided funding for contracting services associated with compiling the plan. State and Federal law require a jurisdiction to have an adopted and approved hazard mitigation plan in place to be eligible for hazard mitigation assistance funds. Work at the local level was accomplished using existing County and local staff.

A fundamental premise of mitigation strategy is that current dollars invested in mitigation activities will significantly reduce the demand for future dollars by reducing the amount needed for emergency recovery, repair, and reconstruction following a disaster.

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

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
  The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.
- **GOAL: CREATE A SAFE COMMUNITY**
  The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

While natural hazards cannot be prevented, the community can use various means to reduce the vulnerability of people and damage to property. The community can reduce exposure to future natural hazards by managing the location and characteristics of both the existing and

future built environment. By utilizing location and construction techniques, the community can mitigate negative impacts and reduce future damage to both human lives and property.

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

- **RESULTANT IMPACT ON NATURAL RESOURCES AND AIR QUALITY**
  Assess and where possible mitigate adverse impacts created to the natural resources of the site and adjoining area. Minimize production of greenhouse gases.

Mitigation calls for conservation of natural and ecologically sensitive areas (such as wetlands, floodplains, and dunes) which enables the environment to absorb some of the impact of hazard events. In this manner, this plan helps the community attain a level of sustainability, ensuring long-term environmental health for the community as a whole.

**RECOMMENDATION(S):** The Manager recommends that the Board approve and authorize the Chair to sign the attached resolution adopting the Eno-Haw Regional Hazard Mitigation Plan.

RES-2020-050

# ORANGE COUNTY BOARD OF COMMISSIONERS

## RESOLUTION OF ADOPTION
## 2020 ENO-HAW REGIONAL HAZARD MITIGATION PLAN

**WHEREAS,** in October 2000, the President of the United States signed into law the "Disaster Mitigation Act of 2000" (PL 106-390) to amend the "Robert T. Stafford Disaster Relief and Emergency Act of 1988" which requires local governments to adopt a mitigation plan in order to be eligible for hazard mitigation funding; and

**WHEREAS,** Federal mitigation planning regulations require local mitigation plans to be updated and resubmitted to the Federal Emergency Management Agency for approval every five years in order to continue eligibility for Federal Emergency Management Agency hazard mitigation assistance programs; and

**WHEREAS,** North Carolina General Statute §166-A - 19.41, approved by the North Carolina General Assembly in June 2001 requires local governments to have a hazard mitigation plan approved in order to receive state public assistance funds; and

**WHEREAS,** County staff along with representatives from partnering jurisdictions in conjunction with contract services have performed a comprehensive review and evaluation of the 2015 Eno-Haw Regional Hazard Mitigation Plan and have updated the plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the North Carolina Division of Emergency Management; and

**WHEREAS,** the North Carolina Division of Emergency Management has deemed the Eno-Haw Regional Hazard Mitigation Plan compliant with Section 322 of the Disaster Mitigation Act of 2000, as well as with relevant state requirements; and

**WHEREAS,** the Federal Emergency Management Agency has received a draft of the 2020 Eno-Haw Regional Hazard Mitigation Plan and is currently reviewing;

**NOW THEREFORE, BE IT RESOLVED**, that the Board of County Commissioners of Orange County hereby adopts, by way of this resolution, the revised "Eno-Haw Regional Hazard Mitigation Plan" as approved by the North Carolina Division of Emergency Management.

This the 1st day of September, 2020.

_____
Penny Rich, Chair
Orange County Board of Commissioners

ATTEST:

COUNTY SEAL

_____
David Hunt
Deputy Clerk to the Board

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** September 1, 2020

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

**SUBJECT:** Approval of Public Transportation Agency Safety Plan

**DEPARTMENT:** Transportation Services

**ATTACHMENT(S):**
(1) Orange County Public Transportation Agency Safety Plan

***UNDER SEPARATE COVER***
*(2) Federal Transit Administration Public Transportation Agency Safety Plan Final Rule – Only Available Electronically at: https://www.govinfo.gov/content/pkg/FR-2018-07-19/pdf/2018-15167.pdf*

**INFORMATION CONTACT:**
Theo Letman, 919-245-2007

**PURPOSE:** To approve the Orange County Public Transportation's Agency Safety Plan, a new requirement for transit agencies and sub-recipients who receive federal funds under the Federal Transit Administration's (FTA) Urbanized Area Formula Grants.

**BACKGROUND:** On July 19, 2018, the Federal Transit Administration published the Public Transportation Agency Safety Plan (PTASP) Final Rule, which requires certain operators of public transportation systems that receive federal funds under FTA's Urbanized Area Formula Grants to develop safety plans that include the processes and procedures to implement Safety Management Systems (SMS).

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

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

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

**RECOMMENDATION(S):** The Manager recommends that the Board approve the Orange County Public Transportation's Agency Safety Plan for submittal to North Carolina Department of Transportation.

2020

# Orange County Public Transportation




**Public Transportation Agency Safety Plan**

***The Agency Safety Plan addresses all applicable requirements and standards as set forth in FTA's Public Transportation Safety Program and the National Public Transportation Safety Plan.***

| Orange County Public Transportation System<br>Safety Program Plan Revisions | | |
|---|---|---|
| Section | Revisions | Reason for Revision |
| | | |
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# Orange County Public Transportation Agency Safety Plan

## 1. Agency Information

| | | | | |
|---|---|---|---|---|
| **Transit Agency Name** | Orange County Public Transportation | | | |
| **Transit Agency Address** | 600 NC Highway 86 Hillsborough, NC 27278 | | | |
| **Name and Title of Accountable Executive** | Theo Letman, Orange County Transportation Services Director | | | |
| **Name of Chief Safety Officer or SMS Executive** | TeLeishia Holloway, Transportation Administrator | | | |
| **Mode(s) of Service Covered by This Plan** | Bus | **List All FTA Funding Types (e.g., 5307, 5310, 5311)** | 5307. 5339, 5311 | |
| **Mode(s) of Service Provided by the Transit Agency (Directly operated or contracted service)** | Fixed Route Bus Transit , Complimentary Paratransit, and Demand Response | | | |
| **Does the agency provide transit services on behalf of another transit agency or entity?** | Yes | No ☒ | **Description of Arrangement(s)** | N/A |
| **Description of Services** | Orange County Public Transportation provides demand response services and operates three fixed routes with complimentary paratransit. | | | |

The Agency Safety Plan addresses all applicable requirements and standards as set forth in FTA's Public Transportation Safety Program and the National Public Transportation Safety Plan.

## 2. Plan Development, Approval, and Updates

| | | |
|---|---|---|
| **Name of Entity That Drafted This Plan** | Orange County Public Transportation | |
| **Signature by the Accountable Executive** | **Signature of Accountable Executive** | **Date of Signature** |
| | | |
| **Approval by the Orange County Board of County Commissioners** | **Name of Individual/Entity That Approved This Plan** | **Date of Approval** |
| | **Orange County Board of County Commissioners** | |
| | **Relevant Documentation (title and location)** | |
| | **Governing Body Adopting Resolution** | |

| | | |
|---|---|---|
| **Certification of Compliance** | **Name of Individual/Entity That Certified This Plan** | **Date of Certification** |
| | OCPT Regulatory Affairs Specialist | |
| | **Relevant Documentation (title and location)** | |
| | | |

| **Version Number and Updates** | | | |
|---|---|---|---|
| **Version Number** | **Section/Pages Affected** | **Reason for Change** | **Date Issued** |
| 1 | All | New Document | |
| | | | |

**Annual Review and Update of the Public Transportation Agency Safety Plan**

OCPT management will review the ASP annually, update the document as necessary, and implement the changes within a timeframe that will allow the agency to submit the annual self-certification of compliance in a timely manner and no later than July 15. Annual self-certification will consist of the Executive Director reviewing, approving and signing the document and submitting to the OCPT Board for their approval. Necessary updates outside the annual update window will be handled as ASP addenda which will be incorporated in the body of the ASP. The OCPT ASP updates will be shared with the relevant MPOs, FTA and NCDOT.

## 3. Safety Performance Targets

**Safety Performance Targets**

*Specify performance targets based on the safety performance measures established under the National Public Transportation Safety Plan.*

| Mode of Transit Service | Fatalities | Fatalities (per 100k VRM) | Injuries | Injuries (per 100k VRM) | Safety Events | Safety Events (per 100k VRM) | System Reliability |
|---|---|---|---|---|---|---|---|
| **Fixed Route Bus** | 0 | 0 | 1 | 1 | 1.5 | 1.5 | 2 |
| **Demand Response** | 0 | 0 | 1 | 1 | 1.5 | 1.5 | 2 |

**Performance Measures:**

SAFETY PERFORMANCE MEASURE: FATALITIES (total number of reportable fatalities and rate per total vehicle revenue miles by mode)

- Customers, employees and the public
    - DATA – Fatalities by mode
    - DATA – Revenue miles by mode

SAFETY PERFORMANCE MEASURE: INJURIES (total number of reportable injuries and rate per total vehicle revenue miles by mode)

- Customers, employees and the public
    - DATA – Accidents with injuries by mode

- DATA – Revenue miles by mode

SAFETY PERFORMANCE MEASURE: SAFETY EVENTS (total number of reportable events and rate per total vehicle revenue miles by mode)

- Combined above with reportable incidents for customers, employees and the public
  - DATA – Safety incidents by mode
  - DATA – Revenue miles by mode
  - DEFINE – Safety incident vs. other incidents

SAFETY PERFORMANCE MEASURE: SYSTEM RELIABILITY (mean distance between major mechanical failures by mode)

- Relationship with TAM Plan – State of Good Repair (SGR) by mode
  - DATA – Definition of system SGR in TAM
  - DATA – Annual target data by mode
  - DATA – Reference to TAM plan policies impacting system reliability
  - DATA – Include annual System Reliability
  - DATA – Revenue miles by mode
  - DATA – Major mechanical failure by mode with dates
  - DEFINE – Major mechanical failure
    - Towed from service
    - Greater than $X of repairs
    - Greater than X days out of service

**Safety Performance Target Coordination**

The Accountable Executive and Board of Directors shares the OCPT ASP, including safety performance targets with the North Carolina Department of Transportation (NCDOT), Burlington/Graham MPO and Durham Chapel Hill Carrboro MPO, year after the board have adopted the plan and OCPT staff have assured that its content has met the requirements of CFR 49, part 673; *Public Transportation Agency Safety Plan*.

| | | |
|---|---|---|
| **Targets Transmitted to the State** | **State Entity Name** | **Date Targets Transmitted** |
| | Integrated Mobility Division NCDOT | |
| **Targets Transmitted to the Metropolitan Planning Organization(s)** | **Metropolitan Planning Organization Name** | **Date Targets Transmitted** |
| | Burlington/Graham Urban Area MPO | |
| | Durham Chapel Hill Carrboro MPO | |

# 4. Safety Management Policy

**Safety Management Policy Statement**

The Orange County Board of County Commissioners and Transportation Services Director strive to provide a safe environment for employees, customers and guests of OCPT facilities and services. OCPT aims to support a robust safety culture, and achieve a high level of safety performance. We also work to ensure that all employees are provided with adequate and appropriate safety information and training. We have established safety performance targets to help us measure the overall effectiveness of our processes.

