



**Orange County  
Board of Commissioners**

**Agenda**

**Virtual Business Meeting**

September 14, 2021

7:00 p.m.

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

Due to current public health concerns, the Board of Commissioners is conducting a Virtual Business meeting on September 14, 2021. Members of the Board of Commissioners will be participating in the meeting remotely. As in prior meetings, members of the public will be able to view and listen to the meeting via live streaming video at [orangecountync.gov/967/Meeting-Videos](http://orangecountync.gov/967/Meeting-Videos) and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

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

- Written submittals by email
- Speaking during the virtual meeting

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

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

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

**PUBLIC CHARGE**

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

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

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

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

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



b. Matters on the Printed Agenda

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

3. **Announcements, Petitions and Comments by Board Members (Three Minute Limit Per Commissioner)**
4. **Proclamations/ Resolutions/ Special Presentations**
  - a. National 4-H Week Proclamation
  - b. Proclamation Designating September 2021 as Suicide Prevention Month
  - c. Orange County Preparedness Month Proclamation
5. **Public Hearings**
  - a. NCDOT Public Transportation Division/Public Transportation – 5307 Urbanized Area Formula Grant Application for FY 2022
6. **Regular Agenda**
  - a. Longtime Homeowner Assistance (LHA) Program
  - b. Eno Economic Development District – Potential Comprehensive Plan Future Land Use Map and Zoning Atlas Amendments
7. **Reports**
  - a. Update on 2021 Appeals Process
  - b. Mountains to Sea Trail (MST) Update
8. **Consent Agenda**
  - Removal of Any Items from Consent Agenda
  - Approval of Remaining Consent Agenda
  - Discussion and Approval of the Items Removed from the Consent Agenda
  - a. Minutes – None
  - b. North Carolina Governor’s Highway Safety Program: Orange County Sheriff’s Office Traffic Safety Project and Approval of Budget Amendment #1-A
  - c. Approval of a Resolution Amending the Orange County FY 2021-2022 HOME Program Design
  - d. Request for Road Additions to the State Maintained Secondary Road System for Farm Gate Drive, Fox Hill Farm Drive, Still Meadow Lane, and Cedar Stone Way in the Fox Hill Farm Central Subdivision
  - e. Easements for Valley Forge Road Construction with Town of Hillsborough
9. **County Manager’s Report**
10. **County Attorney’s Report**
11. **\*Appointments**



## 12. Information Items

- September 2, 2021 BOCC Meeting Follow-up Actions List
- Memo Regarding Administrative Updates to the Eno River Voluntary Water Management Operations Plan (WMOP)

## 13. Closed Session

## 14. Adjournment

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

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

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

## **Public Comment Instructions**

### **Public Comment – Written**

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

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

When submitting the comment, include the following:

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

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

### **Public Comment – Verbal**

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

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

When submitting the request to speak, include the following:

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



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

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

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** September 14, 2021

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

**SUBJECT:** National 4-H Week Proclamation

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**DEPARTMENT:** Cooperative Extension

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**ATTACHMENT(S):**  
Draft Proclamation

**INFORMATION CONTACT:**  
Jonathon Smith, Extension 4-H Agent,  
919-245-2057  
Tyrone Fisher, Director, 919-245-2051

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**PURPOSE:** To consider approval of a proclamation recognizing the week of October 3 through 9, 2021 as National 4-H Week in Orange County.

**BACKGROUND:** October 3 through 9, 2021, is National 4-H Week. National 4-H Week is promoted by both the National 4-H Council and North Carolina 4-H and is celebrated in states and counties from coast to coast. The overall goals of National 4-H Week are to promote the methods in which 4-H serves families and youth in grades kindergarten through twelfth grade and to promote the 4-H “learn by doing” experiential model to education that sparks youth interest in future careers and learning. Orange County boasts eight community-based clubs from Cedar Grove to Carrboro and continues to grow to meet the needs of Orange County residents.

Orange County Cooperative Extension, a partnership between Orange County Government, North Carolina State University, and North Carolina Agricultural & Technical State University, continues to promote 4-H youth development as the premier vehicle for inspiring youth interest in the areas of science, technology, engineering, arts, mathematics, and more. Orange County 4-H offers a wide variety of programming across the County, employing the following modes of delivery: day and residential camps, school enrichment, afterschool, and community-based clubs. Considerable research has been published demonstrating the benefits of 4-H youth development to past and present generations of young people. Examples include:

- [Harris Poll- 2020 Teen Mental Health Survey](#)
- [This Is 4-H – A Welcoming Environment for Youth of All Beliefs and Backgrounds](#)
- [Journal of Human Sciences and Extension- From Context to Outcomes: A Thriving Model for 4-H Youth Development Programs](#)

The Strategic Vision for 4-H, as outlined in the National 4-H Council Strategic Plan 4-H Youth Development A 2025 Vision states, “4-H will reflect the population demographics, vulnerable populations, diverse needs and social conditions of the country. This vision has the elements of inclusion, caring adults, serving at minimum 1 in 5 youth, and the volunteers and staff reflect the diversity of the population.”

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

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

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**  
The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.
- **GOAL: CREATE A SAFE COMMUNITY**  
The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

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

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



## ORANGE COUNTY BOARD OF COMMISSIONERS NATIONAL 4-H WEEK PROCLAMATION

**WHEREAS**, 4-H youth across the nation are leading efforts to solve problems in their communities and make a difference for their futures; and

**WHEREAS**, 4-H is the largest youth development organization in North Carolina and the largest in the nation with over six million participants; and

**WHEREAS**, 4-H in North Carolina claims 260,000 youth members and 13,000 volunteers, while Orange County's 4-H program numbers more than 190 members and more than 50 volunteers; and

**WHEREAS**, 4-H as part of the NC Cooperative Extension System of NC State University and NC A&T State University is a program where youth learn through opportunities that provide them hands-on experiences in 4-H's mission mandates of science, engineering and technology; healthy living; and citizenship; and

**WHEREAS**, 4-H has connected youth and their communities with the innovative research and resources from our nation's 112 land-grant universities and colleges for more than 118 years;

**NOW, THEREFORE**, we, the Orange County Board of Commissioners, do hereby proclaim October 3-9, 2021 as National 4-H Week in Orange County, and urge the people of this County to take advantage of the opportunity to become more aware of this special program that enhances our young people's interests in their futures as part of Orange County 4-H Youth Development, and to join us in recognizing the unique partnership between our County and our State University System.

Adopted this the 14<sup>th</sup> day of September, 2021.




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Renee Price, Chair  
Orange County Board of Commissioners

Insert Your  
County Seal  
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**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** September 14, 2021

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

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**SUBJECT:** Proclamation Designating September 2021 as Suicide Prevention Month

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**DEPARTMENT:** County Commissioners

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**ATTACHMENT(S):**

Proclamation

**INFORMATION CONTACT:**

Quintana Stewart, Orange County  
Health Director, 919-245-2412

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**PURPOSE:** To approve a proclamation designating September 2021 as Suicide Prevention Month in Orange County.

**BACKGROUND:** This month recognizes suicide as a serious public health problem that can have long-lasting effects on individuals, families and communities. Everyone also recognizes that suicide is preventable and that everyone can help by learning the warning signs, promoting prevention and resilience and making necessary social changes.

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

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

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

**RECOMMENDATION(S):** The Manager recommends that the Board approve and authorize the Chair to sign the attached proclamation recognizing September 2021 as Suicide Prevention Month in Orange County.

# ORANGE COUNTY BOARD OF COMMISSIONERS

## PROCLAMATION DESIGNATING SEPTEMBER 2021 AS SUICIDE PREVENTION MONTH

**WHEREAS**, September is known as National Suicide Prevention Month and is intended to help raise awareness surrounding suicide prevention resources available in the community; and

**WHEREAS**, suicidal thoughts can affect anyone regardless of age, gender, race, orientation, income level, religion or background; and

**WHEREAS**, according to the Centers for Disease Control, suicide is the 10<sup>th</sup> leading cause of death in the United States and was responsible for more than 47,500 deaths in 2019, which is about one death every eleven minutes; and

**WHEREAS**, from 2014 through 2018, Orange County lost 70 lives to suicide; and

**WHEREAS**, suicide and suicide attempts affect the health and well-being of friends, loved ones, co-workers, and the community; and

**WHEREAS**, every member of our community should understand that throughout life's struggles we all need the occasional reminder that we are all silently fighting our own battles; and

**WHEREAS**, Orange County chooses to publicly state and place our full support behind local educators, mental health professionals, athletic coaches, pack leaders, police officers, and parents as partners in supporting our community in simply being available to one another; and

**WHEREAS**, all residents are encouraged to take the time to inquire as to the wellbeing of their family, friends, and neighbors over the next few days and to genuinely convey their appreciation for their existence by any gesture they deem appropriate;

**NOW THEREFORE**, we, the Orange County Board of Commissioners, do hereby proclaim September 2021 as Suicide Prevention Month in Orange County, recognizing suicide as a serious public health problem that can have long-lasting effects on individuals, families and communities, that suicide is preventable, and that everyone can help by learning the warning signs, promoting prevention and resilience, and making necessary social changes.

This the 14<sup>th</sup> Day of September 2021.

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Renee Price, Chair  
Orange County Board of Commissioners

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** September 14, 2021

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

**SUBJECT:** Orange County Preparedness Month Proclamation

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**DEPARTMENT:** Emergency Services

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**ATTACHMENT(S):**

Proclamation

**INFORMATION CONTACT:**

Kirby Saunders, ES Director, (919) 245-6100

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**PURPOSE:** To consider a proclamation declaring September 2021 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 “Prepare to Protect. Preparing for disasters is protecting everyone you love.”

Following 2020, North Carolina has continued to experience an unusually high volume of disasters, to include the ongoing Coronavirus pandemic, winter weather, severe weather (including tornadoes), and infrastructure disruptions. So far this year, Orange County has experienced multiple watches and warnings issued by the National Weather Service for severe weather, flooding, and tornadic activity. The 2021 Hurricane Season continues to be above-normal in predictions for both severity and frequency of storms.

**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 consideration of the proclamation.

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

# ORANGE COUNTY BOARD OF COMMISSIONERS

## PROCLAMATION

### September 2021 - "Orange County Preparedness Month"

**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 – in 2020, the National Weather Service issued 13 Severe Thunderstorm Warnings, 4 Flash Flood Warnings, 4 Flood Warning, and 3 Tornado Warnings; and

**WHEREAS**, Orange County experienced an estimated \$1.2 million in estimated damages from severe weather in 2020; and

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

**WHEREAS**, on March 13, 2020, the Chair to 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**, the Orange County Emergency Services Emergency Management Division, along with emergency managers throughout the nation, has 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 2021 as "Orange County Preparedness Month."

This the 14<sup>th</sup> Day of September, 2021.

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Renée Price, Chair  
Orange County Board of Commissioners

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** September 14, 2021

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

**SUBJECT:** NCDOT Public Transportation Division/Public Transportation – 5307 Urbanized Area Formula Grant Application for FY 2022

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

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**ATTACHMENT(S):**

1. FY 2022 Program Resolution
  2. 2021 Certification and Assurances Signature Pages (2022 to be received at a later date)
  3. Public Hearing Notices
  4. Local Share Certification for Funding
  5. Anticipated DBE/DWE Vendor Awards
  6. DBE Certification Form
  7. EEO Questionnaire Form
  8. Title VI Program Report
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**INFORMATION CONTACT:**

Theo Letman, Transit Director, 919-245-2007

TeLeishia Holloway, Transit Administrator, 919-245-2002

**PURPOSE:** To:

- Conduct a public hearing on the North Carolina Urbanized Area Formula grant application by Orange County Transportation Services (OCTS) for FY 2022;
- 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 2022 certifications and assurances when they are received (2021 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 \$331,406 in funds detailed breakdown is outlined in the table below:

<b>5307 Grant Application: FY22</b>	
<b>Total</b>	<b>\$ 331,406</b>
Federal	\$ 165,703
Local	\$ 165,703

**FINANCIAL IMPACT:** The department will utilize currently available carryover funds from Article 43 Transit Tax proceeds to cover the required local match and can 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 FY 2022 in the total amount of \$331,406 with a local match total of \$165,703 to be provided when necessary;
4. Approve and authorize the Chair to sign the Local Share Certification for Funding form and other associated documents; and
5. Authorize the County Attorney to review and complete the necessary 2022 certifications and assurances when they are received (2021 versions attached as examples).

**PUBLIC TRANSPORTATION PROGRAM RESOLUTION****FY 2022 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 (*Board Member's Name*) Commissioner Fowler and seconded by (*Board Member's Name or N/A, if not required*) Commissioner Greene 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.

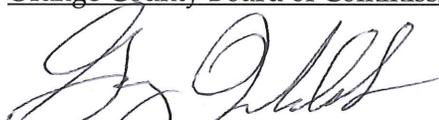
WHEREAS, non-Community Transportation applicants may apply for funding for "purchase-of-service" projects under the Capital budget Section 5310 program.

WHEREAS, (*Legal Name of Applicant*) 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;

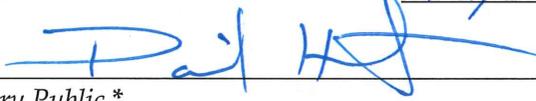
NOW, THEREFORE, be it resolved that the Chair of the Orange County Board of Commissioners is hereby authorized to submit grant application (s) for federal and state funding in response to NCDOT's calls for projects, make the necessary assurances and certifications and be empowered to enter into an agreement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

I (Certifying Official's Name)\* Greg Wilder (Certifying Official's Title) Interim 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 (Name of Applicant's Governing Board) Orange County Board of Commissioners, duly held on the 15 day of December, 2020

  
\_\_\_\_\_  
Signature of Certifying Official

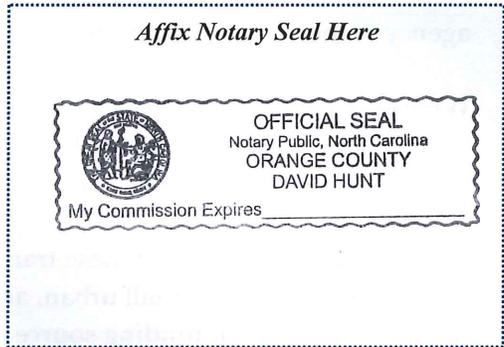
\*Note that the authorized official, certifying official, and notary public should be three separate individuals.

Seal Subscribed and sworn to me  
(date) 12/22/2020

  
\_\_\_\_\_  
Notary Public \*

David Hunt  
300 W. Tryon St., Hillsborough NC 27278  
Printed Name and Address

My commission expires  
(date) June 7, 2024



*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 CFR 900, Subpart F).

## Certifications and Assurances

Fiscal Year 2021

- (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 CFR 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 CFR 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 CFR 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 CFR Part 24.

- (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

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 CFR Part 200, Subpart F, "Audit Requirements", as adopted and implemented by U.S. DOT at 2 CFR 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.

**1.3. Procurement.**

*The Uniform Administrative Requirements, 2 CFR § 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 CFR Part 1201, which incorporates by reference U.S. OMB regulatory guidance, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 200, particularly 2 CFR §§ 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 CFR 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 CFR § 180.300. Additionally, each applicant must disclose any information required by 2 CFR § 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;

## Certifications and Assurances

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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. Coronavirus Response and Relief Supplemental Appropriations Act, 2021, and CARES Act Funding.**

The applicant certifies that, to the maximum extent possible, and consistent with the Consolidated Appropriations Act, 2021 (Public Law 116–260):

- (a) Funds made available under title IV of division M of the Consolidated Appropriations Act, 2021 (Public Law 116–260), and in title XII of division B of the CARES Act (Public Law 116–136; 134 Stat. 599) shall be directed to payroll and operations of public transit (including payroll and expenses of private providers of public transportation); or
- (b) The applicant certifies that the applicant has not furloughed any employees.

**CATEGORY 2. PUBLIC TRANSPORTATION AGENCY SAFETY PLANS**

*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 CFR § 673.11(d). This certification is required by 49 CFR § 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.*

If the applicant is an operator, the applicant certifies that it has established a public transportation agency safety plan meeting the requirements of 49 CFR 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 CFR § 673.5) and Board of Directors or Equivalent Authority (as that term is defined at 49 CFR § 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, 2021, Pub. L. 116-260, div. E, 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 certification and, if applicable, make a disclosure regarding the applicant's lobbying activities. This certification is required by 49 CFR § 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 CFR 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 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 CFR § 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 CFR 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 CFR § 605.15.*

- (a) If the applicant is not authorized by the FTA Administrator under 49 CFR § 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)).
- (b) If the applicant is authorized or obtains authorization from the FTA Administrator to engage in school bus operations under 49 CFR § 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 CFR 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 CFR § 663.7.*

The applicant certifies that it will conduct or cause to be conducted the pre-award and post-delivery audits prescribed by 49 CFR Part 663 and will maintain on file the certifications required by Subparts B, C, and D of 49 CFR 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 CFR § 665.7.*

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 CFR 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);
- (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
- (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.*

*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
- (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 CFR 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 CFR § 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 CFR Part 655.

#### **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 CFR §§ 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 CFR Part 659, "Rail Fixed Guideway Systems; State Safety Oversight";
- (b) Compliant with the requirements of 49 CFR Part 672, "Public Transportation Safety Certification Training Program"; and
- (c) Compliant with the requirements of 49 CFR Part 674, "State 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 CFR Part 37, it must make the following certification. This certification is required by 49 CFR § 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 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 Consolidated Appropriations Act, 2021, Pub. L. 116-260, div. L, title I, § 199(b).*

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 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).

**CATEGORY 21. PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS FORMULA AND DISCRETIONARY PROGRAM (TRIBAL TRANSIT PROGRAMS).**

*Before FTA may provide Federal assistance for an Award financed under either the Public Transportation on Indian Reservations Formula or Discretionary Program authorized under 49 U.S.C. § 5311(c)(1), as amended by the FAST Act, (Tribal Transit Programs), the applicant must select the Certifications in Category 21, except as FTA determines otherwise in writing.*

*Tribal Transit Program applicants may certify to this Category and Category 1 (Certifications and Assurances Required of Every Applicant) and need not make any other certification, to meet Tribal Transit Program certification requirements. If an applicant will apply for any program in addition to the Tribal Transit Program, additional certifications may be required.*

FTA has established terms and conditions for Tribal Transit Program grants financed with Federal assistance appropriated or made available under 49 U.S.C. § 5311(c)(1). The applicant certifies that:

- (a) It 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) It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
- (c) It will maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, “Transit Asset Management,” 49 CFR Part 625. Its Award will achieve maximum feasible coordination with transportation service financed by other federal sources.
- (d) With respect to its procurement system:
  - (1) It will have a procurement system that complies with U.S. DOT regulations, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 1201, which incorporates by reference U.S. OMB regulatory guidance, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 200, for Awards made on or after December 26, 2014,
  - (2) It will have a procurement system that complies with U.S. DOT regulations, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,” 49 CFR Part 18, specifically former 49 CFR § 18.36, for Awards made before December 26, 2014, or
  - (3) It will inform FTA promptly if its procurement system does not comply with either of those U.S. DOT regulations.
- (e) It will comply with the Certifications, Assurances, and Agreements in:
  - (1) Category 05.1 and 05.2 (Charter Service Agreement and School Bus Agreement),
  - (2) Category 06 (Transit Asset Management Plan),
  - (3) Category 07.1 and 07.2 (Rolling Stock Buy America Reviews and Bus Testing),
  - (4) Category 09 (Formula Grants for Rural Areas),
  - (5) Category 15 (Alcohol and Controlled Substances Testing), and
  - (6) Category 17 (Demand Responsive Service).

Certifications and Assurances

Fiscal Year 2021

**FEDERAL FISCAL YEAR 2021 CERTIFICATIONS AND ASSURANCES FOR FTA ASSISTANCE PROGRAMS**

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

Name of Applicant: orange county - orange county Public Transportation

The Applicant certifies to the applicable provisions of categories 01-21.   x  

*Or,*

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

<b>Category</b>	<b>Certification</b>
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	_____

Certifications and Assurances

Fiscal Year 2021

- 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
- 21 Tribal Transit Programs

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**FEDERAL FISCAL YEAR 2021 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE**

PAGE

(Required of all Applicants for federal assistance to be awarded by FTA in FY 2021)

**AFFIRMATION OF APPLICANT**

Orange County - Orange County Public Transportation

Name of the Applicant: \_\_\_\_\_

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 2021, 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 2021.

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

Certifications and Assurances

Fiscal Year 2021

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

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 Renee Price Date: 4/26/2021  
E7F6A98C78EE467

Name Renee Price, Board of County Commissioners, Chair 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.

DocuSigned by:  
Signature Joseph Herrin Date: 4/26/2021  
4C5F3CDDF0B94F8...

Name Joseph Herrin 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 and Large Urban Program Applications to be submitted to the North Carolina Department of Transportation no later than September 15, 2021. The public hearing will be held on September 14, 2021 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 September 9, 2021, at telephone number 919.245.2002 or via email at tholloway@orangecountync.gov.

The Small and Large Urban 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 are currently provided using urban routes. Services are rendered by Orange County Public Transportation.

The total estimated amount requested for the period July 1, 2021 through June 30, 2022

<u>Project</u>	<u>Total Amount</u>	<u>Local Share</u>
Administrative	\$	\$
Operating		
(5307 22-SU-056A)	<b>\$107,602</b>	<b>\$53,801 (50%)</b>
(5307 22-LU-056B)	<b>\$223,804</b>	<b>\$111,902 (50%)</b>
Capital (Vehicles & Other)	\$	\$
Other	\$	\$
<b>TOTAL PROJECT</b>	<b>\$ 331,406</b>	<b>\$ 165,703</b>

### 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 14, 2021).

*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 CTP 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 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 presentará al Departamento de Transporte de Carolina del Norte a más tardar el 15 de septiembre de 2021. La audiencia pública se llevará a cabo el 14 de septiembre de 2021 a las 7:00 pm ante la Junta de Comisionados del Condado de Orange en el Sesion de reunión virtual.

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 9 de septiembre de 2021 o antes, al número de teléfono 919.245.2002 o por correo electrónico a tholloway@orangecountync.gov.

El Programa de Transporte de Área Urbanizada Pequeña y Grande del brinda 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 urbanizada. Los servicios son prestados por el Departamento de Transporte del Condado de Orange.

El monto total estimado solicitado para el periodo comprendido entre el **(1 de julio de 2021 y el 30 de junio de 2022)**.

<u>Proyecto</u>	<u>Cantidad Total</u>	<u>Compartir Local</u>
Administrativo	\$	\$
Funcionamiento (5307)	\$ N/A	\$ N/A
(5307 22-SU-056A)	\$ 107,602	\$ 53,801 (50%)
(5307 22-LU-056B)	\$ 223,804	\$ 111,902 (50%)
Capital (Vehiculos y otros)	\$ N/A	\$ N/A
5310 Funcionamiento	\$ N/A	\$ N/A
Otro	\$ N/A	\$ N/A
<hr/>		
<b>TOTAL DEL PROYECTO</b>	<b>\$ 331,406</b>	<b>\$165,703</b>

**Solicitud de financiación total**

**Total cuota Local**

Esta solicitud puede ser inspeccionada 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 dirección de correo electrónico antes 3:00pm del 14 de septiembre de 2021.

**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 CTP.

Attachment 4

**FY 2022 LOCAL SHARE CERTIFICATION FOR FUNDING**

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

**Requested Funding Amounts**

<u>Project</u>	<u>Total Amount</u>	<u>Local Share**</u>
Administrative	\$ _____	\$ _____ (20%)
5311 Operating (No State Match)	\$ _____	\$ _____ (50%)
5310 Operating (No State Match)	\$ _____	\$ _____ (50%)
5307 Operating	\$ <u>107,602</u>	\$ <u>53,801</u> (50%)
5307 Planning	\$ _____	\$ _____ (20%)
Combined Capital	\$ _____	\$ _____ (20%)
Mobility Management	\$ _____	\$ _____ (50%)
5310 Capital Purchase of Service	\$ _____	\$ _____ (20%)
_____	\$ _____	\$ _____ ( _ %)
_____	\$ _____	\$ _____ ( _ %)
_____	\$ _____	\$ _____ ( _ %)

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

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<b>TOTAL</b>	<b>\$ <u>107,602</u></b>	<b>\$ <u>53,801</u></b>
	<b>Total Funding Requests</b>	<b>Total Local Share</b>

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**\*\*NOTE: Applicants should be prepared for the entire Local Share amount in the event State funding is not available.**

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

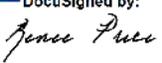
<u>Source of Funds</u>	<u>Apply to Grant</u>	<u>Amount</u>
Article 43 Transit Tax	_____	\$ <u>53,801</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

FY 2022 Local Share Certificate (page 2)

_____	_____	\$ _____
_____	_____	\$ _____
<b>TOTAL</b>		\$ _____

**\*\* 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 FY2022 Community Transportation Program and 5307 Governors Apportionment will be available as of **July 1, 2021**, which has a period of performance of July 1, 2021 – June 30, 2022.

DocuSigned by:  
  
 F7F6A98C78FE467...  
 \_\_\_\_\_  
 Signature of Authorized Official

Chair, Board of Orange County Commissioners  
 \_\_\_\_\_  
 Type Name and Title of Authorized Official

8/26/2021  
 \_\_\_\_\_  
 Date

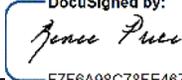


FY 2022 Local Share Certificate (page 2)

_____	_____	\$ _____
_____	_____	\$ _____
<b>TOTAL</b>		\$ _____

**\*\* 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 FY2022 Community Transportation Program and 5307 Governors Apportionment will be available as of **July 1, 2021**, which has a period of performance of July 1, 2021 – June 30, 2022.

DocuSigned by:  
  
 F7F6A98C78FE467...  
 \_\_\_\_\_  
 Signature of Authorized Official

Chair, Board of Orange County Commissioners  
 \_\_\_\_\_  
 Type Name and Title of Authorized Official

8/26/2021  
 \_\_\_\_\_  
 Date

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION  
PUBLIC TRANSPORTATION DIVISION

DBE/MBE/WBE/HUB ANTICIPATED VENDOR AWARDS in FY 2022

APPLICANT'S NAME: Orange County PERIOD COVERED  
 MAILING ADDRESS: PO Box 8181, Hillsborough, NC 27278 From: July 1, 2021  
 VENDOR NUMBER: \_\_\_\_\_ To: June 30, 2022

We expect to utilize the following list of DBE/MBE/WBE/HUB Vendors in FY 2022:

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 2022.
- The applicant does **NOT** expect to utilize any DBE/MBE/WBE/HUB Vendors in FY 2022.

*Renee A. Price*

Signature of Authorized Official

12/15/2020

Date

## Attachment 6

DBE GOOD FAITH EFFORTS CERTIFICATION

This is to certify that in all purchase and contract selections (*Legal Name of Applicant*) Orange County is committed to and shall make good faith efforts to purchase from and award contracts to Disadvantaged Business Enterprises (DBEs).