OCPT is committed to the following safety objectives:

- Communicating the purpose and benefits of the Safety Management System (SMS) to allmanagers, supervisors, and employees.
- Providing a culture of open reporting of all safety concerns, ensuring that no action will be taken against any employee who discloses a safety concern through OCPT's Employee Safety Reporting Program (ESRP), unless such disclosure indicates, beyond any reasonable doubt, an illegal act, gross negligence, or a deliberate or willful disregard of regulations or procedures.
- Identifying hazardous and unsafe work conditions and analyzing data from all sources. (After analyzing provided data, the OCPT Safety Committee will develop processes and procedures to mitigate safety risk to an acceptable level.)
- Establishing safety performance targets that are realistic, measurable, and data driven. Continually improving our safety performance through management processes that ensure appropriate safety management action is taken and is effective.

_____

Theo Letman, Orange County Transportation Services Director

_____

Date

**Safety Management Policy Communication**

Employee engagement is crucial to a functioning Safety Management System (SMS). Communication is in place to enable awareness of OCPT safety objectives/safety performance targets as well as to provide on•going safety communication up, down, and across the organization. Management proactively engages employees and works to keep the lines of safety communication honest and open. All employees are made aware of the importance of OCPT's SMS through the distribution of OCPT's Safety Management Policy Statement to each employee. OCPT also posts copies of the Safety Management Policy Statement in all facilities.

**Authorities, Accountabilities, and Responsibilities**

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| **Accountable Executive** | The Transportation Services Director serves as OCPT's Accountable Executive with the following authorities, accountabilities, and responsibilities under this plan:<br>• Responsible for ensuring an SMS culture for OCPT operations employees<br>• Controls and directs human and capital resources needed to develop and maintain the ASP and SMS.<br>• and has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan of a public transportation agency;<br>• responsibility for carrying out the agency's Transit Asset Management Plan; and |

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| | • control or direction over the human and capital resources needed to develop and maintain both the agency's Public Transportation Agency Safety Plan, in accordance with 49 U.S.C. § 5329(d), and the agency's Transit Asset Management Plan in accordance with 49 U.S.C. § 5326<br>• Designates a Chief Safety Officer who reports directly to the Accountable Executive. |
| **Chief Safety Officer or SMS Executive** | The Accountable Executive designates the Director of Commuter Operations as OCPT's Chief Safety Officer. The Chief Safety Officer has the following authorities, accountabilities, and responsibilities under this plan:<br><br>• Promotes safety awareness throughout the organization ensuring that safety management has a high priority;<br>• Ensures that ASP documentation is current and accessible to all employees, communicating changes to all personnel;<br>• Monitors the effectiveness of safety mitigations;<br>• Provides Safety Risk Management advice and supports the Executive Director and personnel who conduct and oversee Safety Assurance activities. |

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| **Agency Leadership and Executive Management** | Agency Leadership and Executive Management also have authorities and responsibilities for day-to-day SMS implementation and operation of OCPT's SMS under this plan. OCPT Agency Leadership and Executive Management include:<br><br>• Transportation Administrator,<br>• Operations Manager,<br>• Transit Operations Supervisor<br>• Transportation Services Manager, and<br>• Senior Automotive Mechanic<br><br>OCPT Leadership and Executive Management personnel have the following authorities, accountabilities, and responsibilities:<br><br>• Participate as members of OCPT's Safety Committee as called upon;<br>o OCPT Safety Committee: Reported safety hazards are evaluated by the Safety Committee. Safety Committee members include the Chief Safety Officer, Operations Manager, Safety/Training Manager and the Field Operations Specialist.<br>• Oversee day-to-day operations of the SMS in their departments;<br>• Provide subject matter expertise to support implementation of the SMS as requested by the Accountable Executive or the Chief Safety Officer.<br><br>The Safety/Training Manager has the following additional authorities, accountabilities, and responsibilities:<br><br>• Provides safety related training to employees;<br>• Maintains full knowledge of all standard and safety operating procedures;<br>• Ensures that employees make safety a primary concern when on the job;<br>• Listens and acts upon any safety concerns raised by OCPT staff;<br>• Oversees day-to-day implementation and operation of OCPT's SMS; and<br>• Maintains OCPT's Safety Event Log.<br><br>The Operations Manager has the following additional authorities, accountabilities, and responsibilities:<br><br>• Monitors OCPT's Safety Event Log and analyzes trends in hazards, occurrences, incidents, and accidents to maintain OCPT's Critical Asset Vulnerability Action Report as part of Safety Risk Management (SRM); and<br>• Identifies substandard performance in OCPT's SMS and develops action plans for approval by the Accountable Executive.<br>• Chairs the OCPT Safety Committee and coordinates quarterly meetings. |
| **Key Staff** | OCPT relies on Dispatch/Supervisors, Operators and Mechanics Technicians as front-line safety personnel take part in monthly Safety Meetings in support of the SMS: |

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| | • Safety Committee: All Safety Events are discussed as well as any activities that have been put in place to prevent future occurrences. Facility inspections and any hazards identified are also discussed. This committee's members include the Safety/Training Manager (chair), at least one Dispatch/Supervisor and one or more of the Transit Operators and Mechanics.<br>• All-Employee Safety Meetings: A permanent agenda item in monthly All-Employee Safety Meetings is dedicated to safety. Safety issues are discussed and documented. Hazard reports and mitigations will be shared, safety topics will be brought up for open discussion, further feedback solicited, and hazard self-reporting further encouraged. |

**Employee Safety Reporting Program (ESRP)**

OCPT is committed to the safest transit operating standards possible. To achieve this, it is imperative that OCPT have uninhibited reporting of all incidents and occurrences which may compromise the safe conduct of our operations. To this end, every employee is responsible for the communication of any information that may affect the integrity of transit safety. OCPT encourages employees who identify safety concerns in their day-to-day duties and to report them to senior management in good faith without fear of retribution.

OCPT encourages participation in the ESRP by protecting employees that report safety conditions in good faith. However, OCPT may take disciplinary action if the safety report received by OCPT is from a source other than the employee, or involves an illegal act, gross negligence, or a deliberate or willful disregard of promulgated regulations or procedures.

There are many ways employees can report safety conditions:

- Report conditions directly to the dispatcher, who will add them to the daily Operations Log.
- Report conditions directly to any supervisor, manager, or director.

## 5. Safety Risk Management

**Safety Risk Management Process**

OCPT uses the SRM process as a primary method to ensure the safety of our operations, passengers, employees, vehicles, and facilities. It is a process whereby hazards and their consequences are identified, assessed for potential safety risk, and resolved in a manner acceptable to OCPT's leadership. OCPT's SRM process allows us to carefully examine what could cause harm and determine whether we have taken sufficient precautions to minimize the harm, or if further mitigations are necessary.

OCPT's Operations Manager leads OCPT's SRM process, working with OCPT's Safety Committee to identify hazards and consequences, assess safety risk of potential consequences, and mitigate safety risk. The results of OCPT's SRM process are documented in our Critical Asset Vulnerability Action Report and Assessment Log and referenced materials.

**Safety Hazard Identification**
Establishing effective hazard identification programs is fundamental to safety management at OCPT. Hazard identification can be reactive or proactive in nature. Occurrence reporting, incident investigation and trend analysis are essentially reactive. Other hazard identification methods actively seek feedback by observing and analyzing day-to-day operations. Common hazard identification activities include:

- Safety audits and inspections of vehicles and facilities;;
- Safety event and incident investigation and reporting;
- Review of vehicle camera footage;

- Results of training assessments;
- Review of performance data and safety performance targets;
- Observations from supervisors;
- Maintenance reports;
- OCPT ESRP
- Safety Committee, Drivers' and other staff meetings
- Evaluating safety related comments from customers and passengers;
- Federal Transit Administration (FTA) oversight

The practice of reporting and learning from accident precursors (drive-cam) is a valuable complement to other hazard identification practices. To be successful, hazard identification must take place within a just safety culture. Accident precursors are not only an opportunity to identify potential hazards, but also for supervisors to coach operators through various safety situations.

When a safety concern is observed by OCPT personnel it is reported to OCPT's Operations Manager—these reports are made in accordance with OCPT's employee reporting policy. OCPT's Operations Manager also receives customer comments related to safety, and the dispatch daily Operations Log. OCPT's Operations Manager reviews these sources for hazards and documents them in OCPT's Critical Asset Vulnerability Action Report.

OCPT's Operations Manager also may enter hazards into the Critical Asset Vulnerability Action Report based on their review of OCPT's operations and maintenance, the results of audits and observations, and information received from FTA and other oversight authorities, as well as the National Transportation Safety Board.

OCPT's Operations Manager may conduct further analyses of hazards and consequences entered into the Critical Asset Vulnerability Action Report to collect information and identify additional consequences and to inform which hazards should be prioritized for safety risk assessment.

OCPT's Operations Manager will then prepare an agenda to discuss identified hazards and consequences with the Safety Committee. This agenda may include additional background on the hazards and consequences, such as the results of trend analyses, vehicle camera footage, vendor documentation, reports and observations, or information supplied by FTA or other oversight authorities.

Chief Safety Officer and Operations Manager will evaluate recommendations from the Safety Committee and any identified hazard that poses a real and immediate threat to life, property, or the environment will be brought to the attention of the Accountable Executive and addressed through the SRM process (with or without the full Safety Committee) for safety risk assessment and mitigation. This means that the Chief Safety Officer believes immediate intervention is necessary to preserve life, prevent major property destruction, or avoid harm to the environment that would constitute a violation of Environmental Protection Agency or any state environmental protection standards. Otherwise, the Safety Committee will prioritize hazards for further SRM activity.

**Safety Risk Assessment**
Once hazards have been identified, OCPT will conduct an assessment to determine the potential consequences. Factors to be considered are the likelihood of occurrence, the severity of the consequences, and the level of exposure to the hazard. The Operations Manager and Safety Committee assess prioritized hazards using a Risk Assessment Matrix (RAM). Results of the risk assessment process will help determine whether the risk is being effectively managed by prioritizing combined risks into levels, High, Medium, or Low, based on the likelihood of occurrence and severity of the outcome. For purposes of accepting risk:

- "High" hazard ratings will be considered unacceptable and require action from OCPT to mitigate the safety risk
- "Medium" hazard ratings will be considered undesirable and require OCPT's Safety Committee to make a decision regarding their acceptability
- "Low" hazard ratings may be accepted by the Chief Safety Officer without additional review.

The Operations Manager schedules safety risk assessment activities on the Safety Committee agenda. During the meeting, the Operations Manager reviews the hazard and its consequence(s) and reviews available information on severity and likelihood. The Chief Safety Officer and/or Operations Manager may request support from members of the Safety Committee in obtaining additional information to support the safety risk assessment.

Once sufficient information has been obtained, the Operations Manager will facilitate completion of relevant sections of the Critical Asset Vulnerability Action Report, using the OCPT Safety Risk Assessment Matrix, with the Safety Committee. The Operations Manager will document the Safety Committee's safety risk assessment, including hazard rating and mitigation options for each assessed safety hazard in the Critical Asset Vulnerability Action Report. The Operations Manager will maintain on file Safety Committee agendas, additional information collected, and the Critical Asset Vulnerability Action Report and Assessment Tool entries for a period of three years from the date of generation.

**Safety Risk Mitigation**
OCPT's Operations Manager and the Safety Committee also review current methods of safety risk mitigation and establish methods or procedures to mitigate or eliminate safety risk associated with specific hazards. If the risks are unacceptable, OCPT will take steps to lower the risk to an acceptable or tolerable level, or to remove or avoid the hazard. The level of risk can be lowered by:

- Reducing the severity of the potential consequences;
- Reducing the likelihood of occurrence and/or;
- Reducing the exposure to that risk; or
- Some combination of 1, 2 or 3 above.

In general, OCPT will take the following safety actions to mitigate risk. These actions can be grouped into three broad categories, including:

- **Physical Defenses**: These include objects and technologies that are engineered to discourage, or warn against, or prevent inappropriate action or mitigate the consequences of events (e.g. traffic control devices, fences, safety restraining systems, etc.).
- **Administrative Defenses**: These include procedures and practices that mitigate the likelihood of accident/incident (e.g. safety regulations, standard operating procedures, personnel proficiency, supervision inspection, training, etc.).
- **Behavioral Defenses**: These include behavioral interventions through education and public awareness campaigns aimed at reducing risky and reckless behavior.

OCPT's Operations Manager tracks and updates safety risk mitigation information in the Critical Asset Vulnerability Action Report and makes the Register available to the Safety Committee and to other OCPT staff upon request.

## 6. Safety Assurance

Safety Assurance provides the necessary feedback to ensure that the SMS is functioning effectively and that OCPT is meeting or exceeding its safety objectives. Safety assurance requires a clear understanding of how safety performance will be evaluated, or in other words, what metrics will be used to assess system safety and determine if the safety management system is working properly. Having decided on the metrics by which success will be measured; safety management requires using these metrics within the organization for ongoing performance improvement.

Through our Safety Assurance process, OCPT:

- Assesses the effectiveness of safety risk mitigations to make sure the mitigations are appropriate and are implemented as intended;
- Investigates safety events to identify causal factors; and
- Analyzes information from safety reporting, including data about safety failures, defects, or conditions.

***Safety Performance Monitoring and Measurement***

One purpose of the OCPT SMS is to ensure that OCPT is tracking and addressing safety concerns of all types that arise within OCPT services and facilities. OCPT has many processes in place to monitor its entire transit system for compliance with operations and maintenance procedures including:

Monitoring Activities:

- Facility Inspections
- Safety Meetings
- Training Activities
- Accident Investigation Reports
- Injury Reports
- Bus Inspections
- Preventative Maintenance of Vehicles
- Comprehensive Vehicle Maintenance Review
- Ride-along Evaluations (Driver and Route)
- Security Officers
- Security Cameras

The safety data collected from the above sources will be analyzed by OCPT for potential safety impacts. Data are compared against performance trends by the Operations Manager to determine where action needs to be taken.

OCPT is committed to using the data collected and information learned from mitigation efforts to inform decision making and instill positive change. The main objective of all safety mitigations is the improvement of transit system safety. The mechanism for monitoring safety risk mitigations varies depending on the mitigation. OCPT's Operations Manager and OCPT's Safety Committee monitor operations to identify mitigations that may be ineffective, inappropriate, or not implemented as intended.

When performance goals are not met, OCPT will work to identify why such goals were not met and what actions can be taken to minimize the gap in achieving defined goals.

- Identify why the mitigations were unsuccessful
    - Identify unrealistic expectations that may have been hampering process
    - GAP analysis
- Create new mitigation strategies
- Help make informed resource allocation decisions
- Identify improvements
- Reassessment

OCPT maintains documented procedures for conducting safety investigations of events (accidents, incidents, and occurrences, as defined by FTA). Accident management includes following defined accident scene and record keeping procedures.

Conducting safety event investigations includes:

- Complete accident/incident investigation report
- Take photographs if needed
- Review available video/audio of event
- Collect police reports if available (determining factors may be identified by police report)
- Report claims to insurance (determining factors may be identified by insurance investigation professionals)
- Coach/council or discipline of personnel if needed

The Safety Manager and other staff will be able to use data collected through the investigation process to compile a list of potential determining factors for analysis and to assign mitigation measures as needed.

Internally reported safety concerns can be recorded through an incident report or through the ESRP. These safety concerns are either handled immediately by the
Safety/Training Manager and/or brought to the attention of OCPT Safety Manager and the Safety Committee as needed. All concerns are filed for data/record keeping purposes.

# 7. Safety Promotion

**Competencies and Training**

OCPT's Accountable Executive and Agency Leadership must complete FTA's SMS Awareness online training and an executive session on safety management sponsored by CT's transit insurance pool.

OCPT's safety training program applies to all employees directly responsible for safety, including:

- Bus vehicle operators,
- Dispatchers,
- Maintenance technicians,
- Managers and supervisors, and
- Safety/Training Manager

Basic training requirements for OCPT's employees, including frequencies and refresher training, are documented by the Safety/Training Manager.

Operations safety-related skill training includes the following:

- New-hire bus vehicle operator classroom and hands-on skill training,
- Bus vehicle operator refresher training,
- Bus vehicle operator retraining (recertification or return to work),
- Classroom and on-the-job training for dispatchers,
- Classroom and on-the-job training for operations supervisors and managers,
- Accident investigation training for operations supervisors and managers.
- Driver Evaluations,
- Personal Protective Equipment,
- Lockout/Tagout training
- Bloodborne Pathogens and
- NCDOT Minimum Safety Standards

Vehicle maintenance safety-related skill training includes the following:

- Ongoing vehicle maintenance technician skill training,
- Ongoing skill training for vehicle maintenance supervisors,
- Personal Protective Equipment,
- Bloodborne Pathogens,
- Ongoing hazardous material training for vehicle maintenance technicians and supervisors, and
- Lockout/Tagout training

**Safety Communication**

OCPT believes safety promotion is critical to the success of an SMS and aids in ensuring that the organization understands safety policies, procedures, and structure. Further, safety promotion involves establishing an organizational and workplace culture that recognizes safety as a core value, training employees in safety principles, and allowing open communications of safety issues.

OCPT's safety communication activities focus on requirements established in 49 CFR Part 673 (Part 673): That a transit agency must communicate safety and safety performance information throughout its organization which conveys information on hazards and safety risks relevant to employees' roles and responsibilities and informs employees of safety actions taken in response to reports submitted through the employee safety reporting program.

OCPT maintains safety communication through:

- Employee trainings,
- Safety Communication Board,
- Daily Safety Announcements/Messages,
- Monthly Safety Meetings for Drivers and Maintenance Techs,
- Driver Award Programs, and
- Safety section of employee handbook.

Positive safety culture must be generated from the top-down. The actions, attitudes, and decisions at the policy-making level must demonstrate a genuine commitment to safety. Safety must be recognized as the responsibility of each employee with the ultimate responsibility for safety resting with the Transportation Services Director of OCPT. Employees must trust that they will have management support for decisions made in the interest of safety while recognizing that intentional breaches of safety will not be tolerated.

The primary goal of safety promotion at OCPT is to develop a positive safety culture that allows SMS to succeed. A positive safety culture at OCPT is defined as one which is:

*A. An Informed/Learning Culture*
- Employees understand the hazards and risks involved in their areas of operation;
- Employees are provided with the necessary knowledge, training and resources; and
- Employees work continuously to identify and overcome threats to safety.

*B. A Just Culture*
- Employees know and agree on what is acceptable and unacceptable behavior per policies outlined in their respective employee handbooks; and
- Human errors must be understood but negligence and willful violations cannot be tolerated.

*C. A Reporting Culture*
- Employees are encouraged to voice safety concerns and to share critical safety information without the threat of punitive action; and
- When safety concerns are reported they are analyzed and appropriate action is taken.
- Employees are updated on safety issues by management and safety reports are fed back to staff so that everyone learns the pertinent lessons.

## Additional Information

**Supporting Documentation**

This PTASP was developed from information in other Orange County Public Transportation documents, policies and procedures and manuals. Those documents are listed below:

- Orange County Public Transportation Employee Handbook
- Safety and Security Plan (SSP)
- Vehicle Maintenance Plan
- Facility Maintenance Plan
- Training Manual

## Definitions of Special Terms Used in the Safety Plan

| Term | Definition |
|---|---|
| **Accountable Executive** | A single, identifiable person who has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan of a public transportation agency; responsibility for carrying out the agency's Transit Asset Management Plan; and control or direction over the human and capital resources needed to develop and maintain both the agency's Public Transportation Agency Safety Plan, in accordance with 49 U.S.C. 5329(d), and the agency's Transit Asset Management Plan, in accordance with 49 U.S.C. 5326. |
| **Accident** | An event that involves any of the following: a loss of life; a report of a serious injury to a person; a collision of public transportation vehicles; or an evacuation for life safety reasons, at any location, at any time, whatever the cause. |
| **Hazard** | Any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure belonging to OCPT; or damage to the environment. |
| **Risk** | Composite of predicted severity and likelihood of the potential effect of a hazard. |
| **Risk Mitigation** | Method(s) to eliminate or reduce the effects of hazards. |
| **Safety Assurance** | Processes within a transit agency's Safety Management System that function to ensure the implementation and effectiveness of safety risk mitigation, and to ensure that the transit agency meets or exceeds its safety objectives through the collection, analysis, and assessment of information. |
| **Safety Event** | Is any accident, safety incident or safety occurrence (defined below). |
| **Safety Incident** | An event that involves any of the following: a personal injury that is not a serious injury; one or more injuries requiring medical transport; or damage to facilities, equipment, rolling stock, or infrastructure that disrupts transit operations. |
| **Safety Management Policy** | A transit agency's documented commitment to safety, which defines the transit agency's safety objectives and the accountabilities and responsibilities of its employees in regard to safety. |
| **Safety Management System** | The formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of a transit agency's safety risk mitigation. SMS includes systematic procedures, practices, and policies for managing risks and hazards. |
| **Safety Occurrence** | An event without any personal injury in which any damage to facilities, equipment, rolling stock, or infrastructure does not disrupt transit operations. |
| **Safety Performance Target** | A performance target related to safety management activities. |
| **Safety Promotion** | A combination of training and communication of safety information to support SMS as applied to the transit agency's public transportation system. |
| **Safety Risk Assessment** | The formal activity whereby a transit agency determines Safety Risk Management priorities by establishing the significance or value of its safety risks. |
| **Safety Risk Management** | A process within a transit agency's Agency Safety Plan for identifying hazards and analyzing, assessing, and mitigating safety risk. |
| **Serious Injury** | Any injury which: (1) requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received; (2) results in a fracture of any bone (except simple fractures of fingers, toes, or noses); (3) causes severe hemorrhages, nerve, muscle, or tendon damage; (4) involves any internal organ; or (5) involves second-or third-degree burns, or any burns affecting more than 5 percent of the body surface. |