DBE good faith efforts will include the following items that are indicated by check mark(s) or narrative:

Required by PTD	Check all that apply	Description
*	<input checked="" type="checkbox"/>	Write a letter/email to Certified DBEs in the service area to inform them of purchase or contract opportunities;
*	<input checked="" type="checkbox"/>	Document telephone calls, emails and correspondence with or on behalf of DBEs;
	<input type="checkbox"/>	Advertise purchase and contract opportunities on local TV Community Cable Network;
*	<input checked="" type="checkbox"/>	Request purchase/contract price quotes/bids from DBEs;
	<input type="checkbox"/>	Monitor newspapers for new businesses that are DBE eligible
*	<input checked="" type="checkbox"/>	Encourage interested eligible firms to become NCDOT certified. Interested firms should contact the office of contractual services at (919) 707-4800 for more information
*	<input checked="" type="checkbox"/>	Encourage interested firms to contact the Office of Historically Underutilized Businesses at (919) 807-2330 for more information
*	<input checked="" type="checkbox"/>	Consult NCDOT Certified DBE Directory. A DBE company will be listed in the DBE Directory for each work type or area of specialization that it performs. You may obtain a copy of this directory at <a href="https://www.ebs.nc.gov/VendorDirectory/default.html">https://www.ebs.nc.gov/VendorDirectory/default.html</a>
	<input type="checkbox"/>	Other efforts: Describe:
	<input type="checkbox"/>	Other efforts: Describe:

You may obtain a copy of the USDOT Disadvantaged Business Enterprise Program Title 49 Part 26 at <https://www.ebs.nc.gov/VendorDirectory/default.html>

**Reminder: Documentation of all good faith efforts shall be retained for a period of five (5) years following the end of the fiscal year.**

I certify that, to the best of my knowledge, the above information describes the DBE good faith efforts.

*Renee A. Price*

Signature of Authorized Official

12/15/2020

Date

Renee Price, Chair Orange County Board of Commissioners

Type Name and Title of Authorized Official



5. Does your agency submit an EEO Program? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, what is the date of your last submission? \_\_\_\_\_

6. Do you contract out any of your transit services? \_\_\_\_\_ Yes \_\_\_\_\_ No

If no, skip to question 7. If yes,

a. What is the name of agency (s)? \_\_\_\_\_

b. How much does the agency receive in capital or operating assistance? \_\_\_\_\_

c. How much does the agency receive in planning assistance? \_\_\_\_\_

d. How many transit employees does the agency have? \_\_\_\_\_

e. Does the agency submit an EEO Program to you? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, what is the date of their last EEO submission? \_\_\_\_\_

7. What is the date of your last Triennial Review (If applicable)? \_\_\_\_\_

a. Were there any deficiencies? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, in what area(s) \_\_\_\_\_

\_\_\_\_\_

b. Are any of the deficiencies still open \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, in what area(s)? \_\_\_\_\_

\_\_\_\_\_

8. What is the date of your last State Management review (If Applicable)?

\_\_\_\_\_

a. Were there any deficiencies? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, in what area(s) \_\_\_\_\_

\_\_\_\_\_

b. Are any of the deficiencies still open \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, in what area(s)? \_\_\_\_\_

\_\_\_\_\_

9. Has your agency participated in an EEO compliance review?

\_\_\_\_\_   
 If yes,

a. Were there any deficiencies? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, in what area(s) \_\_\_\_\_   
 \_\_\_\_\_

b. Are any of the deficiencies still open \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, in what area(s)? \_\_\_\_\_   
 \_\_\_\_\_

I declare (or certify, verify, or state) that the foregoing is true and correct.

Signature     *[Signature]*     Date     1/5/21    

Title     Transportation Director

SECTION 5311, 5310, 5339, Combined Capital, 5307 or State Funds Call for Projects  
TITLE VI PROGRAM REPORT

Legal Name of Applicant: Orange County  
(Complete either Part A or Part B; and Part C)

**Part A – No complaints or Lawsuits Filed**

I certify that to the best of my knowledge, **No complaints or lawsuits** alleging discrimination have been filed against **Orange County Public Transportation** (*Transit System Name*) during the period **July 1, 2020 through June 30, 2021**.

*Renee A. Price*

\_\_\_\_\_  
Signature of Authorized Official

12/15/2020

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair, Board of Orange County Commissioners  
Type Name and Title of Authorized Official

**Part B – Complaints or Lawsuits Filed**

I certify that to the best of my knowledge, the below described complaints or lawsuits alleging discrimination have been filed against \_\_\_\_\_ (*Transit System Name*) during the period **July 1, 2020 through June 30, 2021**.

Complainant Name/Address/Telephone Number	Date	Description	Status/Outcome

(Attach an additional page if required.)

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Type Name and Title of Authorized Official

**Part C - Title VI Plan**

Do you currently have a Title VI Plan: \_\_\_\_\_

Date of last plan update: \_\_\_\_\_

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** September 14, 2021

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

**SUBJECT:** Longtime Homeowner Assistance (LHA) Program

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**DEPARTMENT:** Housing and Community  
Development

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**ATTACHMENT(S):**

Attachment 1 - LHA Application Draft  
Attachment 2 - LHA Proposed Process  
Description  
Attachment 3 - LHA Draft Communication  
Plan

**INFORMATION CONTACT:**

Corey Root, Director, Housing and  
Community Development, 919-245-  
2492  
Nancy Freeman, Tax Administrator,  
Orange County Tax Office, 919-245-  
2735  
Gary Donaldson, Chief Financial Officer,  
Orange County Finance and  
Administrative Services, 919-245-2453

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**PURPOSE:** To approve the implementation of the proposed program design for the Longtime Homeowner Assistance Program.

**BACKGROUND:** At its June 15, 2021 Business meeting, the Board of Commissioners allocated \$250,000 in American Rescue Plan Act (ARPA) funds for a new program to assist households affected by revaluation of property tax bills. The program will serve Orange County homeowners earning below 80% of the area median income who have lived in their home for at least 10 years and experienced an increase in their property taxes during the 2021 tax revaluation.

Staff from the Orange County Housing and Community Development Department (OCHCD), Tax Department, and Finance and Administrative Services Department met over the summer to coordinate, design and begin implementing the proposed program. Staff created a draft program application (Attachment 1), a proposed plan for reviewing and approving applications and outlining each department's role in process (Attachment 2), and a proposed communications and outreach strategy to share information about the program with County residents (Attachment 3).

Housing and Community Development Department staff will be primarily responsible for administering the LHA program – collecting applications and supporting documentation from applicants, and verifying program eligibility for each applicant. The Orange County Housing Helpline will play a key role in assisting County residents with completing applications and gathering documentation. The Tax Department will provide some of the eligibility verification details to Housing and Community Development Department staff during application review. Once an application is approved for assistance, Housing and Community Development Department staff will coordinate with the Finance and Administrative Services Department and Tax

Department to issue a credit towards the taxpayer's property tax bill. The program has a proposed launch date of October 1, 2021. All applications must be received by 5:00pm on December 15, 2021 to allow time for processing.

**FINANCIAL IMPACT:** The program would expend \$250,000 in ARPA funding that has been allocated to assist long-term, low-income households affected by the tax revaluation of their property.

**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.

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

**RECOMMENDATION(S):** The Manager recommends that the Board approve the proposed Longtime Homeowner Assistance program design.



## LONG TIME HOMEOWNER ASSISTANCE PROGRAM

**\*\*PLEASE ENSURE ENTIRE APPLICATION IS COMPLETE BEFORE SUBMITTING\*\***

HOMEOWNER NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

HOMEOWNER PHONE NUMBER AND EMAIL: \_\_\_\_\_

NUMBER OF ADULTS IN HOUSEHOLD: \_\_\_\_\_

NUMBER OF CHILDREN IN HOUSEHOLD: \_\_\_\_\_

ADDRESS OF PROPERTY: \_\_\_\_\_

HAVE YOU OWNED THE PROPERTY AND HAS IT BEEN YOUR PRIMARY RESIDENCE FOR THE LAST 10 YEARS?  Yes  No

DID YOUR PROPERTY TAXES INCREASE THIS YEAR (2021)?  Yes  No  Unsure

	Household Size							
	1	2	3	4	5	6	7	8
80% AMI	\$48,400	\$55,300	\$62,200	\$69,100	\$74,650	\$80,200	\$85,700	\$91,250

Source: 2021 HUD Income Limits

GROSS ANNUAL HOUSEHOLD INCOME: \_\_\_\_\_

Assistance is available to Orange County households earning no more than 80% of the area median income (AMI).

GENDER OF HOMEOWNER:  Male  Female  Nonbinary

RACE OF HOMEOWNER:

**DATA WILL BE USED FOR ONGOING RACIAL EQUITY ANALYSES TO IMPROVE PROGRAM DELIVERY**

- White  Black/African American  Asian  American Indian/Alaskan Native  
 Native Hawaiian/Other Pacific Islander  Other - Multi Racial

ETHNICITY OF HOMEOWNER:

Hispanic or Latinx?  Yes  No

HOW WERE YOU REFERRED TO THIS PROGRAM?  Housing Helpline  Agency referral

REFERRING AGENCY (IF APPLICABLE): \_\_\_\_\_

Mailing Address  
P.O. Box 8181  
Hillsborough, NC 27278

Main Office  
300 W. Tryon Street  
Hillsborough, NC 27278

Satellite Office  
2501 Homestead Road  
Chapel Hill, NC 27516



**HOMEOWNER CONSENT**

Does the homeowner give consent for their personal information, including information on this form and in any attachments, to be shared with the Orange County Department of Housing and Community Development (OCHCD), the Orange County Tax Department, the Orange County Finance Department and with other parties, as needed in order for OCHCD to provide assistance to the homeowner?

- Yes       No

**HOMEOWNER CERTIFICATION**

Does the homeowner certify that all information included in this application and any attachments is correct and complete?

- Yes       No

**REQUIRED ATTACHMENTS:**

- Documentation verifying gross income for all household members over age 18**
  - Income certification form **(see next page for form)**
  - AND, IF POSSIBLE, ONE OR MORE OF THE FOLLOWING:**
    - Copy of last two (2) bi-weekly or four (4) weekly paycheck stubs **OR**
    - W-2 or other wage statement **OR**
    - Current benefit award letters or other documents that includes name and amount of the benefit **OR**
    - Tax form 1040 from latest tax year **OR**
    - Bank statements showing income **OR**
    - Employer letter attesting to income
- Copy of property tax bill**

**NOTES:** \_\_\_\_\_

**Revised 9/7/21**

## Income Certification Form

*You may use this form to self-certify your household's gross monthly income. Please complete the table and certify that the information you provide is true and accurate to the best of your knowledge with your signature below. The person reviewing your application will use this information to calculate your household's annual income and determine your eligibility for the program.*

**Monthly Income Information**

Please list all income for the last full month for each household member.

	Household Member 1 (Homeowner)	Household Member 2	Household Member 3
Full Name			
Wages, salaries, tips, commissions, etc.			
Unemployment Income			
Self-employment income			
Retirement/fixed income			
Other income			
<b>Total income per month</b>	\$	\$	\$

	Household Member 4	Household Member 5	Household Member 6
Full Name			
Wages, salaries, tips, commissions, etc.			
Unemployment Income			
Self-employment income			
Retirement/fixed income			
Other income			
<b>Total income per month</b>	\$	\$	\$

I certify that to the best of my knowledge the monthly household income reported for each member of my household above is correct, complete and accurate as of the date this form is signed and completed.

I agree to provide, upon request, documentation on all income sources to the Orange County Department of Housing and Community Development.

\_\_\_\_\_  
Homeowner's Signature

\_\_\_\_\_  
Date

Return completed application and required documents to Orange County Housing and Community Development Department (OCHCD) via the following options:

Email: [housinghelp@orangecountync.gov](mailto:housinghelp@orangecountync.gov)

Fax: 919-644-3056

Mail to: PO Box 8181, Hillsborough, NC 27278

**Contactless drop-off available at our two office locations**

OCHCD Hillsborough Office: 300 W Tryon Street, Hillsborough, NC 27278 (Drop box located outside elevator entrance on the right side of the building OR directly outside the OCHCD office on the 3rd floor)

OCHCD Chapel Hill Office: 2501 Homestead Rd, Chapel Hill, NC 27516 (Drop box is located outside of the main entrance and is labeled Housing and Community Development)

**DRAFT**  
**Orange County, NC**  
**Longtime Homeowner Assistance Program**

Eligibility Requirements	<80% Area Median Income	<b>NOTES</b>
Incremental Increase from Tax Year 2020 to 2021	No cap	<b>Modeled from Jackson Center Program</b>
<b>Approved FY 2021-22 ARPA Tax Relief Funding</b>	<b>\$ 250,000</b>	Preliminary research indicated \$150 for property owners currently under tax assistance program; other programs caps: \$350 & \$750

Grants will be awarded on a First Come, First Served Basis

<b>Policies and Procedures</b>	<b>Departments of Purview</b>	<b>Timeframe</b>
Public Outreach and Program Education	Various channels include Public Information Press Releases, Tax, Housing, Human Rights and Community Partners.	TBD
Application Distribution	Tax, Housing, Human Rights and Community Partners (Community Centers) and Workshops, also via Websites	
Housing and Community Development Intake Applicants and verify Income Requirements based on income verification documents	Housing	FY 2022- October 1 through December 15, 2021
Property must be Real Property, and Property Owners Primary Residence for minimum of Ten Years	Housing	
Create online and paper program applications	Housing/Information Technology	Schedule to be established based on number of applicants; possibly every two weeks
File of Eligible Applicants for ARPA Grants forwarded to the Tax Administration Office for Verification	Housing	
Confirm Applicant's ownership for Ten Years, Verify Incremental Increase in County Tax from 2020 to 2021. Review Applicant's information for Possible Outreach for Other Tax Assistance Programs for Future Tax Years	Tax Administration	
Tax Administration sends Verification Information to Housing	Tax Administration	
Housing prepares Grant Award Documentation, forward to Tax & Finance with all supporting documentation (income eligibility, proof of primary residence and approved application)	Housing	Final File Prior to December 31, 2021
Upon receipt of Grant Award Documentation, Tax Office apply Grant Funds to Current Year Tax Bill	Tax Administration & Finance	Final File On or Prior to January 5, 2022
If 2021 Tax Bill is paid, apply to Delinquent Taxes for the same property. If no delinquencies, Refund Applicant/Property Owner	Tax Administration & Finance	
Provide Batch Report and Grant Award Document outlining disposition of funds to Finance and Housing	Tax Administration	
GL Entry to Internally Transfer Funds	Finance	
Post Program; Process Review and Lessons Learned	County Manager, Tax, Housing, and Finance	
Issue Executive Summary Program Report	County Manager, Tax, Housing, and Finance	



## Longtime Homeowner Assistance Program

*DRAFT COMMUNICATION PLAN*

### Materials

Description	Who	Start	Complete
Create program flyer	OCHCD, Melissa Blackburn	9/15/21	9/17/21
Program info on OCHCD website	OCHCD	9/21/21	9/27/21
Create press release	OCHCD, Todd McGee	9/21/21	9/28/21
Create FAQ	Whole team	9/15/21	9/28/21

### Community Outreach

Description	Who	Start	Complete
Send flyer and program info by email	Orange County Partnership to End Homelessness email list, ask service providers to distribute widely	9/15/21	9/17/21
Program info in Weekly OC email	Todd McGee		10/1/21
Program info in News of Orange ad	Todd McGee		12/1/21
Brief nonprofit partners about program	OCHCD	8/27/21	Ongoing through 12/1/21
Highlight program info at meetings	Orange County Partnership to End Homelessness, Local Reentry Council, OC Changemakers, Orange County Affordable Housing Coalition, Affordable Housing Advisory Board		
Program info in Health Dept and FSA newsletters	Kristin Prelipp		10/1/21
Twitter campaign	OCHCD, OCPEH, Orange County	10/1/21	12/15/21
Program info and updates in Town of Chapel Hill Housing and Community Newsletter & Town-wide newsletters for CH, Carrboro and Hillsborough	OCHCD	10/1/21	12/15/21

**Mailing Address**  
P.O. Box 8181  
Hillsborough, NC 27278

**Main Office**  
300 W. Tryon Street  
Hillsborough, NC 27278

**Satellite Office**  
2501 Homestead Road  
Chapel Hill, NC 27516



**Media**

<b>Description</b>	<b>Who</b>	<b>Start</b>	<b>Complete</b>
Send press release	Todd McGee		9/28/21
Ask BOCC Chair to include program info in weekly Chapelboro spot	Renee Price		
Respond to media requests as needed	Corey Root, Nancy Freeman	8/24/21	12/31/21

DRAFT

**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
ACTION AGENDA ITEM ABSTRACT**  
**Meeting Date:** September 14, 2021

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

**SUBJECT:** Eno Economic Development District – Potential Comprehensive Plan Future Land Use Map and Zoning Atlas Amendments

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**DEPARTMENT:** Planning and Inspections

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**ATTACHMENT(S):**

1. Current Land Use and Zoning Designations in the Eno EDD
2. Maps of 2012 Eno EDD Expansion
3. Capital Improvement Plan (CIP) Map
4. Maps of Existing Residential / Non-Residential / Undeveloped Parcels in the Eno EDD and of Developed and Undeveloped Lots in Whispering Pines Subdivision
5. Water & Sewer Management, Planning, and Boundary Agreement Map
6. Maps of Potential Amendments

**INFORMATION CONTACT:**

Craig Benedict, Director, (919) 245-2592  
Perdita Holtz, Planner III, (919) 245-2578

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**PURPOSE:** To review potential Comprehensive Plan Future Land Use Map and Zoning Atlas amendments in the Eno Economic Development District (EDD) and provide direction to staff on whether to pursue amendments and the timeframe.

**BACKGROUND:** Planning staff has been asked to bring forward for Board of County Commissioners' review and discussion potential [Comprehensive Plan](#) Future Land Use Map and Zoning Atlas amendments in the Eno Economic Development District (EDD) (see maps in [Attachment 1](#) for location and current designations).

Historical Information

Most lands in the current Eno EDD have been designated for economic development purposes since 1981, when the County adopted a Comprehensive Plan. In 2012, the boundaries of the Eno EDD were expanded in anticipation of water and sewer availability (see maps in [Attachment 2](#) for the 2012 amendments, [adopted September 6, 2012](#)). The Eno EDD is currently 958 acres of economic development land use classification, with an adjacent 67 acre housing area (Whispering Pines subdivision) and 31 acres annexed by the City of Durham for economic development purposes (northeast corner of EDD, adjacent to I-85 in Capital Investment Plan (CIP) focus area). The County proceeded with adding a matching zoning district (i.e. 'prezoning') to approximately 75% of the land use area. Other areas (25%) remain in a residential zoning category (or base zoning). The Eno EDD is part of a courtesy review agreement with the City of Durham, as part of the [Eno EDD Area Small Area Plan](#).

### Recent Water and Sewer Studies

Recent joint engineering studies by Orange County and City of Durham staff and a consultant have retracted the larger area's viability for public sewer due to Durham system constraints in the area and prohibitive cost. However, a smaller economic development focus area of 200 acres between I-85 and US 70 still remains viable for public sewer and an existing water line lies adjacent to the area. (See CIP map in [Attachment 3](#) for location of the 200-acre area). Additionally, there are many existing commercial uses in the general area on well and septic.

### Interlocal Utility Services Agreement with City of Durham

County staff is in the process of working with City of Durham staff to update and amend the interlocal agreement for water and sewer services (adopted in 2011, expired in 2018) to address the smaller economic development focus area. After completion of an [engineering study in 2013](#) and subsequent additional analysis, it became apparent that the City will not be able to serve the entire Eno EDD area with water and sewer due primarily to pump station capacity limitations within the City's sewage disposal system. The cost to upgrade the existing pump stations is prohibitive. If the City is able to serve the Eno EDD, it would be a much smaller geographic area than initially envisioned, perhaps up to 200 acres. The City is expected to require voluntary annexation of any properties it serves with its water and sewer systems. Willing property owners have 'signed on' to express interest in developing their lands consistent with the Economic Development and Commercial-Industrial land use designations that have been in place since 1981.

### Development on Private Wells and Septic Systems / Future Land Use Designations and Zoning

While public water and sewer availability allows for more dense/intense development and larger projects, the regulations contained in the County's [Unified Development Ordinance](#) (UDO) for the Eno (and Buckhorn) EDD do not require connections to public water and sewer systems if such systems are not available. These EDDs allow non-residential development to occur using wells and septic systems (or other wastewater disposal techniques). If there is desire to potentially allow new non-residential development in the Eno EDD on wells and septic systems, the existing Future Land Use classification (Economic Development) and much of the current zoning could achieve new non-residential development, particularly smaller-scale non-residential development such as individual offices or other uses that do not require large amounts of water and wastewater disposal.

As is shown on the maps in [Attachment 1](#), some of the lands designated for Economic Development (land use classification) are currently zoned R-1 (Rural Residential) (see the southwestern portion of the EDD area and lands between the railway and Old NC 10). Since zoning is the regulatory tool, the current zoning means that only uses allowed in R-1 would be permitted on these properties. R-1 is primarily for residential uses and a few other compatible use types, as shown in the Table of Permitted Uses in Section 5.2 of the UDO.

It should also be noted that the EDE-1 zoning district allows a variety of residential uses, including single family residential; new residential uses would be permitted in the EDE-1 zoning district. EDE-2 zoning does not allow residential uses. Future Land Use and zoning amendments may be necessary only if the decision is made that all non-residential development in the Eno EDD should be served by public water and sewer systems or if there are other reasons for pursuing amendments. If amendments are pursued, a determination will need to be made regarding which Future Land Use classification and/or zoning district should be applied to the map(s).

As a reminder, any new non-residential development in the area is required to adhere to all of the standards and regulations contained in the UDO, including proper buffering from adjacent

uses and performance standards related to noise, vibration, outdoor storage, and other impacts (see Section 6.4 of the UDO).

Additional maps that may prove useful in understanding the area are included in Attachment 4:

- Existing Residential / Non-Residential / Undeveloped parcels
- A map of developed and undeveloped lots in Whispering Pines subdivision (which is designated as 10-Year Transition on the Future Land Use map). As a historical note, many/most of the undeveloped lots remained so because suitable septic sites could not be located on the lots.

#### Water & Sewer Management, Planning & Boundary Agreement (WASMPBA)

The entire Eno EDD plus lands well to the south of the EDD are designated as “Primary Service Area” on the [WASMPBA](#) map (Attachment 5). Since mobile home parks in the area may eventually need public water service for both household use and fire suppression, staff suggests that the current WASMPBA boundaries remain as is.

#### Potential Amendments

The maps in Attachment 6 depict potential amendments to pull back a portion of the EDD expansion that occurred in 2012 and rezone the properties back to R-1 (Rural Residential). Staff is seeking BOCC direction on whether Future Land Use Map and Zoning Atlas amendments should be pursued at this time. The potential amendments are as follows:

<b>Future Land Use Map</b>	<b>Zoning</b>
112.2 acres from Economic Development to 10-Year Transition	112.2 acres from EDE-1 to R-1

The 10-Year Transition land use classification is for “areas changing from rural to urban in form and density. All densities of residential development would be appropriate. Non-residential uses implemented in accordance with small area plans and/or overlay districts may be appropriate.” The Land Use and Zoning Matrix in Appendix F of the Comprehensive Plan identifies the following potential zoning districts for 10-Year Transition areas: R-1, R-2, R-3, R-4, R-5, R-8, R-13, MPD-CD, HP-CD, R-CD, NR-CD, and Special Zoning Overlay District.

#### Amendment Process

Amendments to the Comprehensive Plan and Zoning Atlas (rezoning) must adhere to the processes described in Sections 2.3 (Comprehensive Plan) and 2.8 (Zoning Atlas) of the UDO. For County-initiated amendments, the general process is listed below with a possible timeframe for any potential amendments in ***bold italics***:

- Public Information Meeting to Explain the Amendments (This meeting is not required by the UDO, but historically the County has held such meetings at the beginning of the process to better inform residents and address questions before the subsequent Planning Board meeting.) – ***October 2021***
- Post Sign / Mail Notices for Planning Board Meeting – ***mid November 2021***
- Development Advisory Committee Meeting (staff group of multiple departments) - ***November 2021***
- Staff Recommendation to the Planning Board – ***end of November 2021***
- Planning Board Review and Recommendation – ***December 1, 2021***
- Publication of Legal Ads / Sign Posting / Mail Notices for BOCC Public Hearing – ***January 2022***
- BOCC Public Hearing/Potential Decision – ***January 2022***

**FINANCIAL IMPACT:** Existing County staff could accomplish the necessary tasks associated with amending the Future Land Use Map and Zoning Atlas, if directed to do so by the Board of County Commissioners.

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

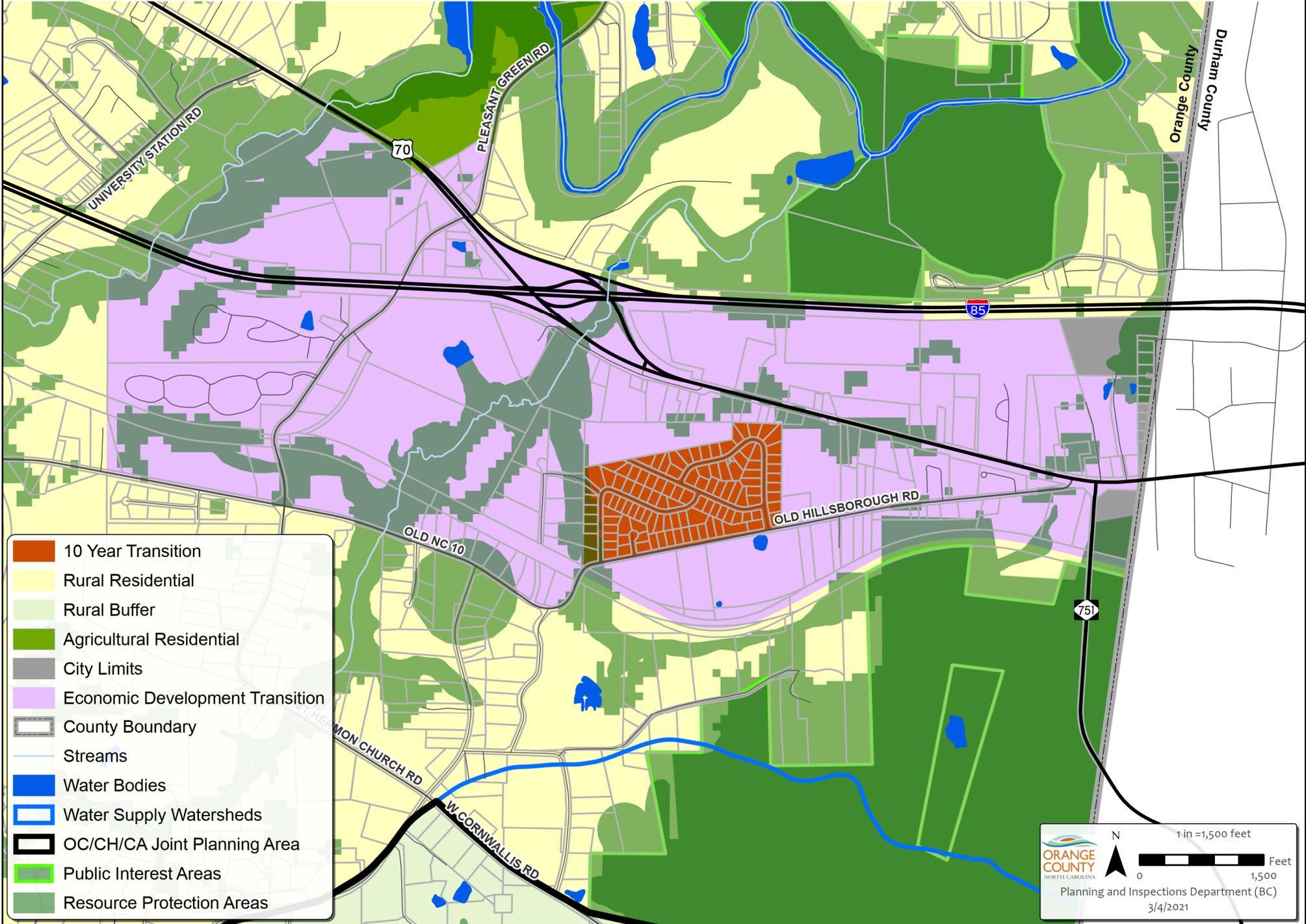
- **GOAL: ESTABLISH SUSTAINABLE AND EQUITABLE LAND-USE AND ENVIRONMENTAL POLICIES**

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

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

**RECOMMENDATION(S):** The Manager recommends the Board receive the information and provide direction to staff on whether to pursue amendments and, if so, the timeframe.