## List of Acronyms Used in the Safety Plan

| Acronym | Word or Phrase |
|---|---|
| **ASP** | Agency Safety Plan |
| **CFR** | Code of Federal Regulations |
| **ESRP** | Employee Safety Reporting Program |
| **FTA** | Federal Transit Administration |
| **MPO** | Metropolitan Planning Organization |
| **SMS** | Safety Management System |
| **SRM** | Safety Risk Management |
| **VRM** | Vehicle Revenue Miles |

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** September 1, 2020

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

**SUBJECT:** Change in BOCC Meeting Schedule for 2020

**DEPARTMENT:** Board of Commissioners

**ATTACHMENT(S):**

**INFORMATION CONTACT:**

David Hunt, Deputy Clerk to the Board,
919-245-2130

**PURPOSE:** To consider changes to the Board of Commissioners' meeting calendar for 2020.

**BACKGROUND:** Pursuant to North Carolina General Statute 153A-40, the Board of County Commissioners must fix the time and place of its meetings or provide a notice of any change in the Meeting Schedule.

Due to current public health concerns, the Board of Commissioners will be conducting Virtual Board meetings during the months of September and October 2020 The BOCC Joint Meeting with the fire departments, originally scheduled for October 8, 2020, has been postponed until the spring of 2021. There will be a Work Session on October 8, 2020.

Members of the Board of Commissioners will be participating in the meetings remotely. As in prior meetings, members of the public will be able to view and listen to the meeting via online streaming video or on Spectrum Cable TV. The meetings will be streamed in real-time on the County's website for public viewing/listening, real-time broadcast on Spectrum Cable, and video-recorded for future television broadcast and reference on the County's website.

**September 2020 Virtual Meetings**

| | |
|---|---|
| September 1 | BOCC Virtual Business Meeting – 7:00pm |
| September 10 | BOCC Virtual Work Session – 7:00pm |
| September 15 | BOCC Virtual Business Meeting – 7:00pm |
| September 24 | BOCC Virtual Joint Meeting with School Boards – 7:00pm |

**October 2020 Virtual Meetings**

| | |
|---|---|
| October 6 | BOCC Virtual Business Meeting – 7:00pm |
| October 8 | BOCC Virtual Work Session – 7:00pm |
| October 20 | BOCC Virtual Business Meeting – 7:00pm |

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

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

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

**RECOMMENDATION(S):** The Manager recommends the Board amend its meeting calendar for 2020:

**September 2020 Virtual Meetings**

| | |
|---|---|
| September 1 | BOCC Virtual Business Meeting – 7:00pm |
| September 10 | BOCC Virtual Work Session – 7:00pm |
| September 15 | BOCC Virtual Business Meeting – 7:00pm |
| September 24 | BOCC Virtual Joint Meeting with School Boards – 7:00pm |

**October 2020 Virtual Meetings**

| | |
|---|---|
| October 6 | BOCC Virtual Business Meeting – 7:00pm |
| October 8 | BOCC Virtual Work Session – 7:00pm |
| October 20 | BOCC Virtual Business Meeting – 7:00pm |

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** September 1, 2020

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

**SUBJECT:** Performance Agreement Between the Town of Chapel Hill and Visitors Bureau

**DEPARTMENT:** Economic Development/Visitors Bureau

**ATTACHMENT(S):**
2020-21 Performance Agreement Between the Town of Chapel Hill and the Chapel Hill/Orange County Visitors Bureau for Annual Funding

**INFORMATION CONTACT:**
Laurie Paolicelli, 919-245-4322

**PURPOSE:** To approve the 2020-21 performance agreement between the Town of Chapel Hill and the Chapel Hill/Orange County Visitors Bureau.

**BACKGROUND:** Pursuant to the Chapel Hill/Orange County Visitors Bureau's annual performance agreement with the Town of Chapel Hill for tourism promotion, $200,000 has been allocated to the Visitors Bureau for Fiscal Year 2020-21. In addition, the Town will pay 50% of any additional revenues collected in the event the hotel/motel occupancy receipts exceed the Town's budgeted amount of $1,000,000.

| Budget Year | Contribution per Performance Agreement | Additional Amount Received Following Release of that Years Audited Revenues |
|---|---|---|
| FY2012-13 | $175,000 plus 50% of collections over $950,000 | $ 13,000 |
| FY2013-14 | $175,000 plus 50% of collections over $950,000 | $ 43,750 |
| FY2014-15 | $175,000 plus 50% of collections over $950,000 | $ 57,739 |
| FY2015-16 | $175,000 plus 50% of collections over $950,000 | $108,903 |
| FY2016-17 | $200,000 plus 50% of collections over $1,000,000 | $ 93,755 |
| FY2017-18 | $200,000 plus 50% of collections over $1,000,000 | $140,855 |
| FY2018-19 | $200,000 plus 50% of collections over $1,000,000 | $174,502 |

**FINANCIAL IMPACT:** The Town of Chapel Hill will provide $200,000 to the Chapel Hill/Orange County Visitors Bureau, plus 50% of any additional revenues collected in the event the hotel/motel occupancy receipts exceed the Town's budgeted amount of $1,000.000.

**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.

Tourism is a clean and green industry that fuels the economy leading to the economic self-sufficiency of Orange County residents.

**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 performance agreement between the Town of Chapel Hill and the Chapel Hill/Orange County Visitors Bureau.

**STATE OF NORTH CAROLINA**
**COUNTY OF ORANGE**

**PERFORMANCE AGREEMENT**
**OPERATIONAL SUPPORT**

This Contract is made and entered into by and between the "Town of Chapel Hill", herein "Town", and "Orange County by and for Chapel Hill/ Orange County Visitors Bureau, 501 West Franklin Street, Suite 104, Chapel Hill NC 27516", herein "Contractor", for services hereinafter described for the Town of Chapel Hill. This Contract is for monetary support for operation of a visitor's center in Chapel Hill.

WITNESSETH

That for and in consideration of the mutual promises and conditions set forth below, the Town and Contractor agree:

WHEREAS, the Contractor agrees to provide a comprehensive visitor services program targeted toward providing services to potential visitors to Chapel Hill and Orange County; and

WHEREAS, the Contractor shall use Town funds for general operational support and to provide visitor services; and

WHEREAS, it is in the interest of the Town that said program be assisted by the Town and thereby be available to the residents and visitors of the Town;

NOW, THEREFORE, in consideration of the above and the mutual covenants and conditions hereinafter set forth, the Town and Contractor agree as follows:

1. Duties of the Contractor: The Contractor agrees to perform those duties described in Exhibit A attached hereto and incorporated herein by reference.

2. Duties of the Town: The Town appropriated the sum of Two Hundred Thousand Dollars ($200,000) to the Contractor for the fiscal year 2020-2021. The Town will also pay the Contractor 50% of any additional revenues collected in the event that hotel/motel occupancy receipts exceed the budgeted amount of $1,000,000 during the Town's fiscal year 2020-2021. The Town does not obligate itself to provide any other support to Contractor this fiscal year or in succeeding years. .

3. Fee Schedule and Maximum Sum: Contract amount is not to exceed $200,000, unless occupancy receipts exceed $1,000,000 (see paragraph 2). Payments of $50,000 each will be made on or after the following dates: July 1, 2020; October 1, 2020; January 1, 2021; and April 1, 2021. The Town's obligation to make each payment is contingent upon receiving satisfactory documentation and account of expenditures as detailed in Exhibit A.

4. Work Statement: Contractor agrees to provide those services described in Exhibit A attached hereto and incorporated herein by reference, to residents and visitors of Chapel Hill and to maintain a high level of professionalism in the provision of these services.
5. Billing and Payment: The Contractor shall submit a bill to the Town for work performed under the terms of this Contract. The Contractor shall bill and the Town shall pay the rates set forth therein. Payment will be made by the Town within thirty (30) days of receipt of an accurate invoice, approved by the contact person or his/her designee.

6. Indemnification and Hold Harmless: The Contractor agrees to the extent allowed by law to indemnify and hold harmless the Town of Chapel Hill and its officers, agents and employees from all loss, liability, claims or expense (including reasonable attorneys' fees) arising from bodily injury, including death or property damage to any person or persons caused in whole or in part by the negligence or willful misconduct of the Contractor in the performance of this Contract except to the extent same are caused by the negligence or misconduct of the Town.

7. Financial Records: To the extent authorized by law Contractor will provide to the Town a financial report related to the activities contemplated by this Contract.

8. Termination for Cause: In the event that Contractor shall cease to exist as an organization or shall enter bankruptcy proceedings, or be declared insolvent, or liquidate all or substantially of its assets, or shall significantly reduce its services or accessibility to Chapel Hill residents during the term of the Agreement; or in the event that Contractor shall fail to render a satisfactory account as provided herein, then and in that event the Town may terminate this Agreement and Contractor will return all payments already made to it by the Town for services which have not been provided or for which no satisfactory accounting has been rendered.

9. Insurance Provisions: The Town requires evidence of Contractor's current valid insurance (if applicable) in the amounts stated below during the duration of the named project and further requires that the Town be named as an additional insured for Commercial General Liability and Business Automobile policies. The required coverage limits are: 1) Commercial General Liability and Business Automobile - $1,000,000 per occurrence and 2) Workers' Compensation - $100,000 for both employer's liability and bodily injury by disease for each employee and $500,000 for the disease policy limit. Based on nature of services to be provided by the contractor and assessment of risk posed to the Town, the Town may require evidence of supplementary insurance coverages.

10. Non-Discrimination: The Contractor contractually agrees to administer all functions pursuant to this Contract without discrimination because of race, creed, sex, national origin, age, economic status, sexual orientation, gender identity or gender expression.

11. Federal and State Legal Compliance: The Contractor must be in full compliance with all applicable federal and state laws, including those on immigration.