# Eno EDD - Current Future Land Use Map



- 10 Year Transition
- Rural Residential
- Rural Buffer
- Agricultural Residential
- City Limits
- Economic Development Transition
- County Boundary
- Streams
- Water Bodies
- Water Supply Watersheds
- OC/CH/CA Joint Planning Area
- Public Interest Areas
- Resource Protection Areas

1 in = 1,500 feet

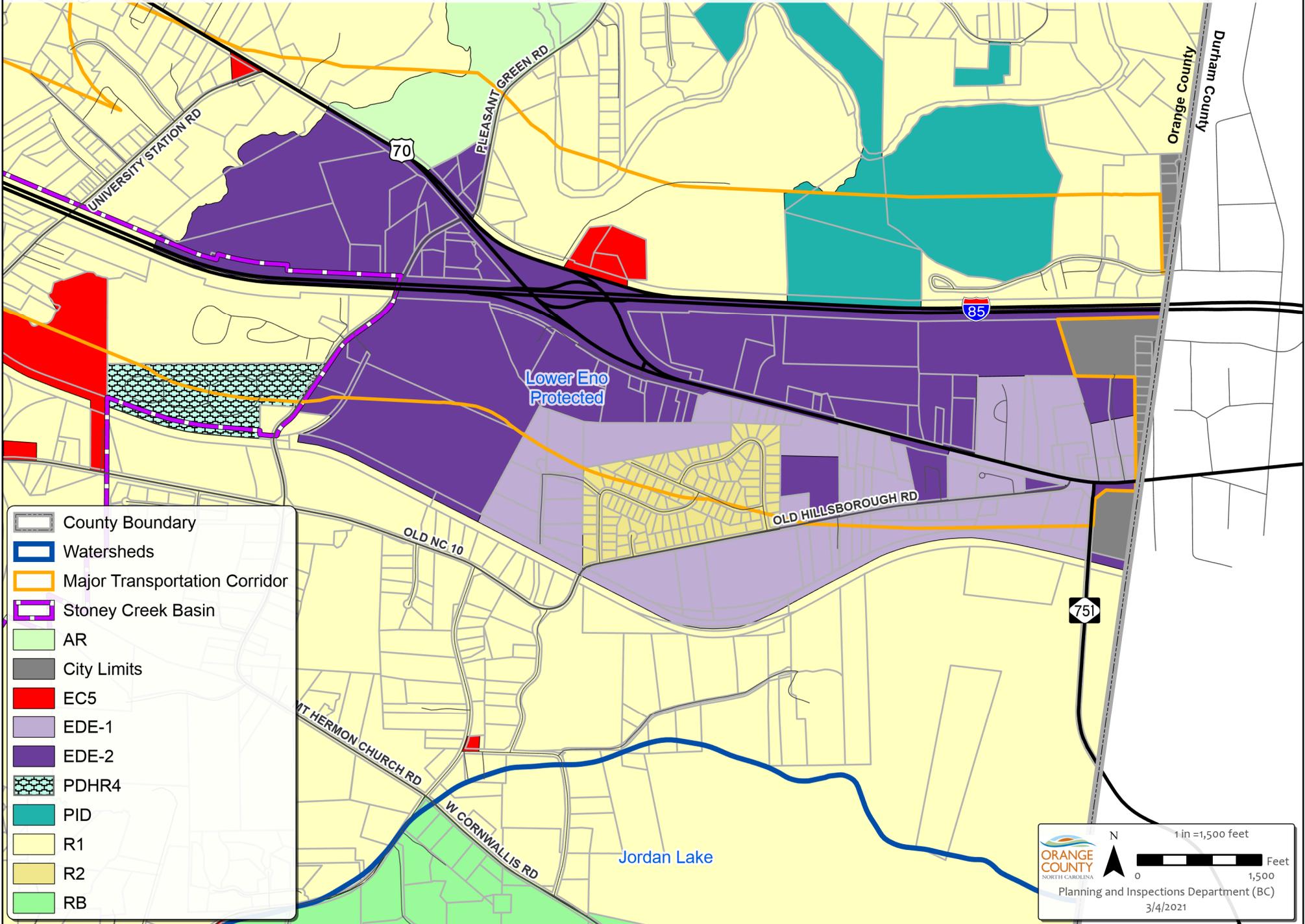
0 1,500 Feet

N

**ORANGE COUNTY**  
NORTH CAROLINA

Planning and Inspections Department (BC)  
3/4/2021

# Eno EDD - Current Zoning



- County Boundary
- Watersheds
- Major Transportation Corridor
- Stoney Creek Basin
- AR
- City Limits
- EC5
- EDE-1
- EDE-2
- PDHR4
- PID
- R1
- R2
- RB

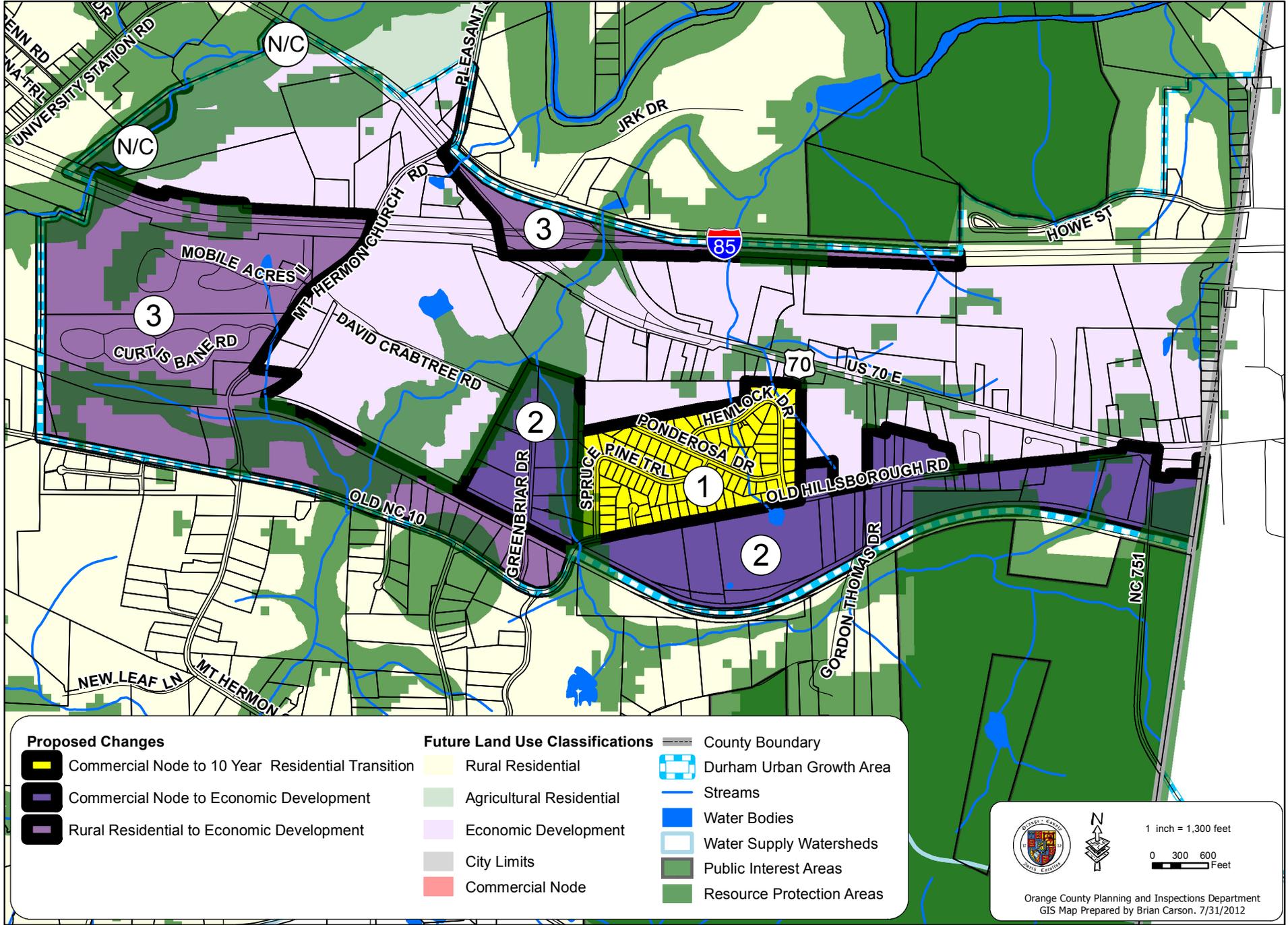
1 in = 1,500 feet

0 1,500 Feet

ORANGE COUNTY  
NORTH CAROLINA

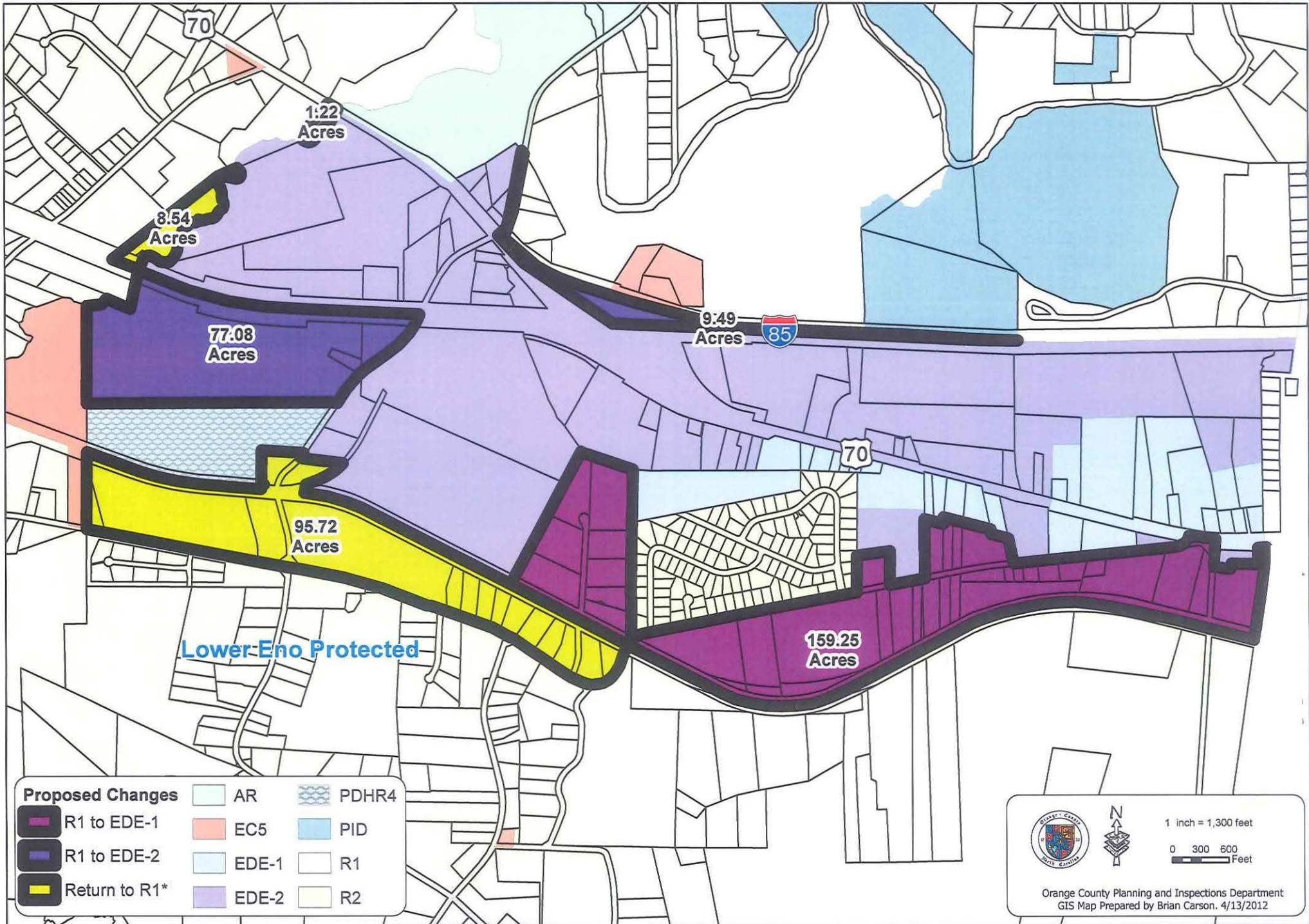
Planning and Inspections Department (BC)  
3/4/2021

# Eno EDD Area -Current and Proposed Future Land Use Classifications



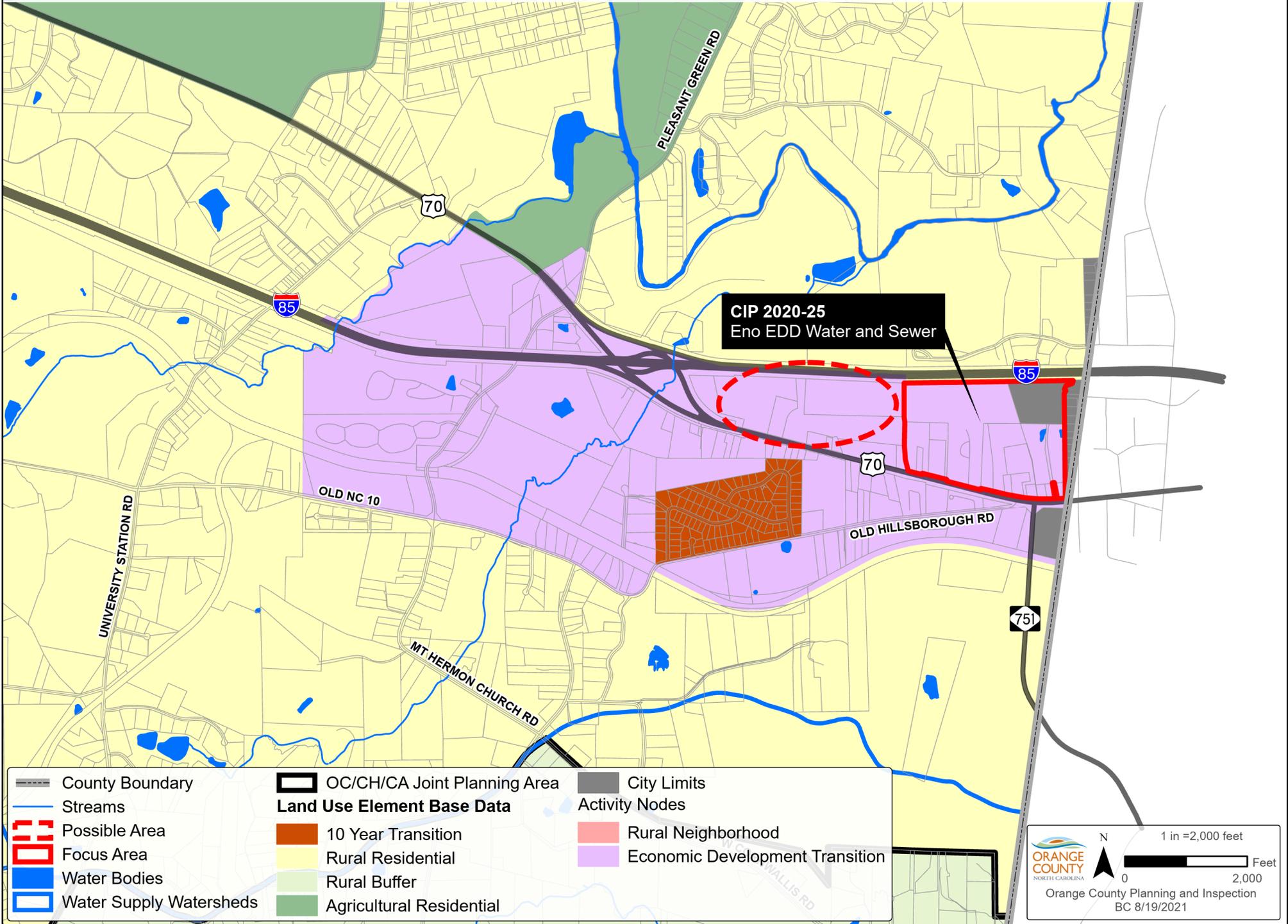


# Eno EDD Area - Current and Proposed Zoning



\* It is recommended that these areas should be removed from the Feb. 22, 2012 recommendations and return to R1 zoning as part of the May 29, 2012 recommendations.

# Eno EDD CIP Project Area



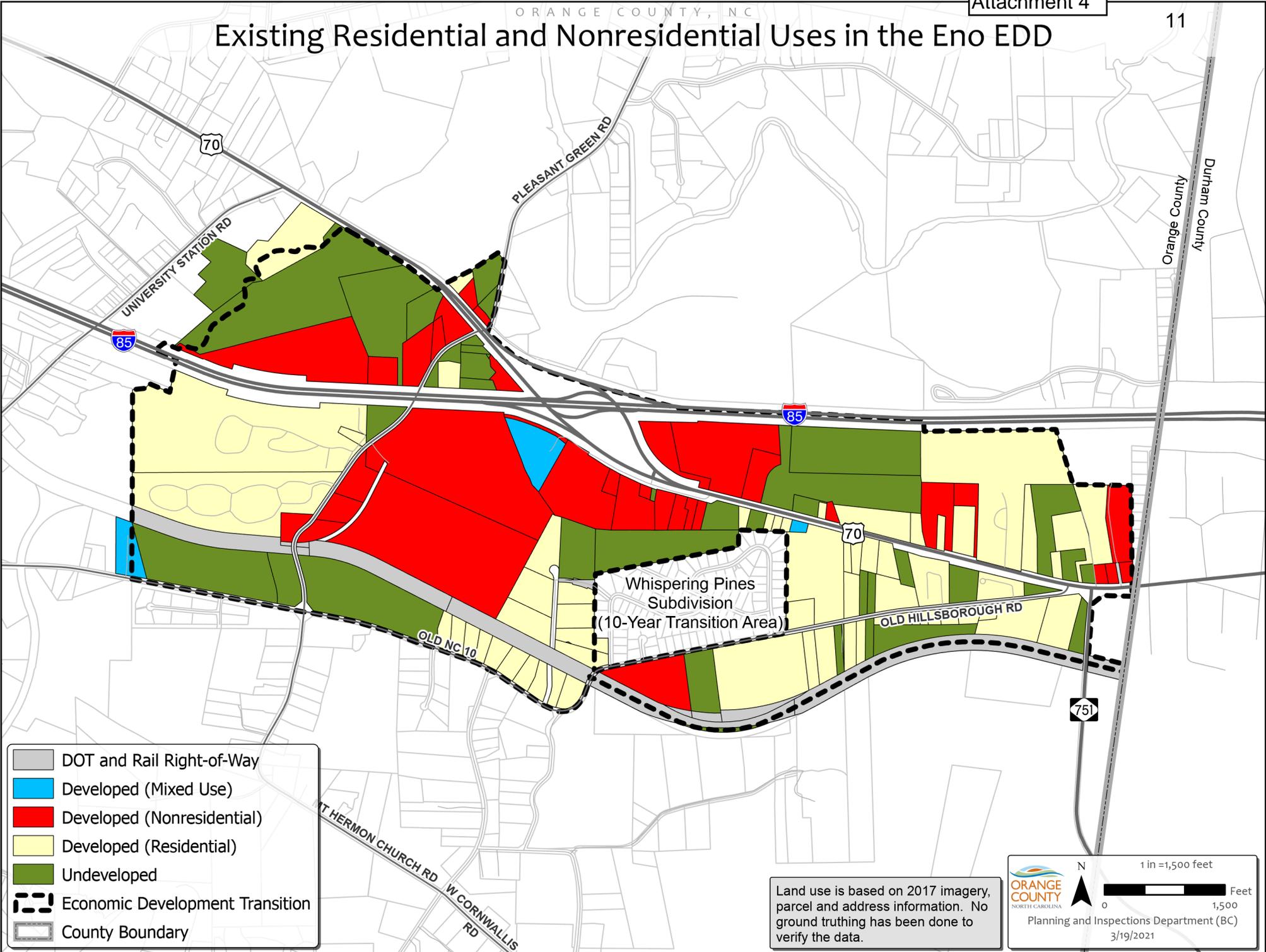
	County Boundary		OC/CH/CA Joint Planning Area		City Limits
	Streams	<b>Land Use Element Base Data</b>		Activity Nodes	
	Possible Area		10 Year Transition		Rural Neighborhood
	Focus Area		Rural Residential		Economic Development Transition
	Water Bodies		Rural Buffer		
	Water Supply Watersheds		Agricultural Residential		

1 in = 2,000 feet

ORANGE COUNTY  
NORTH CAROLINA

Orange County Planning and Inspection  
BC 8/19/2021

# Existing Residential and Nonresidential Uses in the Eno EDD



- DOT and Rail Right-of-Way
- Developed (Mixed Use)
- Developed (Nonresidential)
- Developed (Residential)
- Undeveloped
- Economic Development Transition
- County Boundary

Land use is based on 2017 imagery, parcel and address information. No ground truthing has been done to verify the data.

1 in = 1,500 feet

ORANGE COUNTY NORTH CAROLINA

Planning and Inspections Department (BC)

3/19/2021

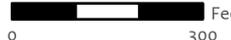
# Whispering Pines Subdivision Developed and Undeveloped Lots



-  DOT Right-of-Way
-  Developed
-  Undeveloped

Land use is based on 2017 imagery, parcel and address information. No ground truthing has been done to verify the data.

1 in = 300 feet



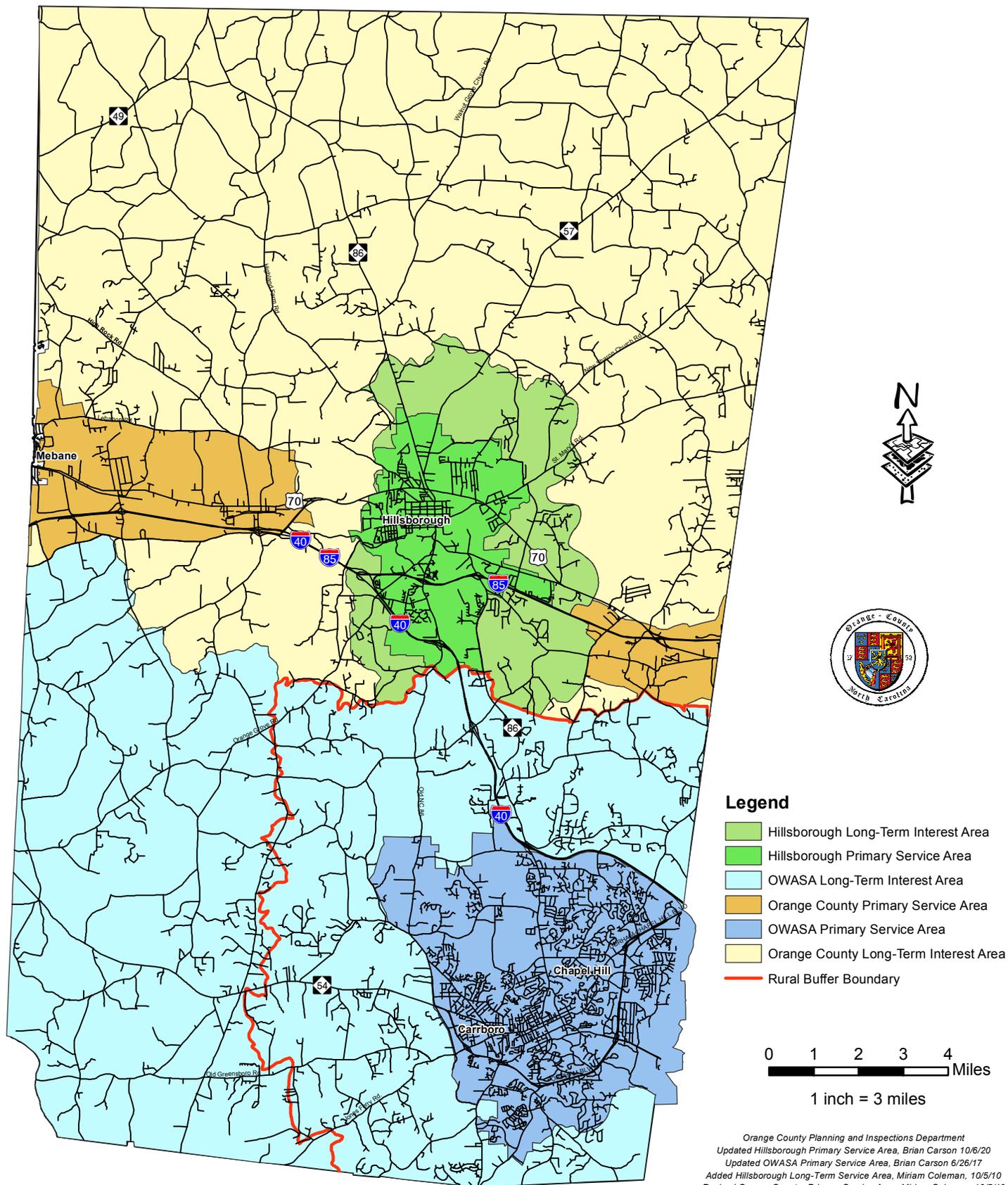
0 300 Feet

ORANGE COUNTY NORTH CAROLINA

Planning and Inspections Department (BC)

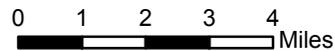
3/19/2021

# Appendix A Water and Sewer Management Planning and Boundary Agreement



### Legend

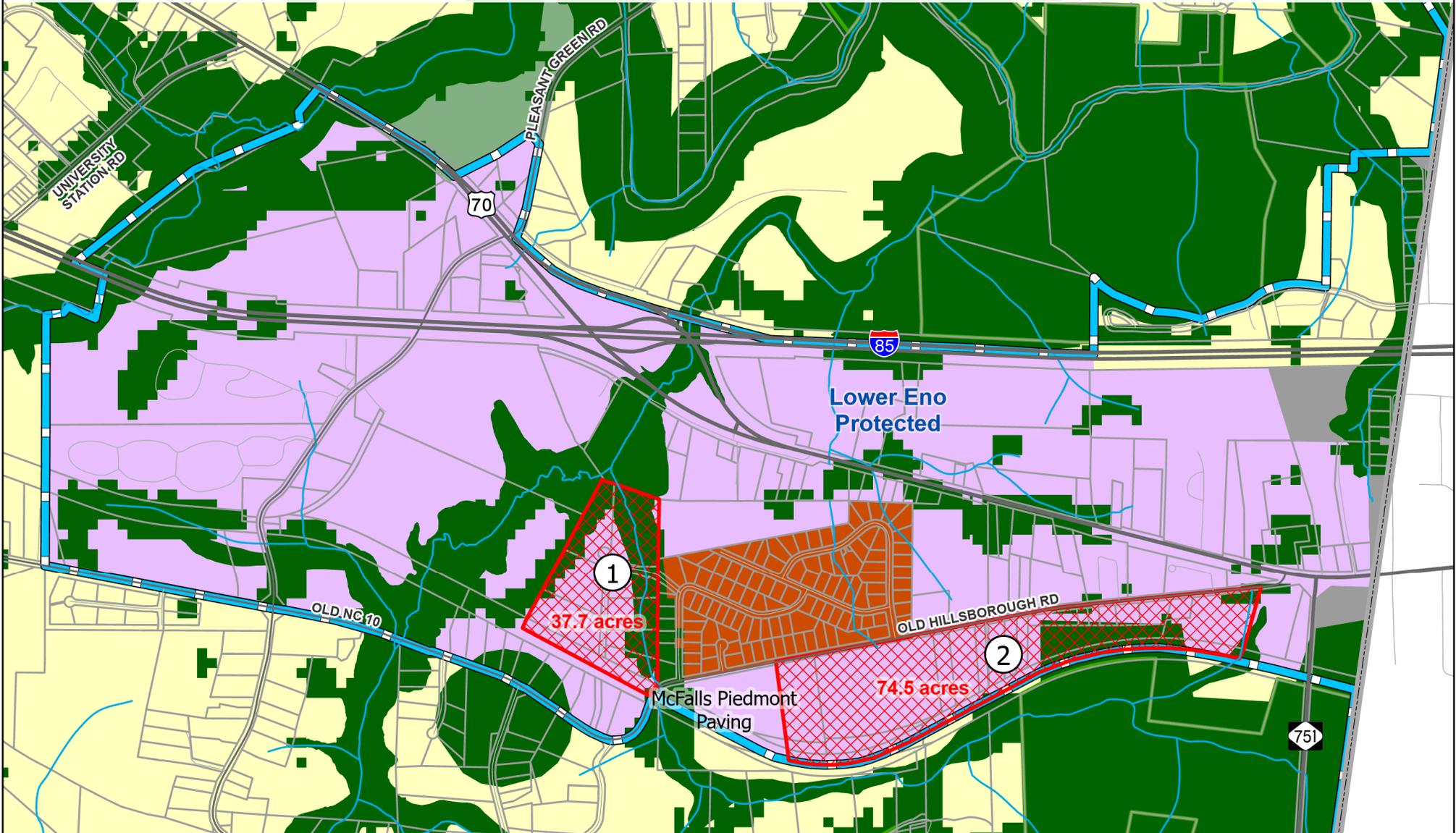
- Hillsborough Long-Term Interest Area
- Hillsborough Primary Service Area
- OWASA Long-Term Interest Area
- Orange County Primary Service Area
- OWASA Primary Service Area
- Orange County Long-Term Interest Area
- Rural Buffer Boundary