12. E-Verify: The Contractor shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes. Further, should Contractor utilize a subcontractor(s), Contractor shall require the subcontractor(s) to comply with the requirements of Article 2, Chapter 64 of the General Statutes. Pursuant to North Carolina General Statute § 143-133.3 (c)(2), contracts solely for the purchase of apparatus, supplies, materials, and equipment are exempt from this E-Verify provision.

13. Amendment: This Contract may be amended in writing by mutual agreement of the Town and Contractor.

14. Termination: Either party may terminate this Contract at any time by giving the other party thirty (30) days written notice of termination prior to the end of the term as described herein.

15. Interpretation/Venue: This Contract shall be construed and enforced under the laws of North Carolina. The courts and the authorities of the State of North Carolina shall have exclusive jurisdiction over all controversies between the parties which may arise under or in relation to this Contract. In the event of any dispute between the parties, venue is properly laid in Orange County, North Carolina for any state court action and in the Middle District of North Carolina for any federal court action. Contrary to any provision that may be contained in any exhibit attached hereto the Town shall not consent to 1) resolving any dispute by means of arbitration and/or 2) waiver of a trial by jury.

16. Preference: In the event that the terms of any exhibit attached hereto are not consistent with the terms of this Contract, this Contract shall have preference; provided that where either any exhibit attached hereto or this Contract establishes higher standards for performance by either party, the higher standard, wherever located, shall apply.

17. Severability: The parties intend and agree that if any provision of this Contract or any portion thereof shall be held to be void or otherwise unenforceable, all other portions of this Contract shall remain in full force and effect.

18. Assignment: This Contract shall not be assigned without the prior written consent of the parties.

19. Entire Agreement: This Contract shall constitute the entire agreement of the parties and no other warranties, inducements, considerations, promises, or interpretations shall be implied or impressed upon this Contract that are not expressly addressed herein. All prior agreements, understandings and discussions are hereby superseded by this Contract.

20. Construction Project Related Sales Tax: If applicable, the Contractor shall furnish the Town certified statements setting forth, the cost of all materials purchased from each vendor and the amount of North Carolina sales and use taxes paid thereon. In the event the Contractor makes several purchases from the same vendor, the Contractor's certified statement shall indicate the invoice number, the inclusive dates of the invoices, the total amount of the invoices, and the North Carolina sales and use taxes paid thereon. The Contractor's certified statement shall also include the cost of any tangible personal property

withdrawn from the Contractor's warehouse stock and the amount of North Carolina sales or use tax paid thereon by the Contractor. The Contractor shall furnish such additional information as the Commissioner of Revenue of the State of North Carolina may require to substantiate a refund claim by the Town for sales or use taxes. The Contractor shall obtain and furnish to the Town similar certified statements by the subcontractors. The certified statements to be furnished shall be in the form of the standard CONTRACTOR'S SALES TAX REPORT and shall be submitted with each request for payment. The Town will not make payment to the Contractor until the CONTRACTOR'S SALES TAX REPORTS ARE SUBMITTED. Any and all refunds received by the Town of said taxes shall remain with the Town, and the Contractor shall not be entitled to such refund.

21. Term: This Contract, unless amended as provided herein, shall be in effect until June 30, 2021.

[*SIGNATURES ON FOLLOWING PAGE.*]

This Contract is between the Town of Chapel Hill and Orange County by and for its Chapel Hill/ Orange County Visitors Bureau for operation of a visitor's center in Chapel Hill.

IN WITNESS WHEREOF, the parties hereto cause this agreement to be executed in their respective names.

**ORANGE COUNTY by and for its CHAPEL HILL/ ORANGE COUNTY VISITORS BUREAU**

_____ _____
SIGNATURE PRINTED NAME & TITLE

_____ _____
WITNESS PRINTED NAME & TITLE

**TOWN OF CHAPEL HILL**

_____
DEPARTMENT HEAD/EXECUTIVE DIRECTOR OR DEPUTY/TOWN MANAGER

_____
PRINTED NAME & DEPARTMENT

ATTEST BY TOWN CLERK:

_____
TOWN CLERK TOWN SEAL

**Town Clerk** attests date this the _____day of _____, 20____.

Approved as to Form and Authorization

_____
TOWN LEGAL STAFF

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

_____ _____
FINANCE OFFICER DATE

# EXHIBIT A
## Chapel Hill/ Orange County Visitors Bureau

1. Contractor provides a comprehensive visitor services program targeted toward providing services to potential visitors to Chapel Hill and Orange County.

2. The Contractor will participate in discussions with the Town's Economic Development Committee to define the appropriate roles and responsibilities of the Contractor in the Town's economic development strategy in consideration of this payment.

3. Town funds may be utilized for office supplies, postage, telephone, training materials, advertising, printing and duplicating, staff time, and marketing.

4. Contractor will provide the Town with a final financial report for the fiscal year July 1, 2020- June 30, 2021. The report will include a budget breakdown showing expenditures of the Town's $200,000 appropriation. The report is due by August 1, 2021.

5. Contractor will provide an annual report of activities supported by the funding provided under this performance agreement including specific program outcomes. This report should be submitted with the final financial report. This report is due by August 1, 2021.

6. The final financial report and the annual report of activities should be sent to:

Lisa Baaske, Administrative Coordinator
Chapel Hill Parks and Recreation Department
200 Plant Road
Chapel Hill, NC 27514
lbaaske@townofchapelhill.org

**DRAFT**

**INFORMATION ITEM**

Date Prepared: 06/20/20
Date Revised: 08/24/20

# 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 |
|---|---|---|---|---|
| 6/16/20 | Review and consider request by a member of the public that the Board follow-up on a previous petition that the Board discuss the potential for beginning each Board meeting with the Pledge of Allegiance | 9/1/2020 | Chair/Vice Chair/Manager | **DONE** Item scheduled for September 1, 2020 Business meeting |
| 6/16/20 | Review and consider request by Commissioner Price that the Board send a letter to Congressman David Price endorsing his efforts co-sponsoring the Justice and Policing Act | 7/1/2020 | Chair/Vice Chair/Manager | **DONE** Letter sent |
| 6/16/20 | Review and consider request by Commissioner Price that the Board send letter to Governor Roy Cooper endorsing his efforts related to the NC Task Force for Racial Equity Criminal Justice | 7/1/2020 | Chair/Vice Chair/Manager | **DONE** Letter sent |
| 6/16/20 | Review and consider request by Commissioner Dorosin that the Board set up a committee involving BOCC representatives and representatives from both school boards to discuss the role and continued use of police/School Resource Officers in the schools | 10/1/2020 | Chair/Vice Chair/Manager | Chair contacted both school boards; each district setting up groups to evaluate; to be further discussed at school collaboration meetings |
| 6/16/20 | Review and consider request by Commissioner Rich that staff research and evaluate opportunities and needs related to conducting "hybrid" meetings (meetings with some members in person and some participating remotely) for fall 2020 | 11/1/2020 | Chair/Vice Chair/Manager David Hunt, & Jim Northrup | Staff has been discussing options, troubleshooting, and potential solutions to challenges; to be further discussed at Chair/Vice Chair agenda review |
| 6/16/20 | Review the County Fee Schedule for any out of date fees – such as map fees, gun fees, etc. | 11/1/2020 | Gary Donaldson Paul Laughton | To be reviewed |
| 6/16/20 | Conform the resolution and ordinance amendment regarding construction and demolition waste disposal at Waste and Recycling Centers based on approved revisions by BOCC to allow 60 cubic feet and staff to track data over the next year for the Board to review and assess in August/September 2021 | 7/1/2020 | Robert Williams, Cheryl Young, Donna Baker, & Greg Wilder | **DONE** |

**DRAFT**

Date Prepared: 06/20/20
Date Revised: 08/24/20

| Meeting Date | Task | Target Date | Person(s) Responsible | Status |
|---|---|---|---|---|
| 6/16/20 | Coordinate with the Chair to plan and schedule a Community Forum Listening Session on Racial Justice | 7/15/2020 | Bonnie Hammersley<br>Annette Moore | **DONE**<br>Listening Session occurred on July 7, 2020 |

**DRAFT**

Date Prepared: 07/15/20
Date Revised: 08/24/20

# 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 |
|---|---|---|---|---|
| 7/14/20 | Review and consider request by Commissioner Marcoplos that the County express its concerns to University officials regarding students returning to campus in August and the negative impacts related to Covid-19 and the advisability of the University making alternative plans | 8/1/2020 | Chair/Vice Chair/Manager | **DONE** Chair shared that County leadership had already expressed and continued to express concerns to University officials; the Chair and Manager repeated those concerns again at multiple meetings |
| 7/14/20 | Review and consider request by Commissioner Price that the Board consider a resolution regarding Juneteenth at the first Business meeting in September | 9/1/2020 | Commissioner Price, Brenda Bartholomew, & Paul Laughton | **DONE** Item scheduled for September 1, 2020 Business meeting |
| 7/14/20 | Review and consider request by Commissioner Rich that staff evaluate hours for clinics at Whitted and Southern to potentially improve service hours, specifically possibly decreasing hours during the week to allow for service hours on Saturdays | 10/1/2020 | Chair/Vice Chair/Manager Quintana Stewart | To be reviewed and considered |
| 7/14/20 | Coordinate with Orange County Schools staff to provide the BOCC with the OCS Computer Use Policy and other documents related to monitoring of computers, privacy, and general use | 10/1/2020 | Gary Donaldson Paul Laughton | County staff to coordinate with school staff to provide information to the BOCC |

**INFORMATION ITEM**

# Tax Collector's Report - Numerical Analysis

| Property Tax Collection - Tax Effective Date of Report: June 30, 2020 | | | | | | |
|---|---|---|---|---|---|---|
| **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 | $ 152,582,433.89 | $ 1,366,227.91 | $ 152,142,471.00 | $ (439,962.89) | 100.29% |
| Real and Personal Prior Year Taxes | $ 3,378,823.17 | $ 962,560.66 | $ 2,207,282.80 | $ 1,100,000.00 | $ 137,439.34 | 87.51% |
| **Total** | $ 155,521,294.17 | $ 153,544,994.55 | $ 3,573,510.71 | $ 153,242,471.00 | $ (302,523.55) | **100.20%** |
| | | | | | | |
| Registered Motor Vehicle Taxes | | $10,408,866.97 | $16,520.92 | $ 10,770,627.00 | $ 361,760.03 | 96.64% |
| | | | | | | |
| **Tax Year 2018** | **Amount Charged in FY 18-19** | **Amount Collected** | **Accounts Receivable** | **Amount Budgeted in FY 18-19** | **Remaining Budget** | **% of Budget Collected** |
| Real and Personal Current Year Taxes | $ 146,099,548.00 | $ 147,288,859.46 | $ 1,286,388.83 | $ 146,099,548.00 | $ (1,189,311.46) | 100.81% |
| Real and Personal Prior Year Taxes | $ 3,097,551.91 | $ 919,890.85 | $ 1,685,777.39 | $ 1,100,000.00 | $ 180,109.15 | 83.63% |
| **Total** | $ 149,197,099.91 | $ 148,208,750.31 | $ 2,972,166.22 | $ 147,199,548.00 | $ (1,009,202.31) | **100.69%** |
| | | | | | | |
| Registered Motor Vehicle Taxes | | $10,515,373.17 | $13,070.95 | $ 10,221,001.00 | $ (294,372.17) | **102.88%** |

| | |
|---|---|
| **2019 Current Year Overall Collection Percentage - Real & Personal** | 99.11% |
| **2019 Current Year Overall Collection Percentage - with Registered Motor Vehicles** | 99.16% |
| **2018 Current Year Overall Collection Percentage - Real & Personal** | 99.13% |
| **2018 Current Year Overall Collection Percentage - with Registered Motor Vehicles** | 99.18% |

This report has been updated as of March 2019 to include registered motor vehicle collections.