1 inch = 3 miles

Orange County Planning and Inspections Department  
 Updated Hillsborough Primary Service Area, Brian Carson 10/6/20  
 Updated OWASA Primary Service Area, Brian Carson 6/26/17  
 Added Hillsborough Long-Term Service Area, Miriam Coleman, 10/5/10  
 Revised Orange County Primary Service Area, Miriam Coleman, 10/5/10  
 Updated Hillsborough Primary Service Area, Miriam Coleman, 10/22/08  
 Updated Streets, Miriam Coleman, 2002  
 Revised Map to show retracted Chapel Hill Urban Service Boundary, Carrie Whitehill, 11/14/01  
 Original Map Prepared by Beth McFarland, 04/17/97

# Eno EDD Area - Potential Future Land Use Map Amendments



Streams	Orange County Boundary	City Limits
Water Bodies	10 Year Transition	Economic Development Transition
Potential Future Land Use Map Change (Economic Development Transition to 10 Year Transition)	Rural Residential	Public Interest Areas
Durham Urban Growth Area	Rural Buffer	Resource Protection Areas
	Agricultural Residential	Watersheds

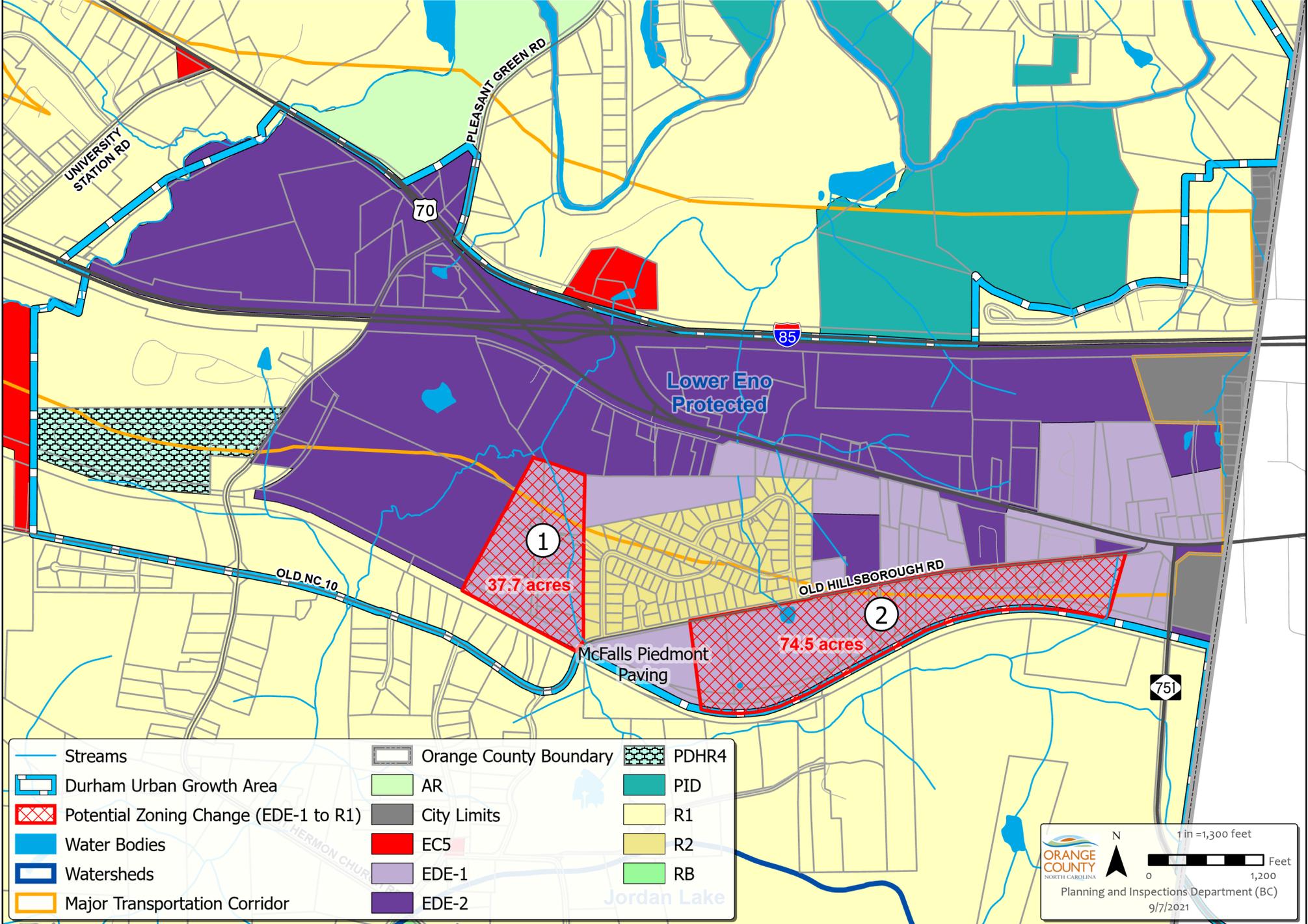
1 in = 1,300 feet

ORANGE COUNTY NORTH CAROLINA

Planning and Inspections Department (BC)

9/7/2021

# Eno EDD Area - Potential Zoning Amendments



Streams	Orange County Boundary	PDHR4
Durham Urban Growth Area	AR	PID
Potential Zoning Change (EDE-1 to R1)	City Limits	R1
Water Bodies	EC5	R2
Watersheds	EDE-1	RB
Major Transportation Corridor	EDE-2	

1 in = 1,300 feet

0 1,200 Feet

ORANGE COUNTY NORTH CAROLINA

Planning and Inspections Department (BC)

9/7/2021

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** September 14, 2021

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

**SUBJECT:** Update on 2021 Appeals Process

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**DEPARTMENT:** Tax Administration

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**ATTACHMENT(S):**  
**UNDER SEPARATE COVER**  
*PowerPoint Presentation*  
*(To be Provided Prior to or at the Meeting)*

**INFORMATION CONTACT:**  
Nancy T. Freeman, Tax Administrator,  
919-245-2735

---

**PURPOSE:** To receive a report on the progress of the 2021 Appeals Process.

**BACKGROUND:** 2021 is a Revaluation year, and in March 2021, the Notices of Revaluation were mailed to property owners. Property owners have the right to appeal their value each year, and it is especially important in a revaluation year when values are adjusted to current fair market value per NC General Statute 105-286 to equalize and redistribute the County's tax base.

Informal appeals were accepted by the Tax Office through the Board of Equalization and Review's (BOER) May 3, 2021 meeting. The presentation by staff will include an overview of the informal review process.

Also included will be a summary of the properties in the Northside Neighborhood Conservation District that were informally appealed. Based on information brought to the Tax Office by community leaders in the district and additional research by the Tax Office, the BOER directed the Tax Office to review the additional properties in the Northside area.

The BOER adjourned on September 1, 2021 and will continue to hold post-adjournment hearings to complete review of the appeals submitted through the adjournment date, and according to the 30-day appeal period provided in decision notices.

Current data on appeals (through September 7, 2021):

- 2,062 appeals total – 1,681 informal and 381 formal
- 1,887 appeals have been completed
- 184 informal appeals and 12 formal from Northside area

All Value Notices for informal appeals have been mailed. The appellants are provided a 30-day window from the date of the value notice to appeal at the formal level to the BOER, and are not held to the date of adjournment if the 30-day window reaches beyond the September 1 deadline.

Decision Notices from formal appeals continue to be mailed for the ongoing appeals. Post-adjudgment hearings are expected to continue through December or early January 2022.

A final report will be provided to the Board Commissioners after the Board of Equalization and Review completes its work. It is expected that information will be presented to the BOCC by mid-March 2022.

**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 report on the progress of the 2021 Appeals Process and provide any comments and questions.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** September 14, 2021

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

**SUBJECT:** Mountains to Sea Trail (MST) Update

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

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**ATTACHMENT(S):**

Summary of Project Activities Memo  
Adopted MST Map - January 2018  
NC 54/Mebane-Oaks Road Adjustments

**INFORMATION CONTACT:**

David Stancil, 919-245-2522  
Christian Hirni, 919-245-2516

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**PURPOSE:** To receive an update on the activity of staff and other project partners on acquiring and constructing the segment route of the NC Mountains to Sea Trail (MST), a part of the NC State Parks system, within Orange County.

**BACKGROUND:** In January 2018, the County adopted a route map for the portion of the NC Mountains to Sea Trail in Orange County. This action was the culmination of several community meetings and planning exercises to identify, refine and address the planned route of this trail through Orange County. The NC Mountains to Sea Trail is a continuous off-road trail linking Clingman's Dome in the Great Smoky Mountains National Park to Jockey's Ridge State Park on the state's Outer Banks. The MST is part of the North Carolina State Parks system, with over 680 miles of the roughly 1,000-mile trail route open for use and road connecting sections identified by the Friends of the Mountains to Sea Trail (FMST) organization to allow hikers to complete the trail in areas where road routes are needed.

A statewide MST Master Plan was completed and approved in 2015 with an established corridor for the trail across the state, broken into defining segments. The plan included information about each segment, prioritization and plans for further work, centralized web-based content about trail progress, and a set of tools and guidelines to assist trail planning partners.

One of the regions in the state where the trail corridor was in need of further identification and refinement was the Eastern Piedmont section, from Greensboro to Durham. Segments of the adopted MST corridor traverse Orange County, entering from southwestern Orange County at the Alamance County line and running northeast through lands owned by the Orange Water and Sewer Authority (OWASA) around Cane Creek Reservoir. The MST corridor then continues northeast to the Orange County Seven Mile Creek Natural Area, before entering Occonechee Mountain State Natural Area and into Hillsborough along the Town's Riverwalk. The trail then heads eastward into Eno River State Park and toward Durham.

Because almost all of the MST located east of Hillsborough will be within Eno River State Park and its master plan, the State and the Eno River Association have taken the lead to addressing the trail from Hillsborough Riverwalk east to the Durham County line.

Orange County's responsibility is to connect the trail from Alamance County to Occoneechee Mountain State Natural Area, and it is this area that has been the area of focus since 2018. As shown in the current and prior Capital Investment Plans (CIP), the first area of emphasis was to extend the trail west from the Hillsborough Riverwalk through Occoneechee Mountain and to the Seven Mile Creek Natural Area. This would extend an existing section of the trail, and significant progress has been made by the County, Town of Hillsborough, Eno River Association and State Parks. This is addressed in the attached Project Summary of Recent Activities in the section "Riverwalk to Seven Mile Creek Natural Area."

The second area of emphasis as per the adopted plan and the CIP was the subsection from NC 54 to Buckhorn Road, encompassing the Cane Creek Reservoir lands of OWASA. Working with several willing and interested landowners, staff has secured sections of trail corridor as well as a future trailhead on NC 54, and is finalizing trail easements with multiple property owners on lands that abut the OWASA Cane Creek lands where the trail would run. Updates on the progress in this area is provided in the attached summary document in the section titled "Cane Creek Reservoir Area." (Note: To protect landowner confidentiality, the summary document does not reference specific properties.)

The third and final area of activity for the Orange County section of the MST would connect Buckhorn Road near Cane Creek to the Seven Mile Creek Natural Area. It is expected that this subsection of the trail may take many years to complete, as was noted in the adopted 2018 map, and the Friends of the Mountains to Sea Trail have been working on road route connectors to serve hikers until the trail corridor is completed at some date in the future.

Staff continues to work with willing landowners, and is in regular contact with OWASA staff regarding the progress in that area, and the potential for construction of a segment of the trail in the Cane Creek area is being contemplated at this time.

As a long-term, multi-year project, staff plans to provide status reports to the Board on a regular basis to update on the activity and progress toward the trail route.

**FINANCIAL IMPACT:** Funding for both land acquisition/trail easements and trail construction (including appurtenances like road crossings, fences, bridges and other needs) is included in the adopted Capital Investment Plan from prior years, including \$220,000 for trail easements and land acquisitions. MST funding is and has been staggered over several years, based on the three focus areas of the trail mentioned above. Funding for trail easements and land acquisition is also provided by NC State Parks, and other costs are offset by the work of the trail partners such as Eno River Association and FMST.

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

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

The fair treatment and meaningful involvement of people of all races, cultures, incomes and educational levels with respect to the development and enforcement of environmental

laws, regulations, policies, and decisions. Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

The Mountains to Sea Trail is consistent with the Social Justice Goal by facilitating an area of public recreation that is available and accessible to “people of all races, cultures, incomes and educational levels.”

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

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

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

The Mountains to Sea Trail is in keeping with this impact by helping to conserve open space and promote alternative transportation methods that help protect natural resources and work to mitigate greenhouse gas emissions.

**RECOMMENDATION(S):** The Manager recommends that the Board receive the report and presentation, and provide feedback to staff as desired.

**ORANGE COUNTY  
DEPARTMENT OF ENVIRONMENT, AGRICULTURE,  
PARKS AND RECREATION**

**MEMORANDUM**

**To:** Board of County Commissioners  
Bonnie Hammersley, County Manager

**From:** David Stancil, DEAPR Director  
Christian Hirni, Land Conservation Manager

**Date:** September 14<sup>th</sup>, 2021

**Subject:** NC Mountains to Sea Trail Progress Report

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As an update on activity along the Mountains to Sea Trail (MST) corridor, Land Conservation Manager Christian Hirni, working with our trail partner organizations, reports the following activity. To protect landowner confidentiality, properties are not referenced by name:

**Occoneechee Mountain to Seven Mile Creek (Phase I)**

- County staff continues to work with Eno River Association to negotiate additional connections from Dimmocks Mill Road to Occoneechee Mountain State Natural Area, through either fee simple or trail easement options. Recent landowner interest in a combined conservation/trail easement has the real potential to make this connection. A recent site meeting has confirmed this landowner's interest in pursuing a trail easement. Staff is in discussion with State and private nonprofit partners to confirm this route and connection.
- The County received grant funding for acquisition of an addition to the Seven Mile Creek Natural Area that the MST may cross through. Final discussions with the landowner are underway and should be completed this fall.
- The County has also been awarded a grant for a conservation easement adjacent to Seven Mile Creek Natural Area. Final easement language is under review by the State, and will include a trail easement to connect from Seven Mile Creek Natural Area to the east.
- The State Property Office purchased a trail corridor with aid of Eno River Association and NC Connect Bond funds. State Parks will manage the land as part of Occoneechee Mountain State Natural Area and allow MST connection to the west and the Hillsborough Riverwalk.
- Letters of interest have been sent to another landowner that could be the final piece needed to connect Seven Mile Creek Natural Area to the east.

**Cane Creek Reservoir Area (Phase II)**

- Secured a trail corridor and trailhead along NC 54 that will allow a safer trail route by eliminating the need for the trail to run within the NC 54 right-of-way.
- Acquired an adjacent trail easement (donation) to connect the trailhead to the Mebane-Oaks/NC 54 Intersection.
- Staff is working with OWASA staff and the Friends of the MST (FMST) to discuss specific trail location possibilities, and whether changes will be needed to OWASA provisions and adopted conditions.

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*Environment, Agriculture, Parks and Recreation  
PO Box 8181 / 306-A Revere Road  
Hillsborough, NC 27278  
(919) 245-2510*

- Staff began discussion with a new landowner on Cane Creek Reservoir. This owner is interested in granting a trail easement on land recently acquired adjacent to the reservoir. Discussions will continue after landowner has completed other needed actions for the land and its management.
- After a lengthy review, conservation easement amendments have been finalized and recorded for OWASA and the Clean Water Management Trust Fund (now the NC Land and Water Fund) on pre-existing easements that exist on an interested landowner's property. This landowner has stated an intention to grant a trail easement to connect OWASA lands at Cane Creek to a public road along the adopted route. Final trail easement is under review by County legal staff.
- Final easement language is under County legal review for an additional landowner donation trail easement.
- OWASA has secured complete ownership of a tract of vital connection along the Reservoir route. County staff has been in conversation with OWASA staff regarding the route and particular easement language. Site (scouting) visits and potential routing are being suggested in the near future.

#### **Eno River State Park (ERSP) to Durham County**

- *Note: State Parks, the Eno River Association and the FMST are coordinating in this segment from Hillsborough Riverwalk eastward.*
- The FMST and State Parks worked to secure a pedestrian walkway on the proposed new NCDOT bridge over the Eno River at Pleasant Green Road. The new bridge is expected to be completed around 2025 (before recent DOT budget issues) with a sidewalk. This will allow nearly 4 additional miles of trail through Eno River State Park.
- FMST and OC staff worked to ensure the trail path be included underneath the newly rebuilt Hwy 70 bridge north of Hillsborough
- FMST is following up with landowners to connect two portions of ERSP.

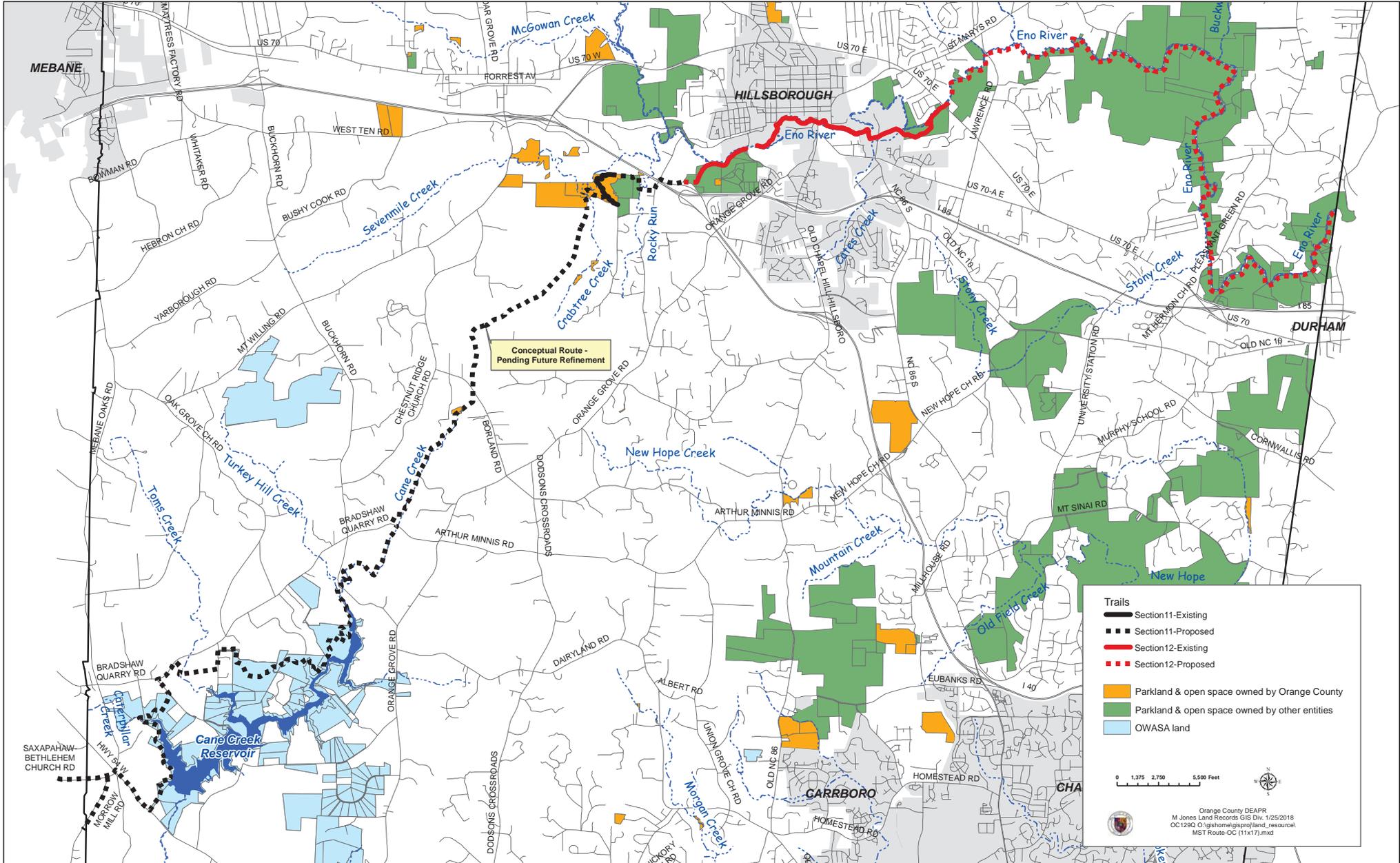
#### **Next Steps:**

- Follow-up with interested landowners in Cane Creek and Occonechee / Seven Mile Creek areas.
- Review of potential requests to OWASA regarding conditions for the MST on OWASA-owned land. Discuss specific trail location and construction details with OWASA staff.
- The FMST is posting road routes to allow hiking connections between existing and proposed trail segments on their website.

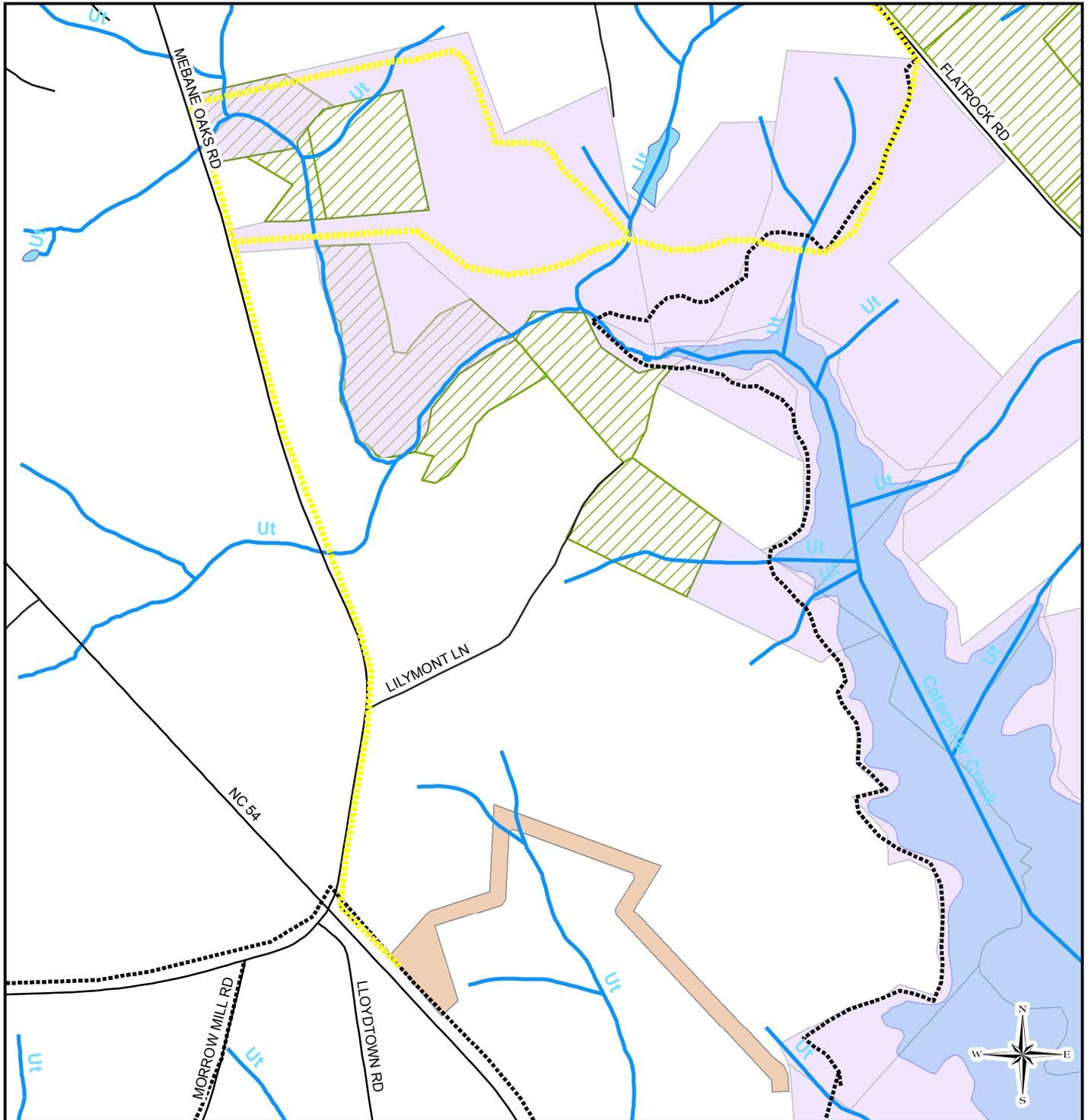
In closing, it is important to note that negotiations of all trail easements involve a series of discussions with landowners, their attorneys, and the County's environmental and legal staff and management. The County must perform due diligence in any negotiation for acquisitions using public funds. As such, there are occasions where conversations and information-gathering is underway and necessary but not always visible to all interested parties, until the time for official action (as per State statutes).

Please let us know if we may provide additional information.

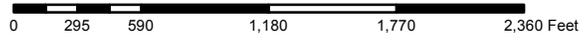
# Orange County Mountains-to-Sea Trail (MST) Route - Adopted 1/23/2018



# Adjusted Mountains to Sea Trail



**Tract Information:**  
 Landowner: Various  
 Lat: 35' 57.63"  
 Long: 79' 15.11"  
 Date: 09/01/2021  
 Image: 2017 Aerial Photo  
 Created By: Christian Hirni  
 Acres: N/A



Department of Environment,  
 Agriculture, Parks & Recreation

**Legend**

- Adjusted Trail Route
- BOCC Adopted Route
- Roads
- Streams
- OWASA Lands
- County Trailhead
- Conservation Easements

ORD-2021-022

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** September 14, 2021

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

**SUBJECT:** North Carolina Governor's Highway Safety Program: Orange County Sheriff's Office Traffic Safety Project and Approval of Budget Amendment #1-A

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**DEPARTMENT:** Sheriff's Office

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**ATTACHMENT(S):**

- Attachment 1. Traffic Safety Project Contract
- Attachment 2. Agreement of Conditions
- Attachment 3. Local Government Resolution
- Attachment 4. Award Notification Letters

**INFORMATION CONTACT:**

Sheriff Charles S. Blackwood,  
919.245.2900  
Jennifer Galassi, Legal Advisor,  
919.245.2952  
Lt. T. Brian Whitehurst, Sheriff's Deputy  
and North Carolina Governor's  
Highway Safety Program Triangle  
Region Law Enforcement Liaison,  
919.245.2900

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**PURPOSE:** To:

- Adopt a Resolution recognizing federal funding for traffic safety projects to the Sheriff's Office;
- Approve Budget Amendment #1-A; and
- Authorize the Chair to sign the Resolution.