**INFORMATION ITEM**

# Tax Collector's Report - Measures of Enforced Collections

-

***Fiscal Year 2019-2020***

**Effective Date of Report: JULY 31, 2020**

| | July | August | September | October | November | December | January | February | March | April | May | June | YTD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Wage garnishments | 95 | | | | | | | | | | | | |
| Bank attachments | 22 | | | | | | | | | | | | |
| Certifications | - | | | | | | | | | | | | |
| Rent attachments | 1 | | | | | | | | | | | | |
| Housing/Escheats/Monies | - | | | | | | | | | | | | |
| Levies | - | | | | | | | | | | | | |
| Foreclosures initiated | 2 | | | | | | | | | | | | |
| NC Debt Setoff collections | $2,350.26 | | | | | | | | | | | | |

**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.**

Delegation of Authority per NCGS 105-381
To Finance Officer

**INFORMATION ITEM - RELEASES AND REFUNDS UNDER $100 SEPTEMBER 1, 2020**

| NAME | ACCOUNT NUMBER | BILLING YEAR | ORIGINAL VALUE | ADJUSTED VALUE | TAX | FEE | FINANCIAL IMPACT | REASON FOR ADJUSTMENT | TAX CLASSIFICATION | ACTION | Approved by CFO | Additional Explanation |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Adkins, Duane Thomas | 1073358 | 2018 | 900 | - | (27.26) | | (27.26) | Assessed in error (illegal tax) | RMV | Approve | 6/19/2020 | Gap Bill: vehicle was registered in Virginia during gap period |
| Adkins, Duane Thomas | 1073358 | 2018 | 900 | - | (27.26) | - | (27.26) | Assessed in error (illegal tax) | Personal | Approve | 7/1/2020 | Gap Bill: Vehicle registered in Virgina during gap period |
| Alexander, Elise | 292998 | 2020 | 518,000 | 509,800 | (76.75) | | (76.75) | Incorrect value (clerical error) | Real | Approve | 8/13/2020 | Value changed due to timely submission of data validation request |
| Allen, Danny | 53491368 | 2019 | 4,250 | 500 | (35.10) | | (35.10) | Antique plate (property classification) | RMV-VTS | Approve | 7/16/2020 | |
| Alvis, Kenneth D | 153101 | 2020 | 72,310 | 63,083 | (86.34) | | (86.34) | Exempt (illegal tax) | Personal | Approve | 8/13/2020 | |
| Balch, Deborah | 18383708 | 2019 | 4,470 | 2,860 | (15.54) | | (15.54) | Damage (appraisal appeal) | RMV-VTS | Approve | 7/16/2020 | |
| Broadhurst, Jennings Carson III | 54918878 | 2020 | 18,680 | 13,823 | (45.03) | | (45.03) | High mileage (appraisal appeal) | RMV-VTS | Approve | 8/13/2020 | |
| Buck, John Dennis | 3186655 | 2020 | 1,180 | - | (33.32) | | (33.32) | *Situs error (illegal tax) | Personal | Approve | 8/13/2020 | Gap Bill: Tax County is Pamlico County |
| Buck, John Dennis | 3186756 | 2020 | 200 | - | (7.53) | | (7.53) | *Situs error (illegal tax) | Personal | Approve | 8/13/2020 | Gap Bill: Tax County is Pamlico County |
| Clark, Jeffrey L. | 3185930 | 2020 | 2,000 | - | (21.19) | | (21.19) | *Situs error (illegal tax) | Personal | Approve | 8/13/2020 | Property located in Virginia |
| Compton, Ronnie | 47564849 | 2019 | 27,160 | 17,910 | (89.23) | | (89.23) | Purchase price (appraisal appeal) | RMV-VTS | Approve | 5/20/2020 | |
| Corn, Kathy Clayton | 1076654 | 2020 | 1,230 | - | (13.04) | | (13.04) | Assessed in error (illegal tax) | Personal | Approve | 8/13/2020 | Property sold |
| Davis, Vernon | 96668 | 2020 | 2,040 | 950 | (8.89) | | (8.89) | Assessed in error (illegal tax) | Personal | Approve | 8/13/2020 | Mobile Home Demolished |
| Downey, Charisse | 1002186 | 2017 | 6,430 | - | (55.29) | - | (55.29) | Double billed (illegal tax) | Personal | Approve | 7/1/2020 | Also billed on account 1060931 |
| Fearrington, William | 1017376 | 2020 | 2,190 | 926 | (21.10) | | (21.10) | Incorrect value (clerical error) | Personal | Approve | 8/13/2020 | Value correction |
| Fowler, Lessie Marie G. | 294884 | 2020 | 2,700 | - | (28.18) | | (28.18) | Double billed (illegal tax) | Personal | Approve | 8/13/2020 | Also billed on account 316928 |
| Fowler, Lessie Marie G. | 294884 | 2019 | 2,910 | - | (30.39) | | (30.39) | Double billed (illegal tax) | Personal | Approve | 8/13/2020 | Also billed on account 316928 |
| Fowler, Lessie Marie G. | 294884 | 2018 | 3,090 | - | (31.66) | | (31.66) | Double billed (illegal tax) | Personal | Approve | 8/13/2020 | Also billed on account 316928 |
| Fowler, Lessie Marie G. | 294884 | 2017 | 3,300 | - | (33.34) | | (33.34) | Double billed (illegal tax) | Personal | Approve | 8/13/2020 | Also billed on account 316928 |
| Fowler, Lessie Marie G. | 294884 | 2016 | 3,530 | - | (36.95) | | (36.95) | Double billed (illegal tax) | Personal | Approve | 8/13/2020 | Also billed on account 316928 |
| Fowler, Lessie Marie G. | 294884 | 2015 | 3,770 | - | (39.46) | | (39.46) | Double billed (illegal tax) | Personal | Approve | 8/13/2020 | Also billed on account 316928 |
| Fowler, Lessie Marie G. | 294884 | 2014 | 3,950 | - | (41.35) | | (41.35) | Double billed (illegal tax) | Personal | Approve | 8/13/2020 | Also billed on account 316928 |
| Fowler, Lessie Marie G. | 294884 | 2013 | 4,230 | - | (43.34) | | (43.34) | Double billed (illegal tax) | Personal | Approve | 8/13/2020 | Also billed on account 316928 |
| Fowler, Lessie Marie G. | 294884 | 2012 | 4,750 | - | (48.69) | | (48.69) | Double billed (illegal tax) | Personal | Approve | 8/13/2020 | Also billed on account 316928 |
| Fowler, Lessie Marie G. | 294884 | 2011 | 4,864 | - | (49.48) | | (49.48) | Double billed (illegal tax) | Personal | Approve | 8/13/2020 | Also billed on account 316928 |
| Fowler, Lessie Marie G. | 294884 | 2010 | 5,120 | - | (52.47) | | (52.47) | Double billed (illegal tax) | Personal | Approve | 8/13/2020 | Also billed on account 316928 |
| Fowler, Lessie Marie G. | 294884 | 2009 | 5,460 | - | (55.35) | | (55.35) | Double billed (illegal tax) | Personal | Approve | 8/13/2020 | Also billed on account 316928 |
| Fowler, Lessie Marie G. | 294884 | 2008 | 5,860 | - | (69.04) | | (69.04) | Double billed (illegal tax) | Personal | Approve | 8/13/2020 | Also billed on account 316928 |
| Fowler, Lessie Marie G. | 294884 | 2007 | 6,290 | - | (70.78) | | (70.78) | Double billed (illegal tax) | Personal | Approve | 8/13/2020 | Also billed on account 316928 |
| Fuquay, Leslie | 30005735 | 2019 | 8,580 | 5,663 | (28.92) | | (28.92) | High mileage (appraisal appeal) | RMV-VTS | Approve | 6/3/2020 | |
| Gillette,Eva | 1057853 | 2020 | 5,360 | - | (55.19) | | (55.19) | Double billed (illegal tax) | Personal | Approve | 8/13/2020 | Also billed on account 3182546 |
| Greene, James Nash | 1058176 | 2020 | 500 | 500 | (3.39) | | (3.39) | *Situs error (illegal tax) | Personal | Approve | 8/13/2020 | Corrected physical location |
| Horton, Ronald Frank | 235907 | 2019 | 164,800 | 164,300 | (9.17) | | (9.17) | Assessed in error (illegal tax) | Personal | Approve | 6/3/2020 | |
| Horton, Ronald Frank | 235907 | 2018 | 164,800 | 164,300 | (9.05) | | (9.05) | Assessed in error (illegal tax) | Personal | Approve | 6/3/2020 | |
| Horton, Ronald Frank | 235907 | 2017 | 164,800 | 164,300 | (8.95) | | (8.95) | Assessed in error (illegal tax) | Personal | Approve | 6/3/2020 | |
| Horton, Ronald Frank | 235907 | 2016 | 152,538 | 152,038 | (9.22) | | (9.22) | Assessed in error (illegal tax) | Personal | Approve | 6/3/2020 | |
| Horton, Ronald Frank | 235907 | 2015 | 152,538 | 152,038 | (9.22) | | (9.22) | Assessed in error (illegal tax) | Personal | Approve | 6/3/2020 | |
| Howell , John III | 1073993 | 2020 | 10,872 | 10,872 | (32.01) | | (32.01) | *Situs error (illegal tax) | Personal | Approve | 8/13/2020 | Corrected physical location |
| Joshi, Jyoti | 1073333 | 2018 | 4,090 | - | (59.25) | - | (59.25) | Assessed in error (illegal tax) | Personal | Approve | 7/1/2020 | Gap Bill: Vehicle registered in New York during gap period |
| Karr, April Dawn | 30375375 | 2019 | 5,950 | 4,000 | (29.01) | | (29.01) | High mileage/damage (appraisal appeal) | RMV-VTS | Approve | 8/13/2020 | |
| Klemm, Aaron Erwin | 1075656 | 2019 | 500 | - | (8.35) | - | (8.35) | Double billed (illegal tax) | Personal | Approve | 7/1/2020 | Also billed on account 275747 |
| Lawit, Kristel Lynn | 3183941 | 2020 | 10,497 | - | (50.26) | | (50.26) | Double billed (illegal tax) | Personal | Approve | 8/13/2020 | Also billed on account 1055468 |
| Lawit, Kristel Lynn | 3183942 | 2020 | 1,235 | - | (11.92) | | (11.92) | Double billed (illegal tax) | Personal | Approve | 8/13/2020 | Also billed on account 1055468 |
| Lee, Richard | 46548156 | 2019 | 28,340 | 25,506 | (47.30) | | (47.30) | High mileage (appraisal appeal) | RMV-VTS | Approve | 5/20/2020 | |
| Mallett, Jenna | 55344025 | 2020 | 2,390 | 2,390 | (16.88) | (30.00) | (46.88) | *Situs error (illegal tax) | RMV-VTS | Approve | 7/31/2020 | |
| Mallett, Jenna | 51067598 | 2019 | 1,020 | 1,020 | (7.24) | (30.00) | (37.24) | *Situs error (illegal tax) | RMV-VTS | Approve | 7/31/2020 | |
| Mattison, Brett | 5745207 | 2015 | 3,630 | - | (43.04) | | (43.04) | Military exemption (illegal tax) | RMV-VTS | Approve | 6/3/2020 | |
| Mattison, Brett | 5745207 | 2016 | 3,240 | - | (38.59) | | (38.59) | Military exemption (illegal tax) | RMV-VTS | Approve | 6/3/2020 | |
| Mattison, Brett | 5745207 | 2017 | 2,890 | - | (32.91) | | (32.91) | Military exemption (illegal tax) | RMV-VTS | Approve | 6/3/2020 | |
| Mattison, Brett | 5745207 | 2018 | 2,600 | - | (29.94) | | (29.94) | Military exemption (illegal tax) | RMV-VTS | Approve | 6/3/2020 | |
| McKay William | 1072473 | 2020 | 500 | - | (5.22) | | (5.22) | *Situs error (illegal tax) | Personal | Approve | 8/13/2020 | Property is located in South Carolina |
| McMillin, Leigh | 1073134 | 2019 | 4,400 | - | (40.17) | | (40.17) | Double billed (illegal tax) | Personal | Approve | 5/20/2020 | Also billed on account 1077305 |
| Miller, Coy Heirs | 490 | 2020 | 37,600 | 30,052 | (69.98) | | (69.98) | Incorrect value (clerical error) | Real | Approve | 8/13/2020 | Value changed due to approval of Present Use Value application |
| Mullens, Regina | 324148 | 2019 | 4,050 | - | (42.97) | | (42.97) | Double billed (illegal tax) | Personal | Approve | 8/13/2020 | Also billed on account 1057472 |