**BACKGROUND:** The North Carolina Governor's Highway Safety Program (the "GHSP") partners with Law Enforcement Liaisons to promote highway safety awareness and to reduce the number of traffic crashes and fatalities in the State. Law Enforcement Liaisons ("LEL"), located in the eleven regions in which the GHSP divides the State, are full time law enforcement officers. An LEL serves as a coordinator and organizer for highway safety activities in his/her respective region and as liaison to the GHSP Office in Raleigh.

Some of the duties of an LEL include:

- promoting traffic safety measures in the region,
- supporting and informing law enforcement agencies within those regions of current and upcoming campaigns,
- providing information and guidance in the grant process by assisting agencies with questions, and
- directing them to the appropriate grant manager for their region.

LELs communicate on a regular basis with the county coordinators in their region and assist them with their efforts to promote activities and campaigns on the county level. "Booze It & Lose It" and

“Click It or Ticket” are well known GHSP campaigns. Additionally, LELs monitor campaign reporting in their regions and ensure all agencies are participating in the reporting of campaign statistics.

LELs are required to attend quarterly meetings held throughout the State with GHSP staff, the annual Lifesaver National Conference on Highway Safety Priorities in the spring, and assist with planning, set up, operations, and tear down of the annual North Carolina Highway Safety Symposium. To facilitate travel, training, and the other activities of the LELs, GHSP awards a grant to the employing agency of each LEL. The grant funds travel, training, and traffic safety equipment for the agency.

Lt. T. Brian Whitehurst of the Orange County Sheriff’s Office is the Law Enforcement Liaison for Region 5. The GHSP approved an application from the Sheriff’s Office’s for Fiscal Year 2022 in the amount of \$25,000. This funding will allow the Sheriff’s Office to purchase 1) Two (2) In-car Video Systems (including shipping and installation); 2) a golf cart; 3) a trailer for golf cart; 4) remote data collection for speed display signs; and 5) fund the LEL’s travel to the required meetings, conference, and symposium.

The Sheriff’s Office also has the following additional budget amendment:

- **Governor’s Crime Commission Grant** – After the County’s FY 2021-22 Budget was approved, the Sheriff’s Office received official notification that the Governor’s Crime Commission awarded a one-year grant for an additional deputy in the Crisis Unit in the amount of \$46,863.61. The new position will establish and oversee a safe, supervised child custody exchange space, increase capacity to enforce and pursue violations of Domestic Violence Protective Orders and Release Conditions, and provide additional support to follow-up with victims and provide periodic check-ins with defendants. The Sheriff’s Office match share of \$15,621.23 will come from the Sheriff’s Office detention certification/licenses budget (10715020/530200). These funds will be used to create a new time-limited (1.0 FTE) Deputy I for the duration of the grant through September 30, 2022.

This budget amendment provides for the budgetary changes listed above, and approves the creation of a new 1.0 FTE time-limited Deputy I position through September 30, 2022.

**FINANCIAL IMPACT:** The Orange County Sheriff’s Office will receive \$71,836.61 in grant funding. Funding comes from federal sources and requires a \$15,621.23 match, which will come from existing appropriations. This Budget Amendment #1-A provides for the receipt of these grant funds.

**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.

Receipt of GHSP grant funding will allow the Orange County Sheriff’s Office to advance the North Carolina Governor’s Highway Safety Program’s purpose to promote highway safety awareness and to reduce the number of traffic crashes and fatalities in the State, objectives which overlap with this Social Justice Goal.

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

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

- Adopt the North Carolina Governor's Highway Safety Program Local Governmental Resolution recognizing federal funding for traffic safety projects to the Sheriff's Office;
- Approve Budget Amendment #1-A accepting the \$71,836.21 from federal grant funds; and
- Authorize the Chair to sign the Resolution.

## North Carolina Governor's Highway Safety Program Traffic Safety Project Contract – Form GHSP-01

### SECTION A – GENERAL INFORMATION

1. Agency: ORANGE COUNTY	4. Contact Person for Agency: Timothy Whitehurst
2. Agency Address: SHERIFF PO Box 8181 HILLSBOROUGH, NC 27278	5. Telephone Number: * +1 (919) 245-2900
3. Physical Location of Agency * 106 E. Margaret Ln Hillsborough NC 27278	6. Cell Phone: 336-212-0608
8. Federal Tax ID Number / Type of Agency  Federal Tax ID Number: *56-6000327 DUNS No : * 0-44041796 County: *ORANGE COUNTY  Type of Agency <input type="radio"/> State <input type="radio"/> Non-Profit <input checked="" type="radio"/> County <input type="radio"/> Higher Education <input type="radio"/> Municipality <input type="radio"/> Hospital	7. Email of Contact Person * bwhitehurst@orangecountync.gov
9. Project Year *  <input type="radio"/> New <input checked="" type="radio"/> Continuation Year: <input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 <input checked="" type="radio"/> 4+	10. Allocation of Funding *  Federal % 100.00      Local % 0.00
11. Project Title: * Region 5 LEL	

	Source of Funds		
12. Budget	Total Project Amount	Federal Amount	State/Local Amount
Personnel Costs			
Contractual Services			
Commodities Costs			
Other Direct Costs	\$25,000.00	\$25,000.00	\$0.00
Indirect Costs			
<b>Total Project Costs</b>	<b>\$25,000.00</b>	<b>\$25,000.00</b>	<b>\$0.00</b>

13. Specify How Non-Federal Share Will Be Provided: \*  
N/A

Project Number: <u>PT-22-06-05</u>	CFDA#: 20. 600 - State and Community Highway Safety Work Type: <u>Police Traffic Serv</u>
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### SECTION B – DESCRIPTION OF PROJECT

**Statement of Problem** (Provide detailed information of the highway safety problems in your area to be addressed through this project. Include countywide crash data for the last three years and any other relevant information to validate the statements. For more detailed information see "How to write an effective traffic safety project" located at:

<https://connect.ncdot.gov/municipalities/Law-Enforcement/Pages/Law-Enforcement-Reporting.aspx>)

A Regional Law Enforcement Liaison serves as coordinator and organizer for highway safety activities in their respective region. The GHSP supports and oversees the statewide "Booze it & Lose it" and "Click it or Ticket" programs. Coordination of these programs is accomplished by utilizing 11 regional "Law Enforcement Liaison" positions. Through the guidance and coordination efforts of the Liaisons, planning and preparation and reporting activities from the event(s) occur. Efforts to continue to promote and involve law enforcement agencies in these lifesaving endeavors are of paramount importance to this statewide program. To this end, LELs are required to host events, attend and conduct meetings, assist County Coordinators with organizing highway safety campaigns, and encouraging agencies to report activities.

The successful adjudication of traffic safety violations is important. The installation of in-car cameras will help traffic officers retain critical evidence that will likely be necessary to secure a conviction in court thereby bolstering the importance of these

2022. Raise the law enforcement agency participation rate in Region 5 from the 2019-2020 average of 89.6% to an average of 93.6 % reporting in Region 5 by September 30, 2022.

- Objectives:
- Conduct a minimum of four Law Enforcement County Coordinator (LECC) meetings to discuss current highway safety activities, GHSP issues, training opportunities, and legal updates and concerns.
  - Gather LECC monthly reports, awarding 25 GHSP STEP system credits for Coordinators each month they submit one.
  - Compile a quarterly regional report for GHSP that includes a summary of the reports from the LECC's and the activities by the RLEL.
  - Promote night-time seatbelt initiatives, GHSP campaigns and events within Region ##.
  - Host annual "Kick Off" event meetings to set agendas, coordinate quarterly meetings and provide information flow regarding GHSP campaigns.

Goal #2:

Objectives:

Goal #3:

Objectives:

**Below are the 5-year goals of the NC Governor's Highway Safety Program (GHSP). To be eligible for funding, your traffic safety project should match one or more of the GHSP goals. Check all that apply.**

- Reduce NC's traffic-related fatalities by 12% from the 2014-2018 average of 1,392 to 1,228 by December 31, 2021.
- Reduce NC's alcohol-related fatalities by 10% from the 2014-2018 average of 401 to 361 by December 31, 2021.
- Reduce NC's unrestrained fatalities by 10% from the 2014-2018 average of 398 to 358 by December 31, 2021.
- Reduce NC's speed-related fatalities by 5% from the 2014-2018 average of 472 to 448 by December 31, 2021.
- Reduce NC's young driver-involved fatal crashes by 10% from the 2014-2018 average of 170 to 153 by December 31, 2021.
- Reduce NC's motorcycle fatalities by 5% from the 2014-2018 average of 187 to 178 by December 31, 2021.
- Increase NC's seat belt usage rate 2.9 percentage points from the 2015-2019 average of 90.5% to 93.4% by December 31, 2021.

**SECTION C – BUDGET DETAIL**

**Personnel Costs**

#	Personnel Position	Salary
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

Total Salaries Cost:

#	Personnel Fringe Benefits	Cost
1		
2		
3		
4		

5		
6		
7		
8		
9		
10		

Total Fringe Benefits Cost:

Total Personnel Costs:

**Contractual Services**

#	Contractual Service To Be Provided	Cost
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		

Total Contractual Services:

**Commodities Costs**

#	Commodities	Cost
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

Total Commodities Cost:

**Other Direct Costs**

#	Equipment	Quantity	Cap Amount	Cost
1	In-Car Video System-Includes installation and shipping	2	\$6,000.00	\$12,000.00
2				
3				
4				

5				
6				
7				
8				
Total Equipment Cost				\$12,000.00
#	Other Items and Equipment Direct Cost: <i>(Cost Limited to Less Than \$5000 Per Item)</i>			Cost
1	Golf Cart			\$4,995.00
2	Trailer for Golf Cart			\$2,000.00
3	Remote Data Collection for Speed Display Signs			\$2,000.00
4				
5				
6				
7				
8				
Total Other Items and Equipment Direct Cost:				\$8,995.00
#	Travel			Cost
1	In-State Travel			\$1,005.00
2	Out-of-State Travel			\$3,000.00
Total Travel Cost:				\$4,005.00
Total Other Direct Costs:				\$25,000.00
<b>Indirect Costs</b>				
#	Indirect Costs			Cost
1				
2				
3				
4				
Total Indirect Costs				

#### SECTION D – SCHEDULE OF TASKS BY QUARTERS

List the schedule of tasks by quarters, referring specifically to the objectives in Section B. Tasks should be a bulleted list of activities to be performed in each quarter.

#### **Conditions for Enforcement Projects Only**

*By checking this box, the above agency agrees to the terms below as additional activities to be performed as part of this project.*

- A minimum of one (1) nighttime and one (1) daytime seat belt initiative per month;
- A minimum of one (1) impaired driving checkpoint per month;
- A minimum of 50% of seat belt initiatives must be conducted at night between the hours of 7:00 p.m. and 7:00 a.m.;
- Participation in all "Click It or Ticket" and "Booze It & Lose It" campaigns;
- Participation in any event or campaign as required by the GHSP;
- Attempt to utilize one of the Forensic Tests for Alcohol Branch's Mobile Breath Alcohol Testing (BATMobiles) units during at least one of the impaired driving checkpoints.

First Quarter (October, November, December)

Attend all GHSP meetings and events.

- Conduct a minimum of one county coordinator meeting.
- Meet with a minimum of three non-participating/reporting agencies within the Region.
- Collect monthly LECC reports and compile into the regional quarterly report.
- Attend and/or conduct a minimum of two night time seat belt initiatives.
- Conduct/provide support for a minimum of 3 presentations using the DWI Simulator
- Conduct/provide support for a minimum of 2 presentations using the Convincer

**Second Quarter (January, February, March)**

- Attend all GHSP meetings and events.
- Conduct a minimum of one county coordinator meeting.
- Meet with a minimum of three non-participating/reporting agencies within the Region.
- Collect monthly LECC reports and compile into the regional quarterly report.
- Attend and/or conduct a minimum of two night-time seat belt initiatives.
- If requested, provide GHSP with grant application information regarding agencies in their region.
- Conduct/provide support for a minimum of 3 presentations using the DWI Simulator
- Conduct/provide support for a minimum of 2 presentations using the Convincer

**Third Quarter (April, May, June)**

Attend all GHSP meetings and events.

- Conduct a minimum of one county coordinator meeting.
- Meet with a minimum of three non-participating/reporting agencies within the Region.
- Collect monthly LECC reports and compile into the regional quarterly report.
- Attend and/or conduct a minimum of two night-time seat belt initiatives.
- If requested, provide GHSP with grant application information regarding agencies in their region.
- Conduct/provide support for a minimum of 3 presentations using the DWI Simulator
- Conduct/provide support for a minimum of 2 presentations using the Convincer

**Fourth Quarter (July, August, September)**

- Attend all GHSP meetings and events.
- Conduct a minimum of one county coordinator meeting.
- Meet with a minimum of three non-participating/reporting agencies within the Region.
- Collect monthly LECC reports and compile into the regional quarterly report.
- Attend and/or conduct minimum two night time seat belt initiatives.
- Conduct/provide support for a minimum of 3 presentations using the DWI Simulator
- Conduct/provide support for a minimum of 2 presentations using the Convincer

**AGENCY AUTHORIZING SIGNATURE**

- I have read and accept terms and conditions of the grant funding and attached the Grant Agreement. The information supplied in this application is true to the best of my knowledge.

Name:

PIN

Date:

**Note:**

1. Submitting grant application is not a guarantee of grant being approved.
2. Once form has been submitted, it cannot be changed unless it has a status of "Return".



**North Carolina Governor's Highway Safety Program  
Agreement of Conditions**

This Agreement is made by and between the North Carolina Department of Transportation, hereinafter referred to as the "Department", to include the Governor's Highway Safety Program, hereinafter referred to as "GHSP"; and the applicant agency, for itself, its assignees and successors in interest, hereinafter referred to as the "Agency". During the performance of this contract, and by signing this contract, the Agency agrees as follows:

**A. Federal Provisions**

1. **Equal Opportunity/Nondiscrimination.** The Agency will agree to comply with all Federal statutes and implementing regulations relating to nondiscrimination concerning race, color, sex, religion, national origin, handicaps, and age. These include but are not limited to:
  - (a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 78 stat. 252);
  - (b) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. 4601)
  - (c) Federal-Aid Highway Act of 1973, (23 U.S.C. 324 et seq.), and Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686);
  - (d) Non-Discrimination in Federally-assisted programs of the United States Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (49 CFR Part 21), hereinafter referred to as "USDOT", as amended;
  - (e) Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 et seq.), as amended, and 49 CFR Part 27; and
  - (f) The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.);
  - (g) The Civil Rights Restoration Act of 1987, (Pub. L. 100-209);
  - (h) Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12189) and 49 CFR parts 37 and 38;
  - (i) Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations;
  - (j) Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency
2. **Drug Free Workplace.** The Agency agrees to comply with the provisions cited in the Drug-Free Workplace Act of 1988 (41 U.S.C. 8103).
3. **Federal Grant Requirements and Contracts.** The Agency shall comply with the following statutes and implementing regulations as applicable:
  - (a) Highway Safety Act of 1966 (23 U.S.C. Chapter 4 -), as amended;
  - (b) Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94;
  - (c) Uniform Procedures for State Highway Safety Grant Programs (23 CFR part 1300);
  - (d) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 1201);
  - (e) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200) and all other relevant Federal regulations covering the Highway Safety Program;
  - (f) NHTSA Highway Safety Grant Funding Guidance, as revised, July 2015 ([www.nhtsa.gov](http://www.nhtsa.gov)) and additions or amendments thereto.
4. **Political Activity (Hatch Act)** The Agency will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
5. **Lobbying.**
  - (a) **Certification Regarding Federal Lobbying.** The undersigned certifies, to the best of his or her knowledge and belief, that:
    - (i) 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 any 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.

- (ii) 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.
- (iii) The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, 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

- (b) **Restriction on State Lobbying.** None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

#### 6. Audits.

- (a) **Audit Required.** Non-Federal entities that expend \$750,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year in accordance with the provisions of 2 CFR, Subpart F, §200.500. Guidance on determining Federal awards expended is provided in 2 CFR, Subpart F, §200.502.
- (b) **Single Audit.** Non-Federal entities that expend \$750,000 or more in a year in Federal awards shall have a single audit conducted in accordance with 2 CFR, Subpart F, §200.501, except when they elect to have a program-specific audit conducted in accordance with 2 CFR, Subpart F, §200.501, paragraph (c).
- (c) **Non-Governmental Entities.** Non-governmental entities (not-for-profit and for-profit entities) must adhere to North Carolina General Statute 143C-6.22 and 09 NCAC Subchapter 03M.

#### 7. Instructions for Lower Tier Certification.

- (a) By signing and submitting this proposal, the prospective lower tier participant (the Agency) is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1200.
- (b) The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
- (c) The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- (d) The terms covered transaction, civil judgement, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR Part 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
- (e) The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred,

suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

- (f) The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR Parts 180 and 1200.
- (g) A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
- (h) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- (i) Except for transactions authorized under paragraph 7(e) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies including suspension or debarment.
- (j) **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions.**
- (i) The prospective lower tier participant (the Agency) certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in covered transactions by any Federal department or agency.
- (ii) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participants shall attach an explanation to this contract proposal.
8. **Buy America Act.** The Agency and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.
9. **Prohibition On Using Grant Funds To Check For Helmet Usage.** The Agency and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.
10. **Conditions for State, Local and Indian Tribal Governments.** State, local and Indian tribal government Agencies shall adhere to the standards established by 2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments and additions or amendments thereto, for principles for determining costs applicable to grants and contracts with state, local and Indian tribal governments.
11. **Conditions for Institutions of Higher Education.** If the Agency is an institution of higher education, it shall adhere to the standards established by 2 CFR Part 215 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations and 2 CFR 220 Cost Principles for Educational Institutions for determining costs applicable to grants and contracts with educational institutions.

- 12. Conditions for Non-Profit Organizations.** If the Agency is a non-profit organization, it shall adhere to the standards established by 2 CFR Part 215 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations and 2 CFR Part 230 Cost Principles for Non-Profit Organizations for determining costs applicable to grants and contracts with non-profit organizations.
- 13. Conditions for Hospitals.** If the Agency is a hospital, it shall adhere to the standards established by 2 CFR Part 215 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.

## B. General Provisions

1. **Contract Changes.** This document contains the entire agreement of the parties. No other contract, either oral or implied, shall supercede this Agreement. Any proposed changes in this contract that would result in any change in the nature, scope, character, or amount of funding provided for in this contract, shall require a written addendum to this contract on a form provided by the Department.
2. **Subcontracts Under This Contract.** The Agency shall not assign any portion of the work to be performed under this contract, or execute any contract, amendment or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this contract without the prior written concurrence of the Department. Any subcontract under this contract must include all required and applicable clauses and provisions of this contract. Subcontracting does not relieve the Agency of any of the duties and responsibilities of this agreement. The subcontractor must comply with standards contained in this agreement and provide information that is needed by the Agency to comply with these standards. The Agency must submit any proposed contracts for subcontracted services to the Governor's Highway Safety Program for final approval no less than 30 days prior to acceptance.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment.** In all solicitations, either by competitive bidding or negotiation, made by the Agency for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Agency of the Agency's obligations under this contract. Additionally, Agencies making purchases or entering into contracts as provided for by this contract must adhere to the policies and procedures of 2 CFR Part 200 and North Carolina General Statute 143-128.4. Historically underutilized business defined; statewide uniform certification as it pertains to Historically Underutilized Businesses.
4. **Incorporation of Provisions in Subcontracts.** The Agency shall include the provisions of section A-1 through A-13 of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the regulations, or directives issued pursuant thereto. The Agency shall take such action with respect to any subcontract or procurement as the Department, the State of North Carolina, hereinafter referred to as the "State", the National Highway Traffic Safety Administration, hereinafter referred to as "NHTSA", or the Federal Highway Administration, hereinafter referred to as "FHWA", may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event the Agency becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Agency may request the Department or the State to enter into such litigation to protect the interests of the Department or the State. In addition, the Agency may request the NHTSA or FHWA to enter into such litigation to protect the interests of the United States.
5. **Outsourcing.** All work shall be performed in the United States of America. No work will be allowed to be outsourced outside the United States of America.
6. **Property and Equipment.**
  - (a) **Maintenance and Inventory.** The Agency shall maintain and inventory all property and equipment purchased under this contract.
  - (b) **Utilization.** The property and equipment purchased under this contract must be utilized by the Agency for the sole purpose of furthering the traffic safety efforts of the Agency for the entire useful life of the property or equipment.
  - (c) **Title Interest.** The Department and NHTSA retain title interest in all property and equipment purchased under this contract. In the event that the Agency fails or refuses to comply with the provisions of this Agreement or terminates this contract, the Department, at its discretion, may take either of the following actions:
    - (i) Require the Agency to purchase the property or equipment at fair market value or other mutually agreed to amount; or

- (ii) Require the Agency to transfer the property or equipment and title of said property or equipment, if any, to the Department or to another Agency, as directed by the Department.
- (d) **Non-expendable Property.** Non-expendable property is defined as property or equipment having a value of \$5000 or more with a life expectancy of more than one year. Non-expendable property purchased under this contract cannot be sold, traded, or disposed of in any manner without the expressed written permission of the Department.
7. **Educational or Other Materials.** If allowed, any educational or other materials developed using funds from this contract must be reviewed and approved by the GHSP prior to their production or purchase. The cost of these materials is generally limited to a maximum of \$5.00 per item. The purchase of promotional items and memorabilia are not an allowable cost.
8. **Review of Reports and Publications.** Any reports, papers, publications, or other items developed using funds from this contract must be reviewed and approved by the GHSP prior to their release.
9. **Reimbursement.**
- (a) **General.** Payments are made on a reimbursement basis. There is no schedule of advance payments. Only actual allowable costs are eligible for reimbursement. Claims for reimbursement must be made a minimum of quarterly and no more than once a month via the Grants Management System. Claims for reimbursement not made within the three month threshold are subject to denial. The itemized invoice shall be supported by documentation of costs as prescribed by the Department. Reimbursements will not be processed if other required reports are incomplete or have not been submitted. Failure to submit complete reports by the required deadline may result in denial of reimbursement.
- (b) **Approval.** The Governor's Highway Safety Program and the Department's Fiscal Section shall approve the itemized invoice prior to payment.
- (c) **Unapproved Costs.** Any rejected or unaccepted costs shall be borne by the Agency. The Agency agrees that in the event the Department determines that, due to Federal or State regulations that grant funds must be refunded, the Agency will reimburse the Department a sum of money equal to the amount of Federal and State participation in the rejected costs.
- (d) **Final Claims for Reimbursement.** Final claims for reimbursement must be received by the GHSP within 30 days following the close of the approved contract period. Project funds not claimed by this date are subject to reversion.
- (e) **Expending Funds Under This Contract.** Under no circumstances will reimbursement be made for costs incurred prior to the contract effective date or after the contract ending date.
10. **Project Costs.** It is understood and agreed that the work conducted pursuant to this contract shall be done on an actual cost basis by the Agency. The amount of reimbursement from the Department shall not exceed the estimated funds budgeted in the approved contract. The Agency shall initiate and prosecute to completion all actions necessary to enable the Agency to provide its share of the project costs at or prior to the conclusion of the project.
11. **Program Income.** The Agency shall account for program income related to projects financed in whole or in part with federal funds in accordance with 2 CFR 200.307. Program income earned during the contract period shall be retained by the Agency and deducted from the federal funds committed to the project by the GHSP unless approved in advance by the Federal awarding agency as an addition to the project. Program income must be accounted for separately and the records made available for audit purposes.
12. **Project Directors.** The Project Director, as specified on the signature page of this Agreement, must be an employee of the Agency or the Agency's governing body. Any exception to this provision must have the expressed written approval of GHSP.
13. **Reports Required.**
- (a) **Quarterly Progress Reports.** Unless otherwise directed, the Agency must submit Quarterly Progress Reports to the GHSP, on forms provided by the Department, which reflect the status of project implementation and attainment of stated goals. Each progress report shall describe the project status by quarter and shall be submitted to GHSP no later than fifteen (15) days after the end of each quarter. If the Agency fails to submit a Quarterly Progress Report or submits an incomplete Quarterly Progress Report, the Agency will be subject to having claims for reimbursement withheld. Once a Quarterly Progress Report that substantiates adequate progress is received, cost reimbursement requests may be processed or denied at the discretion of GHSP.
- (b) **Final Accomplishments Report.** A Final Accomplishments Report must be submitted to the GHSP within fifteen (15) days of completion of the project, on forms provided by the Department, unless otherwise directed. If the Agency fails to submit a Final Accomplishments Report or submits an

incomplete Final Accomplishments Report, the Agency will be subject to having claims for reimbursement withheld. Once a Final Accomplishments Report that substantiates adequate progress is received, claims for reimbursement may be processed or denied at the discretion of GHSP.

- (c) **Audit Reports.** Audit reports required in Section A-6 above shall be provided to the Department within thirty (30) days of completion of the audit.

#### 14. Out-of-State Travel.

- (a) **General.** All out-of-state travel funded under this contract must have prior written approval by the Governor's Highway Safety Program.
- (b) **Requests.** Requests for approval must be submitted to the GHSP, on forms provided by the Department, no less than thirty (30) days prior to the intended departure date of travel.
- (c) **Agency Travel Policy Required.** For Agencies other than state agencies, out-of-state travel requests must include a copy of the Agency's travel policy, to include allowances for lodging, meals, and other travel-related expenses. For state agencies, maximum allowable subsistence is limited to the prevailing per diem rates as established by the North Carolina General Assembly.
- (d) **Agenda Required.** Out-of-state travel requests must include a copy of the agenda for the travel requested.

#### 15. Conditions for Law Enforcement.

In addition to the other conditions provided for in this Agreement, grants to law enforcement agencies are subject to the following:

- (a) **Certifications Required.**
- (i) **In-car Camera or Video System.** For any in-car camera or video system purchased under this contract, it is required that the operator of that equipment has successfully completed Standardized Field Sobriety Testing training (SFST). A copy of this certificate must be filed with GHSP prior to reimbursement of in-car camera or video systems.
- (ii) **Radar.** For any radar equipment purchased under this contract, it is required that the operator of that equipment has successfully completed Radar Certification Training. A copy of this certificate must be filed with GHSP prior to reimbursement of radar equipment.
- (iii) **Alcohol Screening Devices.** For any preliminary alcohol screening devices purchased under this contract, it is required that the operator of that equipment has successfully completed the Alcohol Screening Test Device training offered by the Forensic Test for Alcohol Branch.
- (b) **Report Required - Monthly Enforcement Data Report.** In addition to the reports mentioned above, law enforcement agencies engaging in enforcement activities must submit a Monthly Enforcement Data Report on the form provided by the Department no later than fifteen (15) days after the end of each month. If the Agency fails to submit a Monthly Enforcement Data Report or submits an incomplete Monthly Enforcement Data Report, the Agency will be subject to having cost reimbursement requests withheld. Once a Monthly Enforcement Data Report that substantiates adequate progress is received, cost reimbursement requests will be processed. The agency head must sign the form. However, the agency head may assign a designee to sign the form by providing written signature authority to the GHSP.

#### 16. Conditions for Local Governmental Agencies.

- (a) **Resolution Required.** If the Agency is a local governmental entity, a resolution from the governing body of the Agency is required on a form provided by the Department.
- (b) **Resolution Content.** The resolution must contain a commitment from the governing body to provide the local funds as indicated in this contract. Additionally, the resolution is required even if the funding is one hundred percent from federal sources, as it serves as recognition by the governing body of federal funding for purposes of Section A-6 above.

#### 17. Seat Belt Policy and Use.

Agency must adopt and enforce a seat belt use policy required for all seating positions unless exempted by state law.

#### 18. Text Messaging Policy.

Agency must adopt and enforce a policy banning text messaging while driving unless exempted by state law.

#### 19. Prohibited Interests.

No member, officer, or employee of the Agency during his or her tenure, and for at least one (1) year thereafter, shall have any interest, direct or indirect, in this contract or the proceeds thereof or therefrom.

#### 20. Continued Federal and State Funding.

- (a) **Federal Funding.** The Agency agrees and understands that continuation of this project with Federal funds is contingent upon Federal funds being appropriated by the United States Congress specifically for that purpose. The Agency further agrees and understands that in the event funds originally

appropriated by Congress for these grants are subsequently reduced by further acts of Congress, funding to the Agency may be proportionately reduced.

- (b) **State Funding.** The Agency agrees and understands that continuation of this project with funds from the State of North Carolina is contingent upon State funds being appropriated by the General Assembly specifically for that purpose. The Agency also agrees that any state funds received under this contract are subject to the same terms and conditions stated in this Agreement.

21. **Performance.** All grants provided by the Governor's Highway Safety Program are performance-based and, as such, require that continual progress be made toward the reduction of the number and severity of traffic crashes. Any agency, whose performance is deemed unsatisfactory by the GHSP, shall be subject to the sanctions as provided for in this contract. Additionally, unsatisfactory performance shall be cause for the Department to reduce or deny future funding.
22. **Resolution of Disputes.** Any dispute concerning a question of fact in connection with the work not disposed of by contract by and between the Agency and the Department, or otherwise arising between the parties to this contract, shall be referred to the Secretary of the North Carolina Department of Transportation and the authorized official of the Agency for a negotiated settlement. In any dispute concerning a question of fact in connection with the project where such negotiated settlement cannot be resolved in a timely fashion, the final decision regarding such dispute shall be made by the Secretary of the North Carolina Department of Transportation, with the concurrence of the Federal funding agency, and shall be final and conclusive for all parties.
23. **Department Held Harmless.**
- (a) **For State Agencies.** Subject to the limitations of the North Carolina Tort Claims Act, the Agency shall be responsible for its own negligence and holds harmless the Department, its officers, employees, or agents, from all claims and liability due to its negligent acts, or the negligent acts of its subcontractors, agents, or employees in connection with their services under this contract.
- (b) **For Agencies Other Than State Agencies.** The Agency shall be responsible for its own negligence and holds harmless the Department, its officers, employees, or agents, from all claims and liability due to its negligent acts, or the negligent acts of its subcontractors, agents, or employees in connection with their services under this contract.
24. **Records Access and Retention.** The Agency shall provide all information and reports required by the regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department, the State, NHTSA, or FHWA, as appropriate, to be pertinent to ascertain compliance with such regulations, orders and instructions. Furthermore, the Agency shall maintain such materials during the contract period, and for five (5) years from the date of final payment from the Department or until all audit exceptions have been resolved, for such inspection and audit. Where any information required of the Agency is in the exclusive possession of another who fails or refuses to furnish this information, the Agency shall so certify to the Department, State, NHTSA, or FHWA, as appropriate, and shall set forth what efforts it has made to obtain the information. Pursuant to N.C.G.S. §147-64.7, the Department, the State Auditor, appropriate federal officials, and their respective authorized employees or agents are authorized to examine all books, records, and accounts of the Agency insofar as they relate to transactions with any department, board, officer, commission, institution, or other agency of the State of North Carolina pursuant to the performance of this Agreement or to costs charged to this Agreement.
25. **Sanctions for Non-Compliance.** The applicant Agency agrees that if it fails or refuses to comply with any provisions and assurances in this contract, the Department may take any or all of the following actions:
- (a) Cancel, terminate, or suspend this contract in whole or in part;
- (b) Withhold reimbursement to the Agency until satisfactory compliance has been attained by the Agency;
- (c) Refrain from extending any further funding to the Agency under this contract with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the Agency;
- (d) Refer the case to the United States Department of Justice for appropriate legal proceedings.
26. **Cancellation, Termination, or Suspension of Contract.**
- (a) **By the Department.** For noncompliance with any of the said rules, regulations, orders or conditions, due to management deficiencies or criminal activity this contract may be immediately canceled, terminated, or suspended in whole or in part by the Department. For noncompliance not indicative of management deficiencies or criminal activity the Department shall give sixty (60) days written notice

to take corrective action. If the Agency has not taken the appropriate corrective action after sixty (60) days the Department may cancel, terminate, or suspend this contract in whole or in part.

- (b) **By mutual consent.** The Agency or the Department may terminate this contract by providing sixty (60) days advanced written notice to the other party.
- (c) **Unexpended funds.** Any unexpended funds remaining after cancelation or termination will revert to the Department.

**27. Completion Date.** Unless otherwise authorized in writing by the Department, the Agency shall commence, carry on, and complete the project as described in the approved Highway Safety Project Contract by September 30 of the Federal fiscal year for which it was approved.

**28. E-Verify requirements.** If this contract is subject to NCGS 143-133.3, the contractor and its subcontractors shall comply with the requirements of Article 2 of Chapter 64 of the NC General Statutes.

**29. Certification of Eligibility Under the Iran Divestment Act.** Pursuant to G.S. 147-86.59, any person identified as engaging in investment activities in Iran, determined by appearing on the Final Divestment List created by the State Treasurer pursuant to G.S. 147-86.58, is ineligible to contract with the State of North Carolina or any political subdivision of the State. The Iran Divestment Act of 2015, G.S. 147-55 et seq. requires that each Agency, prior to contracting with the State certify, and the undersigned Agency Authorizing Official on behalf of the Agency does hereby certify, to the following:

- (a) that the Agency is not now and was not at the time of the execution of the Contract dated below identified on the Final Divestment List of entities that the State Treasurer has determined engages in investment activities in Iran;
- (b) that the Agency shall not utilize on any contract with the State agency any subcontractor that is identified on the Final Divestment List; and
- (c) that the undersigned Agency Authorizing Official is authorized by the Agency to make this Certification.

**30. Agency Fiscal Year.** The end date for the Agency's fiscal year is **June 30, 2022**

**31. Signature.** By signing below, the Agency agrees to adhere to the terms and conditions of this Agreement.

AGENCY PROJECT DIRECTOR		
NAME	TITLE	ADDRESS
<i>Timothy B. Whitehurst</i>	<i>Lieutenant</i>	<i>106 E. Margaret Ln Hillsborough NC 27278</i>
SIGNATURE	DATE	TELEPHONE NUMBER
<i>Timothy B Whitehurst</i>	August 27, 2021	<i>919-245-2900</i>
AGENCY AUTHORIZING OFFICIAL		
NAME	TITLE	ADDRESS
SIGNATURE	DATE	TELEPHONE NUMBER
AGENCY OFFICIAL AUTHORIZED TO RECEIVE FUNDS		
NAME	TITLE	ADDRESS
SIGNATURE	DATE	TELEPHONE NUMBER





STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

June 14, 2021

Timothy Whitehurst  
ORANGE COUNTY  
PO Box 8181  
HILLSBOROUGH, NC 27278

Application number: 1000010718  
Ref: 2022 Application Approval

Dear Timothy Whitehurst,

The Governor's Highway Safety Program (GHSP) grant management team has completed its final review of applications for fiscal year 2022, which begins October 1, 2021. Your application was approved to proceed to the next stage of the funding process. The next step of the funding process is the submission of the Agreement of Conditions, Resolution (if required) and the Pinning of your electronic application.

Although your application has been approved, this does not assure funding. Final approval of funds will not be made until late September when your Agreement is finalized.

Please feel free to contact your Highway Safety Specialist should you have any questions or concerns in regards to this request. The GHSP appreciates your dedication and contribution to highway safety. Thank you for being part of the North Carolina Highway Safety Plan.

Sincerely,

A handwritten signature in black ink that reads "Mark Ezzell".

Mark Ezzell  
Director

## NC Governor's Crime Commission Crime Victims' Services Grant Applications 2021

### MODIFICATIONS REQUIRED NOTIFICATION & AWARD ATTACHMENT FORMS

**Project ID:** PROJ015078

**Subrecipient Agency:** County of Orange

**Implementing Agency:** Orange County Sheriff's Office

**Project Name:** Orange County Sheriff's Office E.A.S.E. Program

**Period of Performance Start Date:** 10/1/2021                      **Scheduled End Date:** 9/30/2022

**Crime Victim Services Planner:** Contact Karen Lombri, at karen.lombri@ncdps.gov or (919) 830-8710, if you have questions about any of the information provided in this letter. If you email your CVS Planner, include the Project ID number in the subject line. If you leave a voicemail message, include the Project ID number in the message.

<b>Maximum Allowable Federal Share:</b>	
\$46,863.61	

<b>Budgeted Project Totals:</b>	
Federal Share:	\$46,863.61
Match Share:	\$15,621.23
Total Budget:	\$62,484.84

You are approved for the Maximum Federal Share listed above. Ensure that you make the necessary modifications to your budget to reflect the Approved Maximum Allowable Federal Share. The project's Federal Share cannot exceed the Maximum Allowable Federal Share listed above.

Dear Project Director:

As noted in your approval letter, your project has been approved to move forward in the application process and requires modifications. In order to move forward in the process, you must review, complete, sign and upload the Modifications as indicated in this document within 30-days of receipt of this document.

This document contains:

1. Important information regarding the availability of federal funds.
2. Important Modifications (page 3) that you must complete in order for your grant application to move forward in the grant application process.
3. Required acknowledgment signatures page that all modifications have been completed (last page of this Notification).
4. Award Attachment Forms that must be completed and uploaded to your project in order for your grant application to move forward in the grant application process (pink pages at the end of this Notification).

<b>1. Important information regarding availability of federal funds</b>
---

#### **Availability of Funds**

Governor's Crime Commission (GCC) grants are subject to GCC receiving federal funds awarded by the U.S. Department of Justice each federal fiscal year.

The federal funding amounts awarded to GCC can change year to year or be eliminated. Therefore, your application may require additional budget adjustments or reductions to the federal share recommended above based on the final federal budget and the funding amount awarded to GCC.

Please also be aware that funding from the federal government may be delayed for a variety of reasons.

#### **Project Period of Performance and Reimbursements**

If your grant is awarded, the grant award packet will contain the start date and end date for each project known as the 'Period of Performance' for the project. Because of the changes in the availability of funds noted above, the Period of Performance start date of your project may also change based on when federal funds are received by the Governor's Crime Commission.

If your grant is awarded, GCC funds are paid on a reimbursement basis only. Reimbursement requests for approved costs will only be allowed for expenses that occur on or after the Period of Performance start date of the project. Reimbursements for activities that occur before the Period of Performance start date of your project will not be reimbursed.

#### **Mandatory Attendance at the GCC Grant Award Workshops – Fall 2021**

In order for your grant to be awarded, the Project Director, Financial Officer and/or someone from your organization with fiscal responsibility for the GCC funded project is required to attend one of the scheduled Grant Award Workshops held in Fall 2021 (in person or remotely). You will be notified of the Grant Award Workshop dates via email and provided additional information about registration and options for attendance later this Summer.

#### **New grant award approvals are contingent on completion of all required reports for any current GCC grants.**

A final decision to award this grant will not take place until all required reports and documentation are submitted and reviewed for any of your subrecipient agency's current GCC grants. This includes providing justification for underutilization of funds or for failure to submit timely reports for your current GCC grants, if requested by GCC. Finally, your project will not be awarded if the subrecipient agency is on hold in the on-line Grants Enterprise Management System (GEMS) for any reason.

<b>2. Important Modifications you MUST complete in order for your grant application to move forward in the grant application process</b>
--

All required Modifications must be completed in the on-line GEMS within 30-days of the receipt of this notification. If for some reason, your modification period needs to be extended past 30-days, contact your assigned planner for approval and to determine a revised submission date.

Crime Victims' Services staff will review the submitted Modifications in GEMS to ensure that all required Modifications have been completed.

**Required Budget and Programmatic Modifications**

The items below must be addressed in order for your project to continue through the grant process. Initial each box to indicate the Modification has been revised or corrected:

Please ensure that you have made all necessary changes to the individual line items of your budget as noted below and/or to ensure that the budget lines do not exceed the Maximum Allowed Federal Share and Match Share, as indicated on page 1.

- \*\*NEW\*\*:** **Award Attachment Forms.** All of the Award Attachment forms must be completed and uploaded to GEMS by the project director before GCC staff are authorized to generate and send your award. You can find the blank forms at the end of this document.
- Attachment 01: Detailed Budget Narrative does not align with project budget. Revision required.

<b>3. Required acknowledgment signatures for this document</b>
--

After all modifications are completed,

1. this form MUST be signed by both the Authorizing Official and the Project Director for this project and uploaded into the application attachments section in GEMS,
2. and in addition, all Award Attachment forms MUST be and uploaded as one document in GEMS,
3. only when all modifications are completed to the satisfaction of the CVS grant planner and all award attachment forms are uploaded to GEMS will the grant planner generate your award.

**Award Timeline:**

- |                                |  |
|--------------------------------|--|
| Mid-July:                      | Modifications sent to subrecipients.   |
| Mid-July to Mid-August:        | Subrecipients must complete all modifications and Award Attachment forms and upload to GEMS. |
| Awards sent via DocuSign:      | Upon GCC's receipt of the federal funds (usually in September, sometimes later)              |
| Awards open for reimbursement: | Upon GCC's receipt and review of fully signed award documents and submission.                |

**ALL PAGES OF THIS DOCUMENT MUST BE UPLOADED TO THE APPLICATION ATTACHMENTS SECTION IN GEMS.**

<b>Project ID:</b>	<b>PROJ015078</b>
<b>Subrecipient Agency:</b>	<b>County of Orange</b>
<b>Implementing Agency:</b>	<b>Orange County Sheriff's Office</b>
<b>Project Name:</b>	<b>Orange County Sheriff's Office E.A.S.E. Program</b>

I hereby agree to adhere to all modifications as listed above by the Governor's Crime Commission.

I understand and accept that failure to complete any part of these required Modifications will constitute grounds for grant funds to be suspended, pending corrective action, as directed by the Governor's Crime Commission. Funding may be terminated for failure to adhere to the required terms as outlined in this document.

\_\_\_\_\_  
*Travis Myren, Authorizing Official Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Amber Keith-Drowns, Project Director Signature*

\_\_\_\_\_  
*Date*

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** September 14, 2021

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

**SUBJECT:** Approval of a Resolution Amending the Orange County FY 2021-2022 HOME Program Design

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**DEPARTMENT:** Housing and Community Development

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**ATTACHMENT(S):**

Attachment 1: Resolution Amending the May 4, 2021 Home Program Design Resolution

**INFORMATION CONTACT:**

Corey Root, Director, Housing & Community Development, 919-245-2490

---

**PURPOSE:** To approve a resolution amending a Board resolution adopted May 4, 2021 which authorized the Orange County FY 2021-2022 HOME Program Design.

**BACKGROUND:** The resolution to approve project activities for the 2021-2022 HOME Program, adopted by the Board on May 4, 2021, approved \$105,000 in HOME funding for EmPOWERment, Inc. to acquire a duplex containing two (2) units at 706 Gomains Avenue in Chapel Hill. The original program design intended the two units to be leased to households earning less than thirty percent (30%) of the area median income. EmPOWERment, Inc. requests to amend this project to serve households earning less than sixty percent (60%) of the area median income. EmPOWERment is requesting this change based on analyzing experience gained from past projects, the makeup of both their current apartment waitlists and current requests. At their August 19, 2021 meeting, the Local Government Affordable Housing Collaborative recommended approving this change in HOME program design.

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

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

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

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

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**

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

The creation and preservation of affordable housing options helps to meet a basic need and advances economic self-sufficiency.

- **GOAL: CREATE A SAFE COMMUNITY**

The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

Affordable housing options allow individuals to reduce risks associated with being un-housed.

**ENVIRONMENTAL IMPACT:** There are no Orange County Environmental Responsibility Goal impacts applicable to this item. Before implementation, all HOME projects undergo Environmental Review according to HUD requirements.

**RECOMMENDATION(S):** The Manager recommends that the Board approve and authorize the Chair to sign the resolution amending the resolution adopted on May 4, 2021 that authorized the Orange County FY 2021-2022 HOME Program Design.

**RESOLUTION AUTHORIZING  
THE ORANGE COUNTY FY 2021-2022 HOME PROGRAM DESIGN**

BE IT RESOLVED, by the Orange County Board of Commissioners, as a member of the Orange County HOME Consortium, that the Commissioners approve the following activities for the FY 2021-2022 HOME Program:

**Homebuyer Assistance**

Funds will be allocated to Orange County Habitat for Humanity to provide deferred payment zero interest mortgages to an estimated fifteen (15) homebuyers in the Fairview Community in Hillsborough earning between thirty percent (30%) and eighty percent (80%) of the area median income. (The final number of homebuyers assisted may be more or less than 15 and will depend on homebuyer underwriting.)

*(Requested amount: \$450,000)*

**\$434,393**

**Rental Construction**

Funds will be allocated to Pee Wee Homes to finance construction of three (3) small rental units at 106 Hill Street in Carrboro. Units will be leased to households experiencing homelessness and earning less than thirty percent (30%) of the area median income.

*(Requested amount: \$100,000)*

**\$100,000**

**Predevelopment Loan**

Funds will be allocated to EmPOWERment, Inc. for acquisition of a duplex containing two (2) units at 706 Gomains Avenue in Chapel Hill. Units will be leased to households earning less than ~~thirty-sixty~~ **thirty-sixty percent (630%)** of the area median income.

*(Requested amount: \$105,000)*

**\$105,000**

**Program Administration**

**\$37,874**

BE IT FURTHER RESOLVED, that the County Manager is hereby designated as the authorized representative of the County to act in connection with the HOME Program and to provide such additional information as may be required by the U.S. Department of Housing and Urban Development.

This is the \_\_\_ day of \_\_\_\_\_, 2021

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

SEAL

**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
ACTION AGENDA ITEM ABSTRACT  
Meeting Date: September 14, 2021**

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

**SUBJECT:** Request for Road Additions to the State Maintained Secondary Road System for Farm Gate Drive, Fox Hill Farm Drive, Still Meadow Lane, and Cedar Stone Way in the Fox Hill Farm Central Subdivision

**DEPARTMENT:** Planning and Inspections

**ATTACHMENT(S):**

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

**INFORMATION CONTACT:**

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

**PURPOSE:** To make a recommendation to the North Carolina Department of Transportation (NCDOT), and the North Carolina Board of Transportation (NC BOT), concerning a petition to add Farm Gate Drive, Fox Hill Farm Drive, Still Meadow Lane, and Cedar Stone Way in the Fox Hill Farm Central Subdivision to the State Maintained Secondary Road System.

**BACKGROUND:** This request includes a petition for four (4) road additions to the State Maintained Secondary Road System. The road length and width are as follows:

Road Name	Length in Miles	Number of Frontage Lots with Houses	Pavement/Right-of-way Widths in Feet
Farm Gate Drive	0.46	12	20/50
Fox Hill Farm Drive	1.32	10	20/50
Still Meadow Lane	0.17	5	18/50
Cedar Stone Way	0.20	7	18/50
<b>Total</b>	<b>2.15</b>	<b>34</b>	<b>N/A</b>

The Fox Hill Farm Central Subdivision is located in an Agricultural Residential (AR) zone, North of St. Mary's Road (State Road 1002) and east of Baldwin Road (State Road 1554) (*Attachment 1*). The single-family residential subdivision is located within Orange County's planning jurisdiction and was developed and approved subject to the County's zoning and subdivision regulations. There is no known subdivision violation associated with the subdivision.

The Fox Hill Farm Central Subdivision was originally recorded on September 3, 2003 (Book 92/Page 194) (*Attachment 2*). Farm Gate Drive, Fox Hill Farm Drive, Still Meadow Lane, and Cedar Stone Way were designed to public road standards but have been private roads in the interim; they were intended to become public roads when conditions met NCDOT maintenance responsibility and ownership criteria.

Farm Gate Drive has a length of 0.46 miles and provides access for twelve fully-developed lots. The road has a right-of-way width of 50 feet and a pavement width of 20 feet. The road serves as the connection between the majority of the subdivision to the west and a branch of the

subdivision to the southeast, intersecting with Fox Hill Farm Drive near the center of the subdivision to make this connection.

Fox Hill Farm Drive has a length of 1.32 miles and provides ingress/egress to the subdivision at two intersections: One with Baldwin Road (State Road 1554) and Miller Road (State Road 1555) at the north end of the subdivision and one with Baldwin Road at the south end of the subdivision. Fox Hill Farm Drive provides access for ten fully-developed lots. The road has a right-of-way width of 50 feet and a pavement width of 20 feet.

Still Meadow Lane has a length of 0.17 miles and connects with the Fox Hill Farm Drive loop on the southwest end of the subdivision. Still Meadow Lane Provides access for five fully-developed lots; it has a right-of-way width of 50 feet and a pavement width of 18 feet.

Cedar Stone Way has a length of 0.20 miles and connects with the Fox Hill Farm Drive loop on the southwest end of the subdivision, a few hundred feet east of the intersection of Still Meadow Lane and Fox Hill Farm Drive. Cedar Stone way provides access for seven fully-developed lots; it has a right-of-way width of 50 feet and a pavement width of 18 feet.

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

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

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

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

- **GOAL: CREATE A SAFE COMMUNITY**

The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

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

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

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

1. Forward the Petition for Addition to the State Maintained System to the NCDOT for Farm Gate Drive, Fox Hill Farm Drive, Still Meadow Lane, and Cedar Stone Way in the Fox Hill Farm Central Subdivision; and
2. Recommend the Department of Transportation accept the roads for maintenance as State Secondary Roads.

# Fox Hill Central Subdivision Vicinity Map



See Fox Hill Central Subdivision Proposed Road Transfer map for more details.

	Proposed Road Transfer		NC2
<b>Zoning</b>			PDCGC4
	AR		PDHR2
	AS		PDHR5
	City Limits		R1
	ETJ		R4

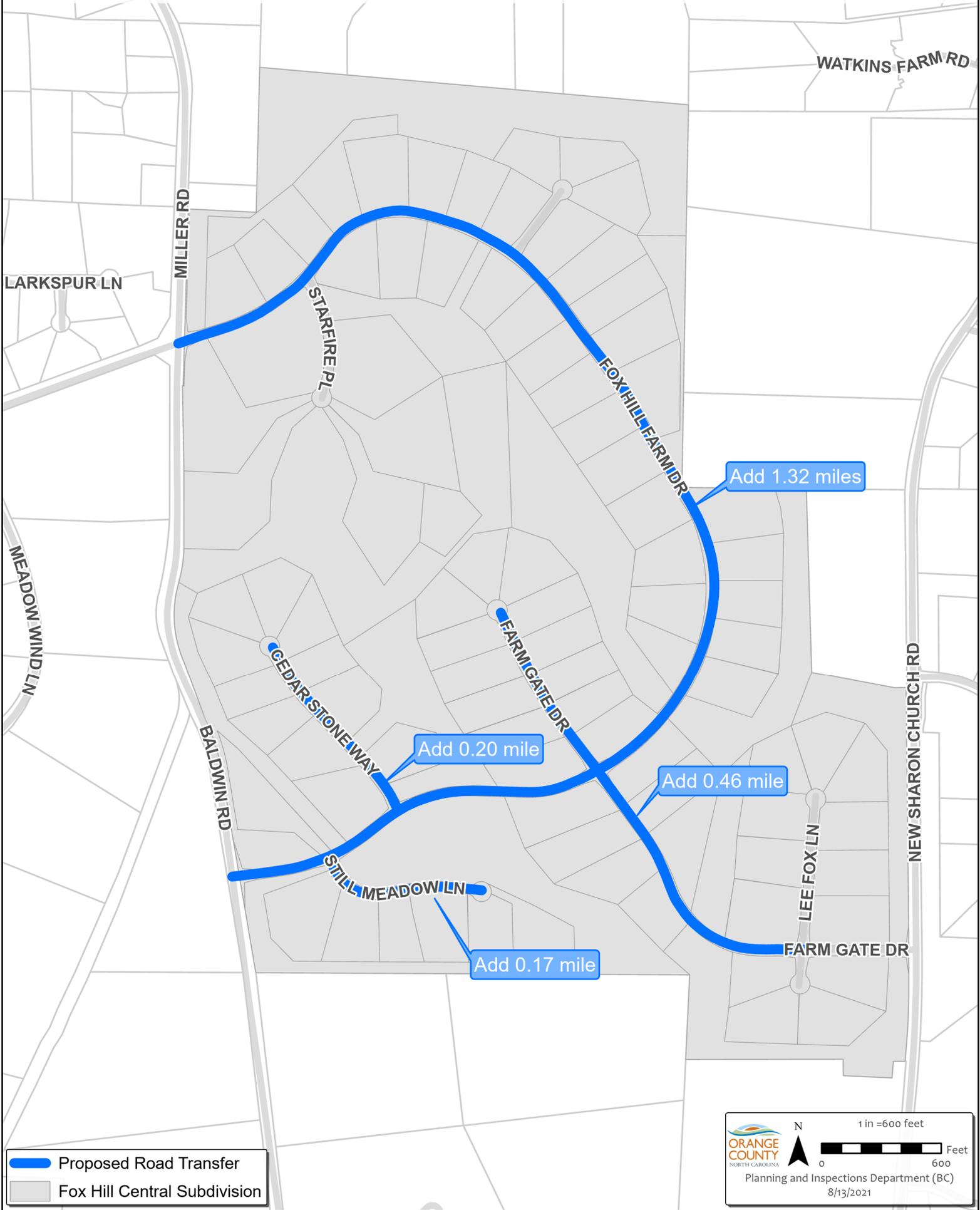
1 in = 2,000 feet

0 2,000 Feet

ORANGE COUNTY  
NORTH CAROLINA

Planning and Inspections Department (BC)  
8/13/2021

# Fox Hill Central Subdivision Proposed Road Transfer 4

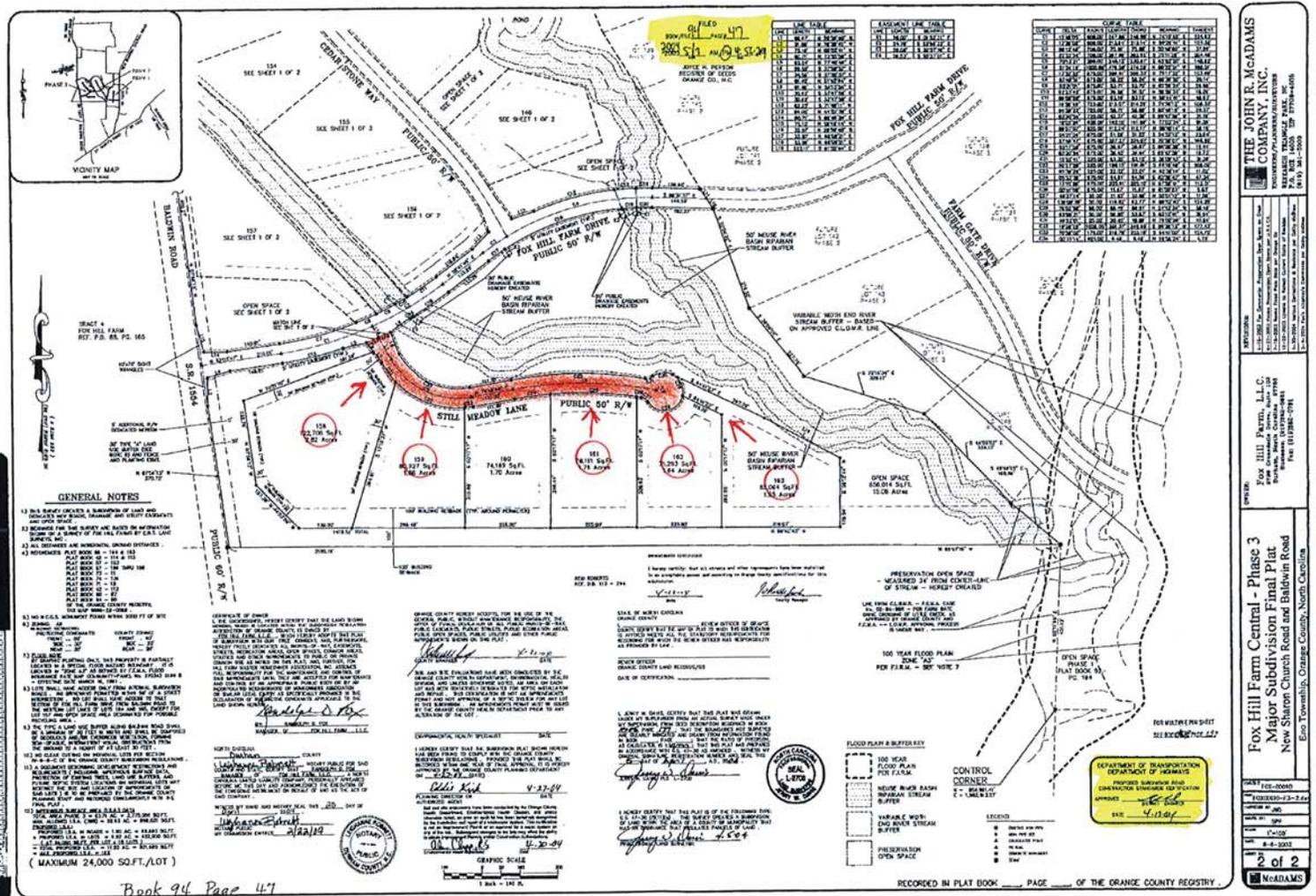


Proposed Road Transfer  
Fox Hill Central Subdivision

ORANGE COUNTY NORTH CAROLINA  
1 in = 600 feet  
Feet  
0 600  
Planning and Inspections Department (BC)  
8/13/2021







Book 94 Page 47



**THE JOHN R. MCGADAMS COMPANY, INC.**  
 REGISTERED PROFESSIONAL SURVEYOR  
 1000 W. 10th Street, Suite 100  
 Oklahoma City, Oklahoma 73106  
 P.O. BOX 1000  
 OKLAHOMA CITY, OKLAHOMA 73106-1000  
 (405) 241-1000

**FOX HILL FARM CENTRAL - PHASE 3**  
 Major Subdivision Final Plat  
 New Sharon Church Road and Baldwin Road  
 Fox Township, Grange County, North Carolina

DATE: 4/1/07

RECORDED IN PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ OF THE GRANGE COUNTY REGISTRY.