**INFORMATION ITEM - RELEASES AND REFUNDS UNDER $100 SEPTEMBER 1, 2020**

| NAME | ACCOUNT NUMBER | BILLING YEAR | ORIGINAL VALUE | ADJUSTED VALUE | TAX | FEE | FINANCIAL IMPACT | REASON FOR ADJUSTMENT | TAX CLASSIFICATION | ACTION | Approved by CFO | Additional Explanation |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Mullens, Regina | 324148 | 2018 | 4,310 | - | (44.91) | | (44.91) | Double billed (illegal tax) | Personal | Approve | 8/13/2020 | Also billed on account 1057472 |
| Mullens, Regina | 324148 | 2017 | 4,610 | - | (46.88) | | (46.88) | Double billed (illegal tax) | Personal | Approve | 8/13/2020 | Also billed on account 1057472 |
| Mullens, Regina | 324148 | 2016 | 4,920 | - | (51.84) | | (51.84) | Double billed (illegal tax) | Personal | Approve | 8/13/2020 | Also billed on account 1057472 |
| Mullens, Regina | 324148 | 2015 | 5,270 | - | (55.53) | | (55.53) | Double billed (illegal tax) | Personal | Approve | 8/13/2020 | Also billed on account 1057472 |
| Nace, Gregory | 54105974 | 2019 | 1,130 | 500 | (6.08) | - | (6.08) | Antique plate (property classification) | RMV-VTS | Approve | 7/1/2020 | |
| Navarro, Juan | 1020416 | 2019 | 4,050 | - | (41.68) | | (41.68) | Double billed (illegal tax) | Personal | Approve | 7/31/2020 | Also billed on account 313387 |
| Navarro, Juan | 1020416 | 2018 | 4,310 | - | (43.53) | | (43.53) | Double billed (illegal tax) | Personal | Approve | 7/31/2020 | Also billed on account 313387 |
| Navarro, Juan | 1020416 | 2017 | 4,610 | - | (45.92) | | (45.92) | Double billed (illegal tax) | Personal | Approve | 7/31/2020 | Also billed on account 313387 |
| Navarro, Juan | 1020416 | 2016 | 4,920 | - | (51.30) | | (51.30) | Double billed (illegal tax) | Personal | Approve | 7/31/2020 | Also billed on account 313387 |
| Navarro, Juan | 1020416 | 2015 | 5,270 | - | (49.96) | | (49.96) | Double billed (illegal tax) | Personal | Approve | 7/31/2020 | Also billed on account 313387 |
| Navarro, Juan | 1020416 | 2014 | 5,990 | - | (62.46) | | (62.46) | Double billed (illegal tax) | Personal | Approve | 7/31/2020 | Also billed on account 313387 |
| Navarro, Juan | 1020416 | 2013 | 6,410 | - | (65.69) | | (65.69) | Double billed (illegal tax) | Personal | Approve | 7/31/2020 | Also billed on account 313387 |
| Nordan, Kenneth | 46112209 | 2019 | 2,460 | 2,460 | (13.58) | (30.00) | (43.58) | *Situs error (illegal tax) | RMV-VTS | Approve | 7/16/2020 | |
| Overton, Kathleen | 1002187 | 2018 | 7,110 | - | (71.83) | | (71.83) | Assessed in error (illegal tax) | Personal | Approve | 8/13/2020 | No longer owns mobile home |
| Parrish, Kenneth | 206123 | 2019 | 4,400 | - | (41.50) | | (41.50) | Assessed in error (illegal tax) | Personal | Approve | 6/19/2020 | Per aerial and field review, mobile home was removed from parcel in 2012 |
| Parrish, Kenneth | 206123 | 2018 | 4,690 | - | (42.66) | | (42.66) | Assessed in error (illegal tax) | Personal | Approve | 6/19/2020 | Per aerial and field review, mobile home was removed from parcel in 2012 |
| Parrish, Kenneth | 206123 | 2017 | 5,010 | - | (44.43) | | (44.43) | Assessed in error (illegal tax) | Personal | Approve | 6/19/2020 | Per aerial and field review, mobile home was removed from parcel in 2012 |
| Parrish, Kenneth | 206123 | 2016 | 5,350 | - | (49.14) | | (49.14) | Assessed in error (illegal tax) | Personal | Approve | 6/19/2020 | Per aerial and field review, mobile home was removed from parcel in 2012 |
| Parrish, Kenneth | 206123 | 2015 | 5,730 | - | (52.64) | | (52.64) | Assessed in error (illegal tax) | Personal | Approve | 6/19/2020 | Per aerial and field review, mobile home was removed from parcel in 2012 |
| Parrish, Kenneth | 206123 | 2014 | 5,990 | - | (55.02) | | (55.02) | Assessed in error (illegal tax) | Personal | Approve | 6/19/2020 | Per aerial and field review, mobile home was removed from parcel in 2012 |
| Parrish, Kenneth | 206123 | 2013 | 6,410 | - | (57.60) | | (57.60) | Assessed in error (illegal tax) | Personal | Approve | 6/19/2020 | Per aerial and field review, mobile home was removed from parcel in 2012 |
| Phelps, Jalissa | 52828166 | 2019 | 2,510 | 2,510 | (23.48) | - | (23.48) | Military exemption (illegal tax) | RMV-VTS | Approve | 7/1/2020 | |
| Riggs, Jerry Edwin Jr | 52983389 | 2019 | 840 | 840 | (5.92) | (30.00) | (35.92) | *Situs error (illegal tax) | RMV-VTS | Approve | 6/19/2020 | |
| Rodriguez, Jose Nelson | 1058946 | 2019 | 5,870 | - | (61.95) | | (61.95) | Assessed in error (illegal tax) | Personal | Approve | 8/13/2020 | No longer owns property |
| Rogers, Clifford Bernard | 51541006 | 2019 | 8,240 | 8,240 | (59.35) | (30.00) | (89.35) | *Situs error (illegal tax) | RMV-VTS | Approve | 8/13/2020 | |
| Rubio, Ayala Augustina | 1062976 | 2018 | 950 | - | (15.34) | | (15.34) | Double billed (illegal tax) | Personal | Approve | 7/31/2020 | Also billed on account 1076998 |
| Rubio, Ayala Augustina | 1062976 | 2019 | 950 | - | (15.02) | | (15.02) | Double billed (illegal tax) | Personal | Approve | 7/31/2020 | Also billed on account 1076998 |
| Springsteen, Vanessa | 41151755 | 2019 | 22,040 | 19,395 | (24.75) | | (24.75) | High mileage (appraisal appeal) | RMV-VTS | Approve | 6/3/2020 | |
| Stabler, Brennan | 53410052 | 2019 | 5,710 | 4,108 | (25.85) | | (25.85) | Damage (appraisal appeal) | RMV-VTS | Approve | 6/3/2020 | |
| Terrell, Barbara | 1050703 | 2019 | 7,880 | - | (83.16) | | (83.16) | Double billed (illegal tax) | Personal | Approve | 8/13/2020 | Also billed on account 1075276 |
| Velasquez-Orzco, Walber | 966260 | 2019 | 1,630 | - | (15.73) | | (15.73) | Double billed (illegal tax) | Personal | Approve | 7/31/2020 | Also billed on account 1075717 |
| Wilder, Jerry | 5399 | 2019 | 3,449 | - | (35.49) | | (35.49) | *Situs error (illegal tax) | Personal | Approve | 8/13/2020 | Property located in Davidson County |
| | | | | | | | **(3,401.72)** | **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.

**INFORMATION ITEM**

ORANGE COUNTY

Department *of* Environment, Agriculture, Parks & Recreation

MEMORANDUM

TO: David Stancil
FROM: Lynn Hecht
DATE: August 13, 2020
RE: Nature of Orange Photography Contest

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The Orange County Commission for the Environment and Parks and Recreation Council are proud sponsors of this year's "The Nature of Orange" Photography Contest. It was completed in May 2020. This year, we had a theme of Farms, Parks and Trails in Orange County. The goal of the contest was to inspire exploration, celebration and appreciation of Orange County's diverse landscapes and outdoor experiences. Photographers help document the beauty and diversity of our natural resources, and our people connecting to their environment.