BK 103 Pg 106



GENERAL NOTES

- 1) THIS SURVEY CREATES A SUBDIVISION OF LAND AND LOCATES NEW BOUNDARIES AND UTILITY CORNERS AND OPEN SPACE.
- 2) BOUNDARIES FOR THIS SURVEY ARE BASED ON INFORMATION SHOWN ON A SURVEY OF FIVE HILL FARMS BY E.A.T. LANG SURVEYOR INC. DATE 08/27/08.
- 3) ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.

- 4) REFERENCES: PLAT BOOK 88 - 166 PLAT BOOK 88 - 166 OF THE ORANGE COUNTY REGISTRY FOR P.B. 88-166.
- 5) NO H.C.C.S. MONUMENT FOUND WITHIN 2000 FT OF SITE.

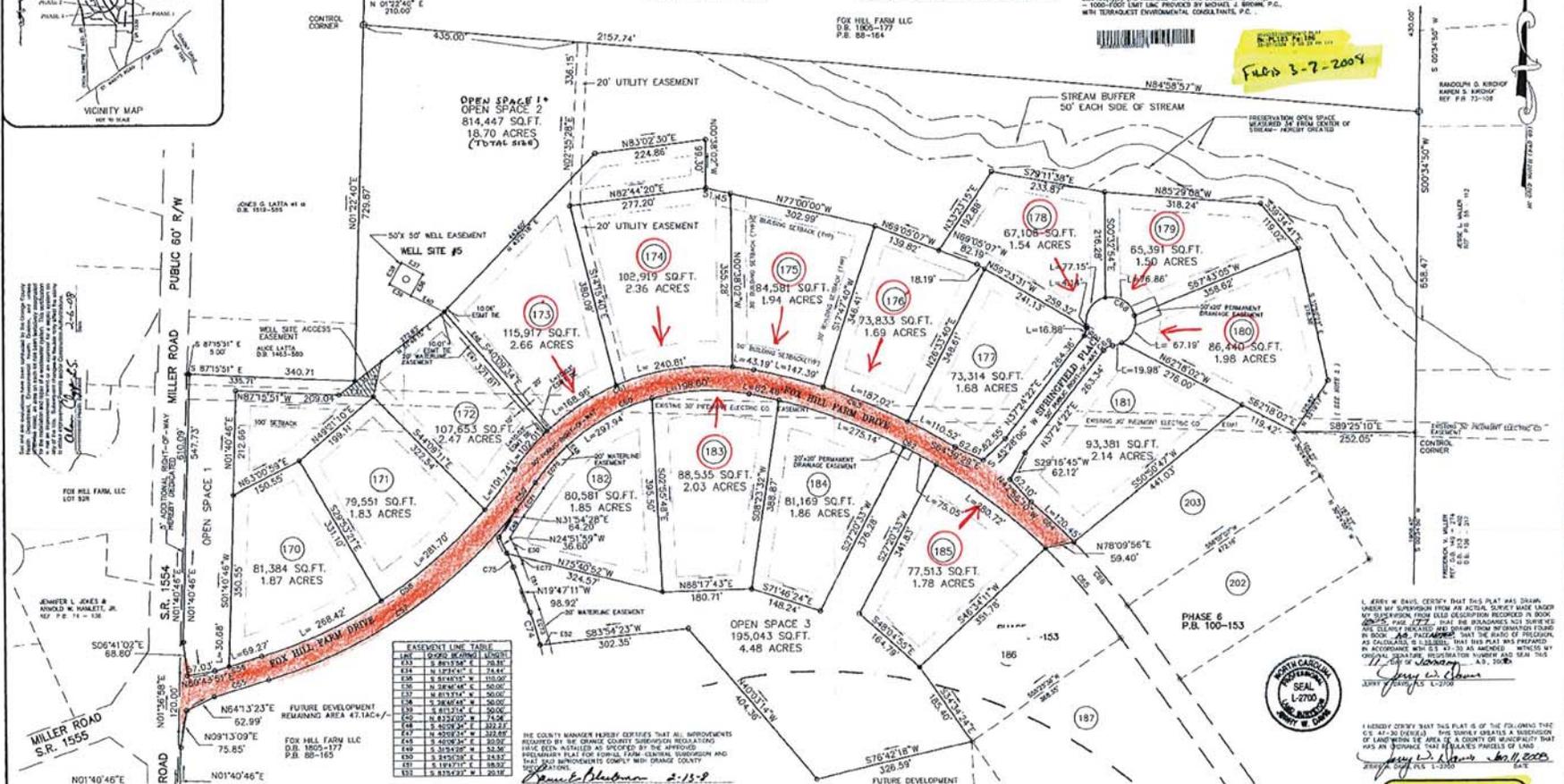
- 6) ZONING: AN BUILDING SET BACKS: FRONT - 50' SIDE - 30' REAR - 30'
- 7) COUNTY ZONING: FRONT - 40' SIDE - 30' REAR - 30'
- 8) LOTS SHALL HAVE ACCESS ONLY FROM INTERNAL DRIVEWAYS AND NO DRIVEWAYS PERMITTED WITHIN 50' OF A STREET INTERSECTION.
- 9) THE TYPE OF LAND USE DEPENDING ALONG MILLER ROAD SHALL BE 30 FEET IN WIDTH AND COMPLY AT LEAST WITH THE ZONING REGULATIONS, FUTURE DEVELOPMENT, RECREATION AND OPEN SPACE.
- 10) NO CLEAR CUTTING OR REMOVAL OF TREES PERMITTED WITHIN 10-0-0-5 OF THE ORANGE COUNTY SUBDIVISION REGULATIONS.

- 11) A DOCUMENT DESCRIBING DEVELOPMENT RESTRICTIONS AND REQUIREMENTS (INCLUDING IMPROVEMENTS, OPEN SPACE, PROTECTION OF EXISTING TREES, LAND USE RESTRICTIONS, AND FUTURE SITE LOCATION) ON THE PROPOSED LOTS SHALL BE PREPARED BY THE ORANGE COUNTY PLANNING STAFF AND APPROVED CONCURRENTLY WITH THE FINAL PLAT.
- 12) APPROXIMATE LOCATION OF 1000-FOOT LIMIT FOR SUBCHAPTER 20, ENVIRONMENTAL CLASSIFICATION AND STANDARDS, PROVISIONS OF RELEASE CLASSIFICATION AS SET FORTH IN 15A NCAC 2A.0400.0100 (AS AMENDED EFFECTIVE DECEMBER 1, 2008) - 1000-FOOT LIMIT LINES PROVIDED BY MICHAEL J. BROWN, P.E., WITH TERRACON ENVIRONMENTAL, CONSULTANTS, P.C.

- 13) INTERIOR BOUNDARY AREA: MAXIMUM 24,000 SQ. FT PER LOT.

FOR MULTIPLE SHEET SEE BOOK 474 PAGE 161

FILED 3-7-2009



**EASEMENT LINE TABLE**

LINE	LENGTH	BEARING	HEIGHT
E1	5.813334'	N 88° 13' 30" E	10.00'
E2	1.272544'	N 88° 13' 30" E	10.00'
E3	2.813334'	N 88° 13' 30" E	10.00'
E4	1.272544'	N 88° 13' 30" E	10.00'
E5	5.813334'	N 88° 13' 30" E	10.00'
E6	1.272544'	N 88° 13' 30" E	10.00'
E7	2.813334'	N 88° 13' 30" E	10.00'
E8	1.272544'	N 88° 13' 30" E	10.00'
E9	5.813334'	N 88° 13' 30" E	10.00'
E10	1.272544'	N 88° 13' 30" E	10.00'
E11	2.813334'	N 88° 13' 30" E	10.00'
E12	1.272544'	N 88° 13' 30" E	10.00'
E13	5.813334'	N 88° 13' 30" E	10.00'
E14	1.272544'	N 88° 13' 30" E	10.00'
E15	2.813334'	N 88° 13' 30" E	10.00'
E16	1.272544'	N 88° 13' 30" E	10.00'
E17	5.813334'	N 88° 13' 30" E	10.00'
E18	1.272544'	N 88° 13' 30" E	10.00'
E19	2.813334'	N 88° 13' 30" E	10.00'
E20	1.272544'	N 88° 13' 30" E	10.00'

**CURVE TABLE**

CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD DIST.	DELTA	TANGENT
C01	520.50'	118.87'	S 72° 54' 42" W	118.87'	170° 54' 42"	520.50'
C02	520.50'	118.87'	S 72° 54' 42" W	118.87'	170° 54' 42"	520.50'
C03	520.50'	118.87'	S 72° 54' 42" W	118.87'	170° 54' 42"	520.50'
C04	520.50'	118.87'	S 72° 54' 42" W	118.87'	170° 54' 42"	520.50'
C05	520.50'	118.87'	S 72° 54' 42" W	118.87'	170° 54' 42"	520.50'
C06	520.50'	118.87'	S 72° 54' 42" W	118.87'	170° 54' 42"	520.50'
C07	520.50'	118.87'	S 72° 54' 42" W	118.87'	170° 54' 42"	520.50'
C08	520.50'	118.87'	S 72° 54' 42" W	118.87'	170° 54' 42"	520.50'
C09	520.50'	118.87'	S 72° 54' 42" W	118.87'	170° 54' 42"	520.50'
C10	520.50'	118.87'	S 72° 54' 42" W	118.87'	170° 54' 42"	520.50'

**CERTIFICATE OF OWNER**

I, the undersigned, hereby certify that the land shown hereon, which is located within the subdivision regulation jurisdiction of Orange County, is owned by FIVE HILL FARMS, L.L.C., which hereby adopts this plat of subdivision of land as shown and approved hereon. HEREBY I HEREBY REQUESTS ALL RIGHTS OF WAY, EASEMENTS, RIGHTS, RESERVATIONS, AND OTHER INTERESTS IN THE COMMON USE AS NOTED ON THIS PLAT, AND FURTHER FOR FIVE HILL FARMS WATER RESOURCES ASSOCIATION, INC. ACTIONS, FULL RESPONSIBILITY FOR THE MAINTENANCE AND CONTROL OF SAID IMPROVEMENTS ONLY, AND ACCEPTED FOR MAINTENANCE AND CONTROL BY AN APPROPRIATE PUBLIC BODY OR BY AN INCORPORATED NON-GOVERNMENTAL ORGANIZATION OR OTHER LEGAL ENTITY AS SPECIFICALLY PROVIDED BY THE SUBDIVISION REGULATIONS OF ORANGE COUNTY, N.C. AS SET FORTH IN 15A NCAC 2A.0400.0100 (AS AMENDED EFFECTIVE DECEMBER 1, 2008).

By: *Andrew J. Dix*  
 Andrew J. Dix  
 OWNER OF FIVE HILL FARMS, L.L.C.

**NOTARY PUBLIC**

NOTARY PUBLIC  
 My Commission Expires 10-3-09

By: *Edward B. Kirk*  
 Edward B. Kirk  
 PLANNING OFFICER  
 APPROVED AGENT

ORANGE COUNTY HEREBY ACCEPTS FOR THE USE OF THE COMMON PUBLIC, WITHOUT WAIVER OF RESPONSIBILITY, THE OFFER OF PUBLIC DEDICATION OF ALL PUBLIC RIGHTS OF WAY, PUBLIC UTILITIES, PUBLIC STREETS, PUBLIC RECREATION AREAS, PUBLIC OPEN SPACES, PUBLIC UTILITIES AND OTHER PUBLIC IMPROVEMENTS SHOWN ON THIS PLAT.

By: *David C. Blanton* 2-15-09  
 David C. Blanton  
 COUNTY MANAGER

DATE: 2-15-09

THE COUNTY MANAGER HEREBY CERTIFIES THAT ALL IMPROVEMENTS REQUIRED BY THE ORANGE COUNTY SUBDIVISION REGULATIONS HAVE BEEN AUTHORIZED AS SPECIFIED BY THE APPROVED SUBDIVISION REGULATIONS OF ORANGE COUNTY, N.C. AS SET FORTH IN 15A NCAC 2A.0400.0100 (AS AMENDED EFFECTIVE DECEMBER 1, 2008) AND THAT SAID IMPROVEMENTS COMPLY WITH ORANGE COUNTY SUBDIVISION REGULATIONS.

By: *David C. Blanton* 2-15-09  
 David C. Blanton  
 COUNTY MANAGER

DATE: 2-15-09

APPROXIMATE LOCATION OF 1000-FOOT LIMIT FOR SUBCHAPTER 20, ENVIRONMENTAL CLASSIFICATION AND STANDARDS, PROVISIONS OF RELEASE CLASSIFICATION AS SET FORTH IN 15A NCAC 2A.0400.0100 (AS AMENDED EFFECTIVE DECEMBER 1, 2008).

By: *Michael J. Brown*  
 Michael J. Brown  
 CONSULTANT

DATE: 2-15-09

TOTAL AREA PHASE 5- 57.63 ACRES

STATE OF NORTH CAROLINA  
 ORANGE COUNTY

FILED

BOOK/PAGE: 103 / 106

DATE OF CLERKIFICATION: 02/13/09

JOYCE H. PEARSON  
 REGISTER OF DEEDS  
 ORANGE CO., N.C.

LEGEND

- EXTERIOR BOUNDARY
- INTERIOR BOUNDARY
- UTILITY CORNER
- OPEN SPACE
- PH. 100-153
- PH. 100-155
- PH. 100-157
- PH. 100-159
- PH. 100-161
- PH. 100-163
- PH. 100-165
- PH. 100-167
- PH. 100-169
- PH. 100-171
- PH. 100-173
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- PH. 100-189
- PH. 100-191
- PH. 100-193
- PH. 100-195
- PH. 100-197
- PH. 100-199
- PH. 100-201
- PH. 100-203

GRAPHIC SCALE  
 1 inch = 100 ft

BK 103 Pg 106

THE JOHN R. McADAMS COMPANY, INC.  
 ENGINEERS/PLANNERS/SURVEYORS  
 1100 W. HARRIS STREET  
 RICHMOND, NORTH CAROLINA 27278  
 PHONE: (919) 841-2222  
 FAX: (919) 841-2222

FOR HILL FARMS, L.L.C.  
 200 New Sharon Church Road  
 Hillsborough, North Carolina 27548  
 Business Phone: (919) 841-2222  
 Home Phone: (919) 841-2222

Final Plat of  
 Fox Hill Farm Central - Phase 5  
 New Sharon Church Road and Baldwin Road  
 New Sharon, Orange County, North Carolina

BOOK: FOX-0010  
 PAGE: 103/106  
 DATE: 2-15-09  
 1 of 1

Bk 100 Pg 153



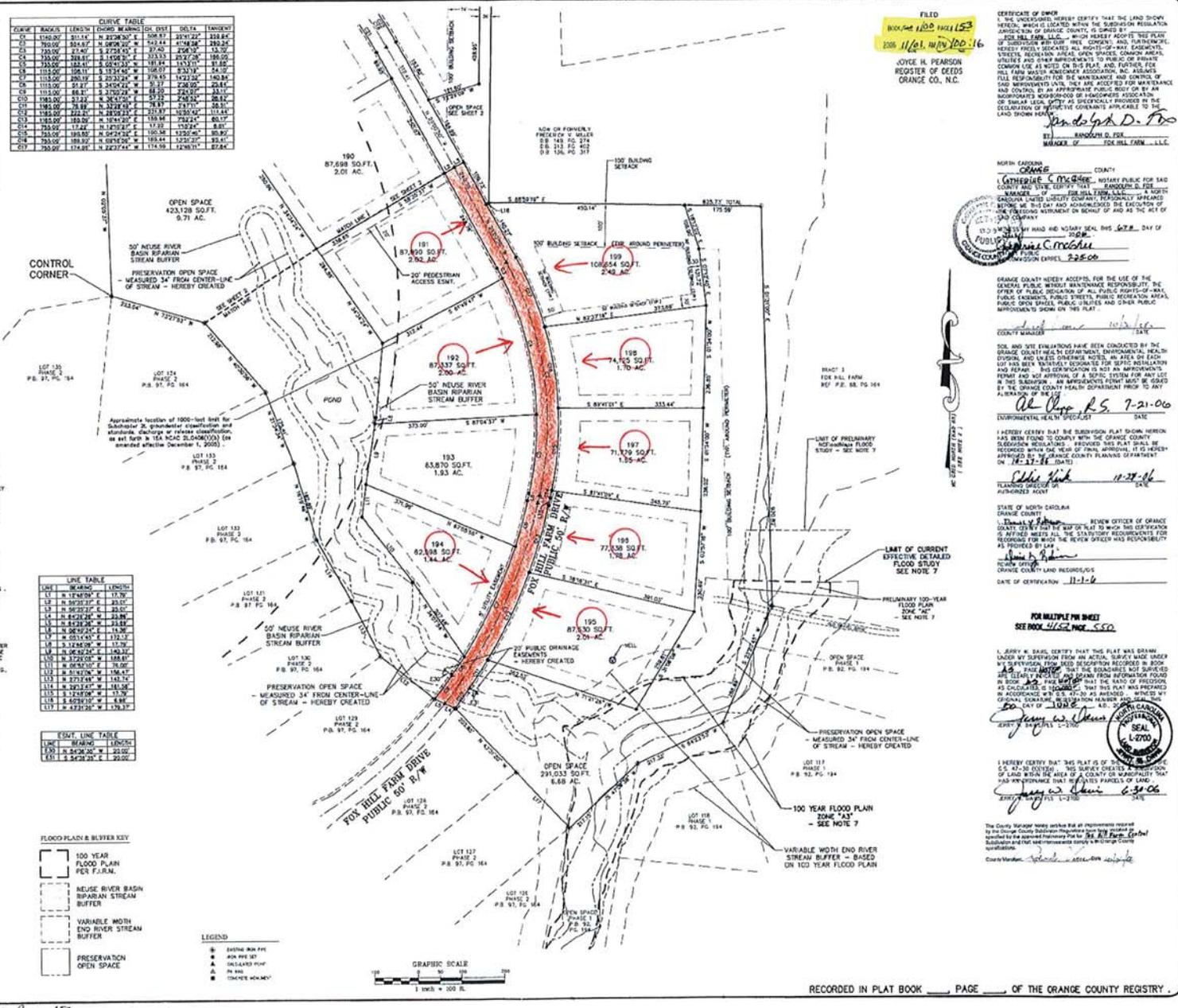
CHURVE TABLE with columns: CHAIN, BEARING, LEASING, CHORD BEARING, CHORD DIST, DELTA, LENGTH

GENERAL NOTES

- 1) THIS SURVEY CREATES A SUBDIVISION OF LAND AND...
2) BEARINGS FOR THIS SURVEY ARE BASED ON...
3) ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES...
4) REFERENCES: PLAT BOOK 88 - 184 & 185...
5) NO R.C.G.S. VIOLATION FOUND WITHIN 2000 FT. OF SITE...
6) ZONING: AN...
7) FLOODING: THIS PROPERTY IS PARTIALLY LOCATED IN A SPECIAL FLOOD HAZARD BOUNDARY...
8) ACCESS: ALL LOTS SHALL HAVE ACCESS ONLY FROM INTERNAL SUBDIVISION ROADS...
9) BUFFER: THE 50' FIVE LANE USE BUFFER ALONG NEW SHARON CHURCH ROAD SHALL BE 30 FEET IN WIDTH AND CONTAIN AT LEAST ONE...
10) CLEAR: NO CLEAR CUTTING ON INDIVIDUAL LOTS PER SECTION...
11) DOCUMENT: A DOCUMENT DESCRIBING DEVELOPMENT RESTRICTIONS AND REQUIREMENTS...
12) APPROXIMATE LOCATION OF 1000-FOOT LIMIT FOR SUBDIVISION...
13) 100 YEAR FLOOD PLAN: 100 YEAR FLOOD PLAN ZONE "A3" - SEE NOTE 7

LINE TABLE with columns: LINE, BEARING, LENGTH

CSM LINE TABLE with columns: LINE, BEARING, LENGTH



FILED
BOOK 100 PAGE 153
2008 NOV 10 AM 10:00

JOHN H. PEARSON
REGISTER OF DEEDS
ORANGE CO., N.C.

BRANDON D. FOX
MANAGER OF FOX HILL FARM, L.L.C.

CERTIFICATE OF OPINION
I, THE UNDERSIGNED SURVEYOR CERTIFY THAT THE LAND SHOWN...
NORTH ORANGE COUNTY
ORANGE COUNTY
CATHERINE C. McNEE, Notary Public for said County and State of North Carolina.

STATE OF NORTH CAROLINA
COUNTY OF ORANGE
I, BRADLEY R. S. 7-21-06
Environmental Health Specialist

STATE OF NORTH CAROLINA
COUNTY OF ORANGE
I, BRADLEY R. S. 7-21-06
Environmental Health Specialist

FOR MULTIPLE PAGES SHEET
SEE BOOK 100, PAGE 153
I, JERRY W. BARR, CERTIFY THAT THIS PLAT WAS DRAWN...
I, JERRY W. BARR, CERTIFY THAT THIS PLAT IS OF THE...
DATE: 6-30-06

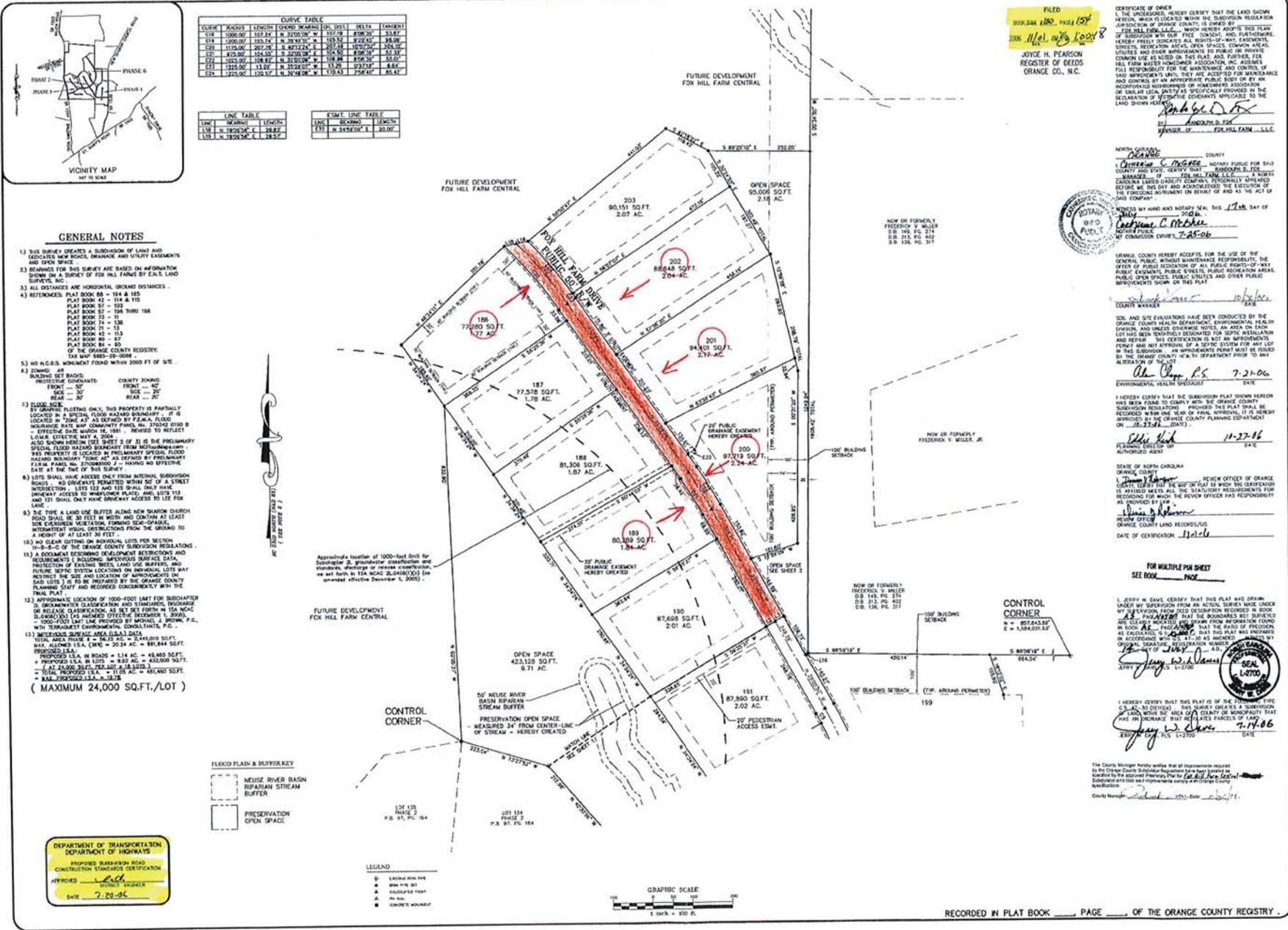
DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
PROPOSED SUBDIVISION ROAD
CONSTRUCTION STANDARDS CERTIFICATION
APPROVED: [Signature]
DATE: 7-1-06

THE JOHN R. McADAMS COMPANY, INC. ENGINEERS/PLANNERS/SURVEYORS

Fox Hill Farm, L.L.C. 2700 Comestable Drive, Suite 100, New Sharon Church Road and Baldwin Road, Ero Township, Orange County, North Carolina

Fox Hill Farm Central - Phase 6 Major Subdivision Final Plat New Sharon Church Road and Baldwin Road Ero Township, Orange County, North Carolina

Bk 100 Pg 154



**CURVE TABLE**

CURVE	BACKS	LENGTH	CHORD BEARING	DELTA	TANGENT
C14	1000.00'	107.24'	N. 20°00'00" W.	127.58'	108.00'
C15	2000.00'	133.74'	N. 20°00'00" W.	173.52'	172.00'
C16	1175.00'	207.70'	S. 89°23'24" E.	222.28'	1070.00'
C17	402.00'	154.00'	S. 20°00'00" E.	150.00'	150.00'
C18	1225.00'	108.87'	N. 31°20'00" W.	138.86'	139.00'
C19	2225.00'	112.00'	N. 33°00'00" W.	142.00'	2225.00'
C20	1225.00'	120.87'	N. 24°00'00" W.	130.43'	238.00'

**LINE TABLE**

LINE	BEARING	LENGTH
L16	N. 78°50'00" E.	24.82'
L17	N. 78°50'00" E.	18.07'

**POINT TABLE**

POINT	BEARING	LENGTH
P1	N. 34°50'00" E.	20.00'

FILED  
BOOK 044 180 PAGE 154  
2006 11/01/06 10:28 AM  
JOYCE H. PARSON  
REGISTER OF DEEDS  
ORANGE CO., N.C.