A total of 80 photographs were submitted. A panel of judges selected first, second and third place winners from the Youth and Adult divisions. In addition, judges identified two additional Honorable Mention awards per age group since we received so many high-quality submissions. This year's judges were photographers Kent Murray, Holden Richards, and David Schaub. We thank them for their time and effort in judging the contest.

Winners received a congratulatory letter, certificate, and for first through third place, a small monetary award. Typically, the photographs would be displayed at Cup a Joe in Hillsborough; the Orange County Public Library; the Orange County Visitors Center in Hillsborough and the Orange County/Chapel Hill Visitor's Center in Chapel Hill. This, year, however, because of COVID 19, the display will not occur. Winning photographs will be displayed on the Orange County DEAPR website under the "breaking news" section http://www.orangecountync.gov/deapr/ , on the department's Facebook Page, and will be "streaming" around the county on the visual monitors.

The 2020 contest winners are as follows:

**Youth:**
1st Place – **Kylee Harvey**
2nd Place –**Alexcina Wartski**
3rd Place – **Aylah Gray**
Honorable Mentions: **Lucinda Smylie** and **Kylee Harvey**

**Adult:**
1st Place – **Nic Berry**
2nd Place – **Kayla Pendergraft**
3rd Place – **Bob Johnson**
Honorable Mentions: **Charles R. Sheppard** and **Walker Winslow**

Attached is the Power Point Presentation of our winners for the BOCC to see. Please let me know if they have any questions.

# The Nature of Orange Photography Contest

- 9th annual photography contest, 2020
- Photographers help document the beauty and diversity of our natural resources or show residents enjoying our parks and environment. Theme this year: Parks and Trails in Orange County. All photos taken in Orange County.
- 80 entries (25 Youth and 55 Adults)
- Volunteer judges evaluated photos based on:
  - relevancy
  - composition/arrangement
  - focus/sharpness
  - lighting and creativity

ORANGE COUNTY
NORTH CAROLINA

# 1st Place Adult: “Fog Over Eno River”
# Nic Berry



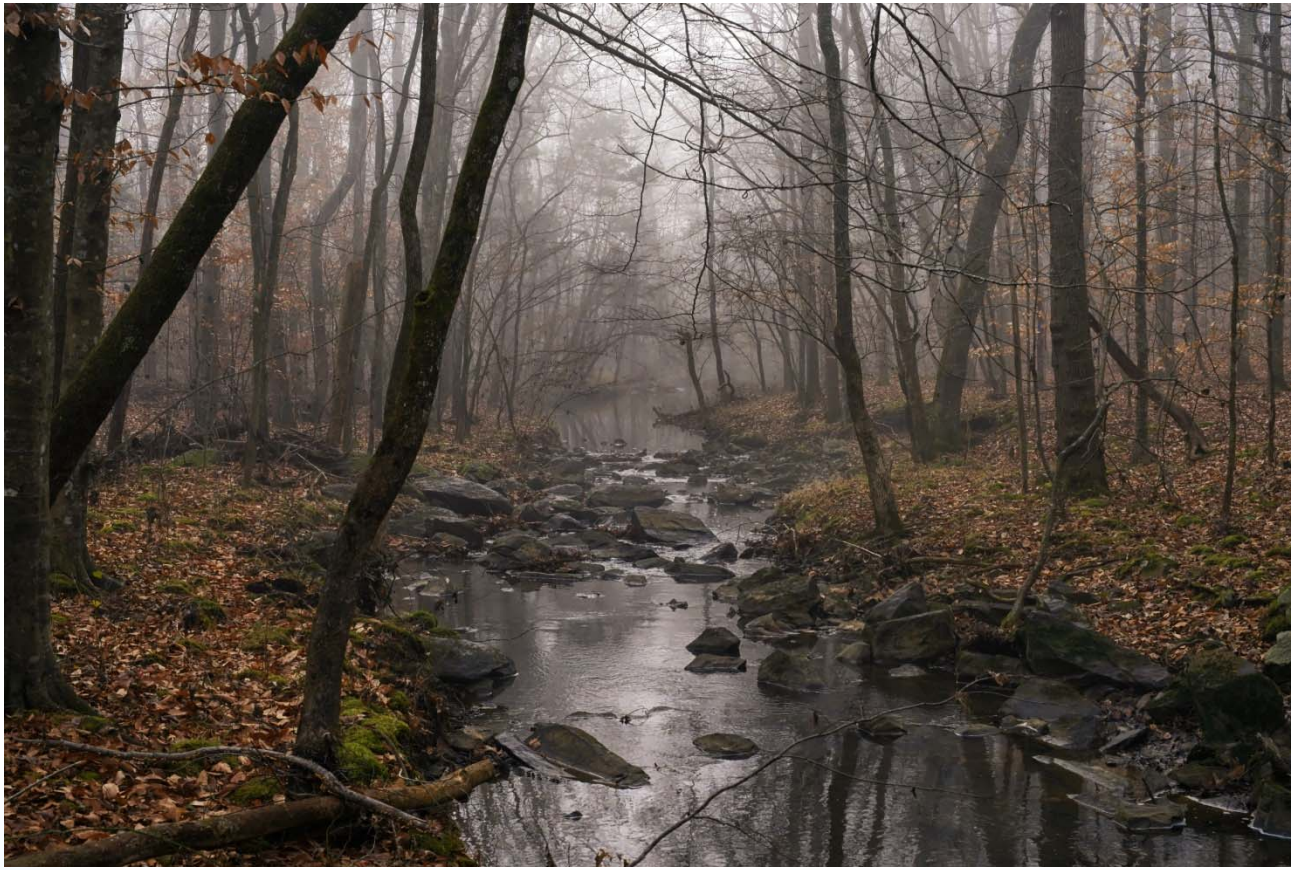
ORANGE COUNTY
NORTH CAROLINA

# 2nd Place Adult: “Short Kiss of Winter”
# Kayla Pendergraft



ORANGE COUNTY
NORTH CAROLINA

# 3rd Place Adult: “Morning Fog”
# Bob Johnson



ORANGE COUNTY
NORTH CAROLINA

# Honorable Mention Adult: “Cedar Grove Americana”
# Charles R Sheppard



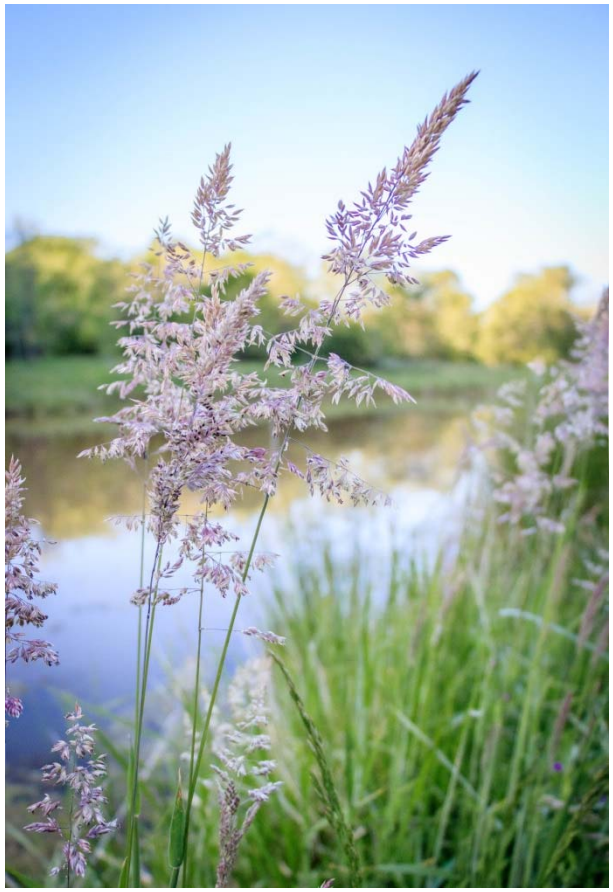
ORANGE COUNTY
NORTH CAROLINA

# Honorable Mention Adult: “Mountain Sunset”
# Walker Winslow



ORANGE COUNTY
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# 1st Place Youth: “Wild Grass”
# Kylee Harvey



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# 2nd Place Youth: “Eastern Box Turtle”
# Alexcina Wartski



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# 3rd Place Youth: “Broken View”
# Aylah Gray



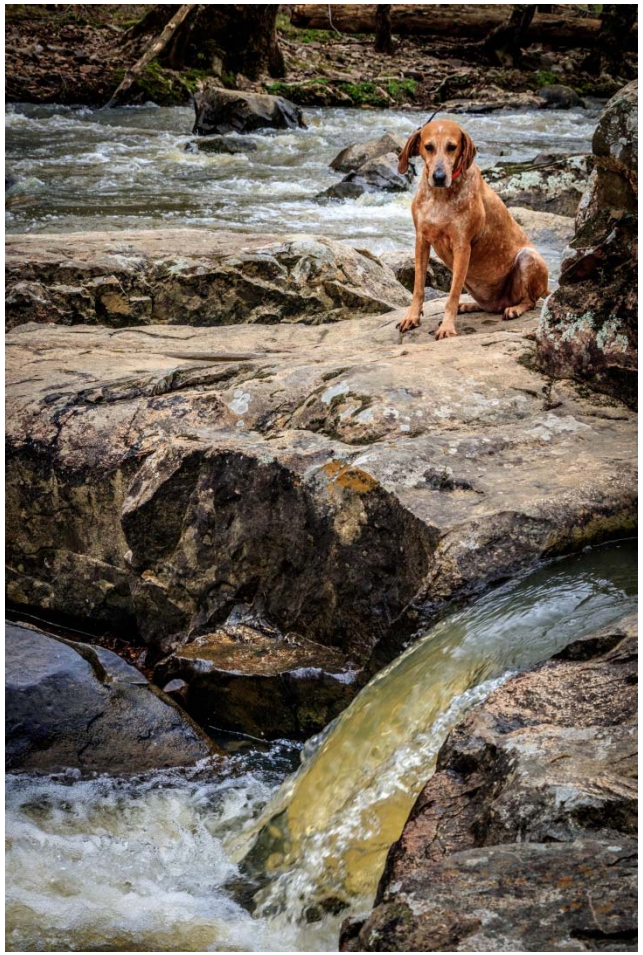
ORANGE COUNTY
NORTH CAROLINA

# Honorable Mention Youth: “Strawberry Leaves”
# Lucinda Smylie



ORANGE COUNTY
NORTH CAROLINA

# Honorable Mention Youth, “Between a Rock and a Hard Place”
## Kylee Harvey



ORANGE COUNTY
NORTH CAROLINA

# The Nature of Orange Photography Contest

We thank our judges:

Holden Richards, Photographer

David Schaub, Photographer

Kent Murray, Photographer

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