CERTIFICATE OF OWNER  
I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE LAND SHOWN HEREON WAS PLACED TO WITHIN THE SUBDIVISION REGULAR JURISDICTION OF ORANGE COUNTY, IS OWNED BY...  
JOYCE H. PARSON  
REGISTER OF DEEDS  
ORANGE CO., N.C.

NORTH CAROLINA  
ORANGE COUNTY  
I, Debra C. Proctor, Notary Public for said County and State, do hereby certify that I am a Notary Public in and for the State of North Carolina, and that I am duly qualified to perform the duties of my office. My commission expires 7-25-08.

ORANGE COUNTY HEREBY ACCEPTS FOR THE USE OF THE PUBLIC, WITHOUT MAINTENANCE RESPONSIBILITY, THE OPENING AND LIMITED ACCESS TO THE PUBLIC RIGHTS-OF-WAY, EASEMENTS, PUBLIC UTILITY PUBLIC UTILITIES, PUBLIC REGISTRATION AREA, PUBLIC OPEN SPACE, PUBLIC UTILITIES AND OTHER PUBLIC IMPROVEMENTS SHOWN ON THIS PLAT.  
COUNTY MANAGER: Debra C. Proctor 10/26/06

SEAL AND SITE EVALUATIONS HAVE BEEN CONDUCTED BY THE ORANGE COUNTY HEALTH DEPARTMENT, ENVIRONMENTAL HEALTH AND SAFETY DIVISION, AND THE ORANGE COUNTY PLANNING DEPARTMENT. THIS CERTIFICATION IS NOT AN ENDORSEMENT OF THE DESIGN OR MATERIALS USED IN THE CONSTRUCTION OF THE IMPROVEMENTS SHOWN ON THIS PLAT.  
COUNTY MANAGER: Debra C. Proctor 11-27-06

FOR MULTIPLE PLOT SHEET  
SEE BOOK PAGE  
I, JERRY W. SAGE, HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY PERSONAL SUPERVISION, FROM DEED RECORDS, RECORDS IN BOOK 161, PAGE 147, THAT THE DIMENSIONS SET FORTH ARE AS CALICULATED, AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE PLANNING DEPARTMENT AND THE REGISTER OF DEEDS.  
COUNTY MANAGER: Jerry W. Sage 7-14-06

The County Manager hereby certifies that all improvements required by the Orange County Subdivision Regulations have been provided in accordance with the approved Final Plat for this subdivision. This certification is not an endorsement of the design or materials used in the construction of the improvements shown on this plat.  
COUNTY MANAGER: Jerry W. Sage 7-14-06

THE JOHN R. MCGADAMS COMPANY, INC.  
REGISTERED PLANNERS/SURVEYORS  
RESEARCH TRIANGLE PARK, NC  
P.O. BOX 4005 ZIP 27709-4005  
(919) 381-5000

FOX HILL FARM, L.L.C.  
2706 Crossville Drive, Suite 102  
Durham, NC 27705  
Phone: (919) 382-5881  
Fax: (919) 382-0791

FOX HILL FARM CENTRAL - PHASE 6  
Major Subdivision Final Plat  
New Sharon Church Road and Baldwin Road  
Eno Township, Orange County, North Carolina

PLAT BOOK: 00010  
SUBDIVISION: 000010-18.049  
SHEET NO.: 2ND  
SCALE: 1"=100'  
DATE: 5-31-2006  
2 of 2  
McADAMS

Book 100 Page 154

RECORDED IN PLAT BOOK PAGE OF THE ORANGE COUNTY REGISTRY



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

August 13, 2021

**ORANGE COUNTY**

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

**SUBJECT: Request for Road Addition  
Farm Gate Drive, (extension of SR 2311), (0.46 mile)  
Fox Hill Farm Drive, (1.32 mile)  
Still Meadow Lane, (0.17 mile)  
Cedar Stone Way, (0.20 mile)  
Fox Hill Farm Central Subdivision**

Dear Ms. Hammersley,

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "CNE".

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

Attachments  
CNE

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

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

County: Orange Road Name: Farm Gate Drive, Fox Hill Farm Dr., Still Meadow Ln, Cedar Stone Way  
(Please list additional street names and lengths on the back of this form.)

Subdivision Name: Fox Hill Farm Length (miles): 1.18

Number of occupied homes having street frontage: 24 Located (miles): .5 mile

miles N  S  E  W  of the intersection of Route 1538 and Route 1002.  
(Check one) (SR, NC, US) (SR, NC, US)

We, the undersigned, being property owners and/or developers of Fox Hill Farm in Orange County, do hereby request the Division of Highways to add the above described road.

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

Name: Thomas H. Heffner, Manager Fox Hill Farm LLC Phone Number: 919-880-6279

Street Address: 1020 New Hope Church Road, Chapel Hill, NC 27516

Mailing Address: 1020 New Hope Church Road, Chapel Hill, NC 27516

**PROPERTY OWNERS**

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>

<u>ROAD NAME</u>	<u>HOMES</u>	<u>LENGTH</u>	<u>ROAD NAME</u>	<u>HOMES</u>	<u>LENGTH</u>
1) Farm Gate Drive	12	2430 feet			
2) Fox Hill Farm Drive to		1900 feet			
the Farm Gate Drive intersection including:					
Still Meadow Lane	5	850 feet			
Cedar Stone Way	7	1060 feet			
Section 1 & 2 Total	24	6240 feet			
3) Fox Hill Farm Drive to	10	3100 feet			
the intersection of Springfield Place					

**INSTRUCTIONS FOR COMPLETING PETITION:**

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

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

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

**REQUIREMENTS FOR ADDITION**

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

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



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

DATE: August 4, 2021  
TO: Chuck Edwards, Jr., PE, District Engineer  
FROM: Sandy Taylor, Real Property Agent II  
SUBJECT: Addition to the System: Farm Gate Drive (Ext. of SR 2311)  
Fox Hill Farm Central (Phase 1 & 2) Subdivision, Orange County

I have examined the plats of the Orange County Registry, furnished by your office. Based on my examination of the plats, it appears the right of way for **Farm Gate Drive (Ext. of SR 2311), Fox Hill Farm Central (Phase 1 & 2) Subdivision**, is as follows, as well as utility easements and sight distances, as shown on the plats, if any.

Farm Gate Drive 50 ft.

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

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

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

*Website:* [ncdot.gov](http://ncdot.gov)

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



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

DATE: August 4, 2021  
TO: Chuck Edwards, Jr., PE, District Engineer  
FROM: Sandy Taylor, Real Property Agent II  
SUBJECT: Addition to the System: Fox Hill Farm Drive  
Fox Hill Farm Central Subdivision (Phase 2, 3, 5 & 6), Orange County

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

Fox Hill Farm Drive

50 ft.

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

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

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

*Website:* [ncdot.gov](http://ncdot.gov)

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



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

DATE: August 4, 2021  
TO: Chuck Edwards, Jr., PE, District Engineer  
FROM: Sandy Taylor, Real Property Agent II  
SUBJECT: Addition to the System: Still Meadow Lane  
Fox Hill Farm Central Subdivision (Phase 3), Orange County

I have examined the plat of the Orange County Registry, furnished by your office. Based on my examination of the plat, it appears the right of way for **Still Meadow Lane, Fox Hill Farm Central Subdivision**, is as follows, as well as utility easements and sight distances, as shown on the plat, if any.

Still Meadow Lane

50 ft.

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

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

*Telephone:* 336-334-3515  
*Fax:* 336-334-5331  
*Customer Service:* 1-877-368-4968  
*Website:* [ncdot.gov](http://ncdot.gov)

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



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

DATE: August 4, 2021  
TO: Chuck Edwards, Jr., PE, District Engineer  
FROM: Sandy Taylor, Real Property Agent II  
SUBJECT: Addition to the System: Cedar Stone Way  
Fox Hill Farm Central Subdivision (Phase 3), Orange County

I have examined the plat of the Orange County Registry, furnished by your office. Based on my examination of the plat, it appears the right of way for **Cedar Stone Way, Fox Hill Farm Central Subdivision**, is as follows, as well as utility easements and sight distances, as shown on the plat, if any.

Cedar Stone Way 50 ft.

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

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

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

*Website:* [ncdot.gov](http://ncdot.gov)

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

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

County: Orange Co. File No: O-10-18 Date: 08/03/21  
Township: Eno Div. File No: \_\_\_\_\_ Div. No: \_\_\_\_\_

Local Name: Farm Gate Drive (ext. of SR 2311) Subdivision Name: Fox Hill Farm Central  
Length: 0.46 Width: 20' Surface Type: SF 9.5A PVMT Condition: Good  
Surface Thickness: 2" Base Type: ABC Base Thickness: 8"

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

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

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

Recording Date: 09/03/03, 06/23/05 Book: 92, 97 Page: 194,164

Number of homes having entrances into road: 15

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

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

Is petition (SR-1) attached? Yes

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

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

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

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

Remarks and Recommendations: Meets Requirements. Recommend Addition.

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

Reviewed and Approved  
BOARD OF TRANSPORTATION MEMBER: \_\_\_\_\_

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

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

County: Orange Co. File No: O-10-18 Date: 08/03/21  
Township: Eno Div. File No: \_\_\_\_\_ Div. No: \_\_\_\_\_

Local Name: Fox Hill Farm Drive Fox Hill Farm Central  
Subdivision Name: \_\_\_\_\_  
Length: 1.32 Width: 20' Surface: SF 9.5A PVMT Condition: Good  
Surface: 2" Base: ABC Thickness: 8"  
Base Type: \_\_\_\_\_

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

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

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

Recording Date: 06/23/05,05/07/04, 03/07/08,11/01/06, 11/01/06 Book: 97,94,103,100,100 Page: 164,46,106,153,154

Number of homes having entrances into road: 19

Other uses having entrances into road: Collector road for Farmgate Dr., Still Meadow Ln., Cedar Stone Way, -Est. ADT 162

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

Is petition (SR-1) attached? Yes

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

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

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

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

Remarks and Recommendations: Meets Requirements. Recommend Addition.

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

Reviewed and Approved  
BOARD OF TRANSPORTATION MEMBER: \_\_\_\_\_

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

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

County: Orange Co. File No: O-10-18 Date: 08/03/21  
Township: Eno Div. File No: \_\_\_\_\_ Div. No: \_\_\_\_\_

Local Name: Still Meadow Lane Subdivision Name: Fox Hill Farm Central  
Length: 0.17 Width: 18' Surface Type: SF 9.5A PVMT Condition: Good  
Surface Thickness: 2" Base Type: ABC Base Thickness: 8"

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

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

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

Recording Date: 05/07/04 Book: 94 Page: 47

Number of homes having entrances into road: 5

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

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

Is petition (SR-1) attached? Yes

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

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

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

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

Remarks and Recommendations: Meets Requirements. Recommend Addition.

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

Reviewed and Approved

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

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

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

County: Orange Co. File No: O-10-18 Date: 08/03/21  
Township: Eno Div. File No: \_\_\_\_\_ Div. No: \_\_\_\_\_

Local Name: Cedar Stone Way Subdivision Name: Fox Hill Farm Central  
Length: 0.20 Width: 18' Surface: SF 9.5A PVMT Condition: Good  
Surface Thickness: 2" Base Type: ABC Base Thickness: 8"

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

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

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

Recording Date: 05/07/04 Book: 94 Page: 46

Number of homes having entrances into road: 7

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

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

Is petition (SR-1) attached? Yes

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

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

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

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

Remarks and Recommendations: Meets Requirements. Recommend Addition.

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

Reviewed and Approved

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

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

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** September 14, 2021

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

**SUBJECT:** Easements for Valley Forge Road Construction with Town of Hillsborough

**DEPARTMENT:** Asset Management Services  
(AMS)

---

**ATTACHMENT(S):**

- 1) Temporary Construction Easement and Drainage Utility Easement
- 2) Drainage Utility Easement

**INFORMATION CONTACT:**

Steven Arndt, AMS Director,  
919-245-2658

---

**PURPOSE:** To approve a temporary construction easement and two drainage utility easements at 401 Valley Forge Road, Hillsborough, NC to the Town of Hillsborough in order to facilitate the installation and maintenance of drainage improvements adjacent to the Valley Forge Road right of way.

**BACKGROUND:** The County owns a 12.68 acre property located at 401 Valley Forge Road in Hillsborough. The property is zoned general commercial and contains a 105,000 square foot warehouse and distribution facility, currently leased to Builders First Source.

Just before entering the County property, Valley Forge Road crosses over a large culvert servicing Cates Creek. Due to a series of heavy rainfall events, this culvert has washed out several times, requiring the Town of Hillsborough to perform costly temporary repairs to restore access. The Town has now advertised for bids and is preparing to perform a \$900,000 permanent repair to the culvert and is requesting:

- 1) A temporary construction easement over, under, upon and through a **329** square foot area described as "Temporary Construction – Area A" and also depicted on Exhibit Map A as "TCE (Area A)" as shown in *Attachment 1*, such temporary easement being for the purpose of the installation of drainage improvements in the adjacent Valley Forge right of way.
- 2) A drainage and utility easement over, under, upon and through a **47** square foot area described as "Drainage and Utility Easement 3– Area A" and also depicted on Exhibit Map A as "DUE-3 (area A)" as shown in *Attachment 1*, the purpose of the easement being to install and maintain drainage improvements adjacent to the Valley Forge Road right of way.

- 3) A drainage and utility easement over, under, upon and through a **2,939** square foot area described as "Drainage and Utility Easement 1 and also depicted on Exhibit Map A as "DUE-1" as shown in Attachment 2, the purpose of the easement being to install and maintain drainage improvements adjacent to the Valley Forge Road right of way.

**FINANCIAL IMPACT:** There is no financial impact for granting the temporary construction easement and drainage and utility easements as described in this request.

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

**ENVIRONMENTAL IMPACT:** The following Orange County Environmental Responsibility Goal is associated with 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 the production of greenhouse gases.

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

- 1) Approve the temporary construction easement and two drainage and utility easements as described above; and
- 2) Authorize the County Manager to sign the necessary paperwork upon final County Attorney review.

Prepared by Robert E. Hornik, Jr.  
 & Return to: The Brough Law Firm, PLLC  
 1526 E. Franklin St.  
 Suite 200  
 Chapel Hill, NC 27514

ORANGE COUNTY  
 NORTH CAROLINA

**TEMPORARY CONSTRUCTION EASEMENT AND  
 DRAINAGE UTILITY EASEMENT**

THIS EASEMENT, made this \_\_\_ day of September 2021, by and between Orange County, a North Carolina county, with its offices located at \_\_\_\_\_, Hillsborough, North Carolina 27278, (“Grantor”), and the Town of Hillsborough, a North Carolina municipal corporation, with its offices at 101 E. Orange Street, Hillsborough, North Carolina 27278 (the “Grantee”):

**WITNESSETH:**

That Grantor, as owner of certain real property located on Valley Forge Road in Orange County, North Carolina (PIN 9874303619) more specifically described in a deed recorded at Deed Book 3045, at Page 115 in the Orange County Register of Deeds office, for good, valuable, and adequate consideration, the sufficiency of which is hereby acknowledged, does hereby give, grant and convey to the Grantee the following:

1. a temporary construction easement over, under, upon and through the area described as “Temporary Construction – Area A” in Exhibit B annexed hereto, such temporary easement being for the purpose of installation of drainage improvements in the adjacent Valley Forge Road right of way; said easement also being depicted on Exhibit Map A as “TCE (Area A)” and consisting of 329 Square feet in area.
2. a drainage and utility area easement over, under, upon and through the area described as “Drainage and Utility Easement 3 – Area A” in Exhibit B annexed hereto, such easement being for the purpose of installing and maintaining drainage improvements in and adjacent to the Valley Forge Road right of way; said easement also being depicted on Exhibit Map A as “DUE-3 (Area A)” and consisting of 47 square feet in area.

Grantee shall interfere as little as is reasonably possible with any plants, fences, or other improvements upon the Grantor's property in exercising the rights granted herein and shall restore the area as nearly as possible to its original condition upon completion of the work.

WHENEVER USED HEREIN, the singular number shall include the plural as the context may indicate.

IN TESTIMONY WHEREOF, the said Grantor has hereunto set its hand and seal the year and day first above written.

ORANGE COUNTY, Grantor

BY: \_\_\_\_\_

(Name) (Title)

\*\*\*\*\*  
Orange County, North Carolina

I, \_\_\_\_\_, a Notary Public for said County and State, do hereby certify that \_\_\_\_\_, personally appeared before me this day in his/her capacity as \_\_\_\_\_ for Grantor, Orange County, and acknowledged the due execution of the foregoing instrument in that capacity.

Witness my hand and official seal, this the \_\_\_\_ day of September, 2021.

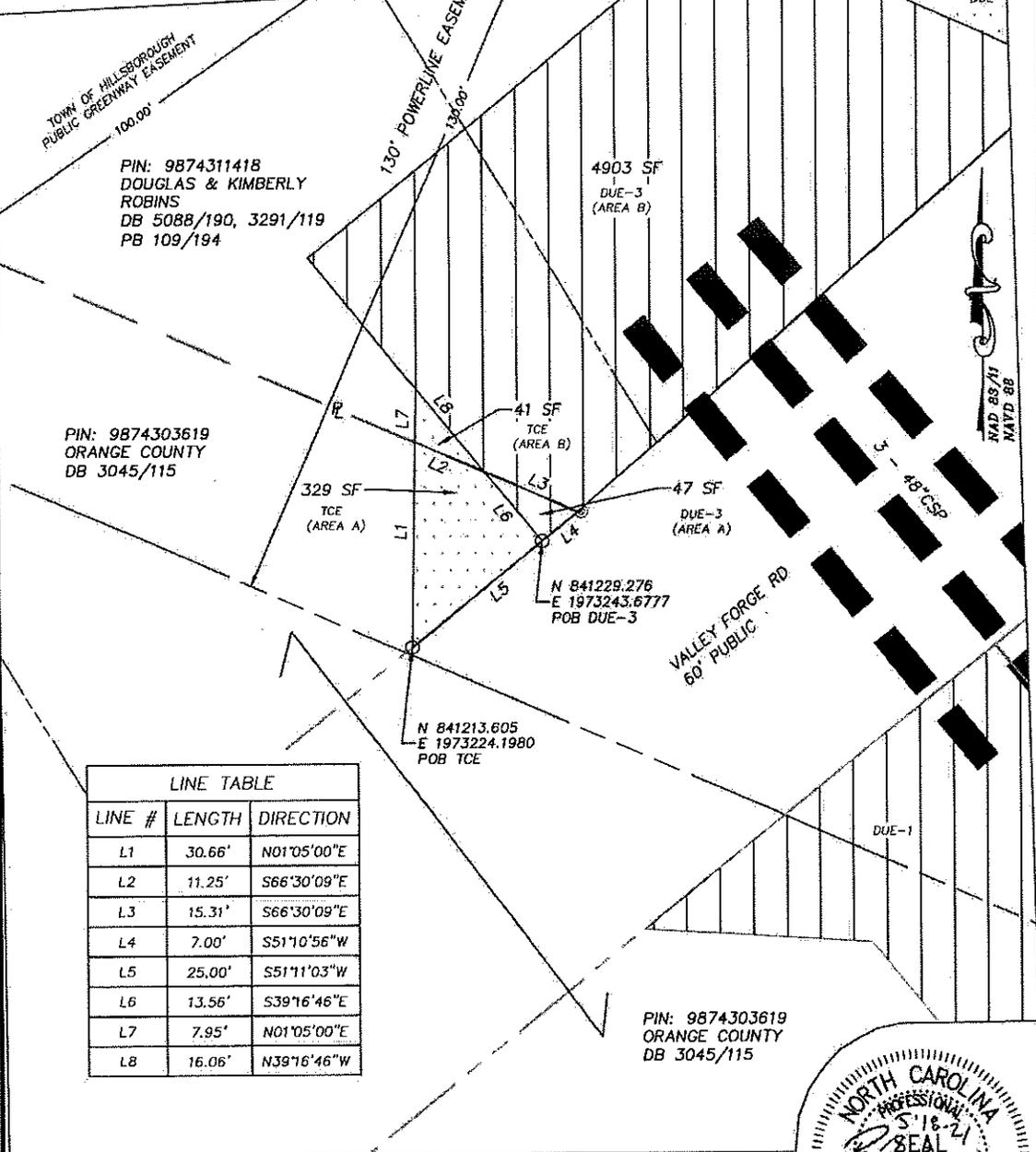
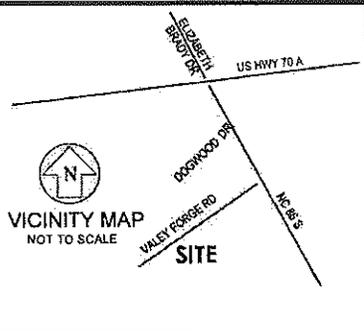
(Official Seal)

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

# EXHIBIT MAP "A"

THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

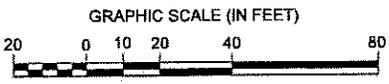


PIN: 9874311418  
DOUGLAS & KIMBERLY  
ROBINS  
DB 5088/190, 3291/119  
PB 109/194

PIN: 9874303619  
ORANGE COUNTY  
DB 3045/115

PIN: 9874303619  
ORANGE COUNTY  
DB 3045/115

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	30.66'	N01°05'00"E
L2	11.25'	S66°30'09"E
L3	15.31'	S66°30'09"E
L4	7.00'	S51°10'56"W
L5	25.00'	S51°11'03"W
L6	13.56'	S39°16'46"E
L7	7.95'	N01°05'00"E
L8	16.06'	N39°16'46"W



I, BRANTLEY W. WELLS, PLS NO. 4544, CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL FIELD SURVEY AND CORNERS WERE SET OR RECOVERED AS NOTED. THIS MAP DOES NOT CONFORM WITH G.S. 47-30 AS AMENDED. WITNESS MY HAND AND SEAL THIS 18TH DAY OF MAY, 2021.



PIN 9874303619	SUMMIT JOB #18-0081	SCALE 1" = 20'	DRAWN BY BWW
TOWN OF HILLSBOROUGH TEMPORARY CONSTRUCTION EASEMENT & DRAINAGE UTILITY EASEMENT <hr/> TCE (AREA-A) & DUE-3 (AREA-A) <hr/> VALLEY FORGE ROAD, HILLSBOROUGH, NC		<ul style="list-style-type: none"> <li>○ IRON PIN SET</li> <li>● EXISTING IRON PIPE/ROD</li> <li>△ MATHEMATICAL POINT (MP)</li> <li>⊙ SEWER MANHOLE</li> <li>⊕ POWER POLE</li> </ul>	<p><b>SUMMIT</b> DESIGN AND ENGINEERING SERVICES</p> <p>License #: P-0339 328 Executive Court Hillsborough, NC 27278-8651 Voice: (919) 732-3883 Fax: (919) 732-6676 www.summitde.net</p>

## SUBJECT PROPERTY:

PROPERTY LOCATION: Off Valley Forge Road at Cates Creek, Hillsborough, NC  
PARCEL IDENTIFICATION NUMBER (PIN): 9871303619 (Orange County Registry)  
PROPERTY OWNER: **Orange County**  
DEED REFERENCE: Deed Book 3045, Page 115, Orange County Registry

## SURVEYOR'S DESCRIPTION:

## Temporary Construction - Easement Area A

All that portion of land situated in Hillsborough Township, Orange County, North Carolina and being more particularly described as follows:

BEGINNING at a mathematical point on the northern margin of the right-of-way of Valley Forge Road, said point also being in the line of the lands owned by Orange County, having PIN 9871303619, and being as described in Deed Book 3045 Page 115 of the Orange County Registry, and having North Carolina State Plane Coordinates N: 841213.605, E: 1973224.198 (NAD 83-2011), and being the point of beginning.

Thence leaving the margin of the right of way of Valley Forge Road into the interior of the Orange County property NC Grid bearing N 01° 05' 00" E 30.66' to a mathematical point located on the property line of Orange County parcel PIN 9871303619 and Douglas and Kimberly Robins PIN: 9874311418 and described in Deed Book 5088 Page 190 and Deed Book 3291 Page 119 of the Orange County Registry.

Thence with the Orange County and Robins property line S 66° 30' 09" E 11.25' to a mathematical point.

Thence leaving the Orange County and Robins common line into the interior of the Orange County parcel bearing S 39° 16' 46" E 13.56' to a mathematical point on the margin to the northern right of way of Valley Forge Road.

Thence with right od way of Valley Forge Road and Orange County property S 51° 11' 03" E 25.00' to the Point of Beginning and encompassing and area of +/- 329 square feet.

## SUBJECT PROPERTY:

PROPERTY LOCATION: Off Valley Forge Road at Cates Creek, Hillsborough, NC  
PARCEL IDENTIFICATION NUMBER (PIN): 9871303619 (Orange County Registry)  
PROPERTY OWNER: **Orange County**  
DEED REFERENCE: Deed Book 3045, Page 115, Orange County Registry

## SURVEYOR'S DESCRIPTION:

## Drainage and Utility Easement 3 - Area A

All that portion of land situated in Hillsborough Township, Orange County, North Carolina and being more particularly described as follows:

BEGINNING at a mathematical point on the northern margin of the right-of-way of Valley Forge Road, said point also being in the line of the lands owned by Orange County, having PIN 9871303619, and being as described in Deed Book 3045 Page 115 of the Orange County Registry, and having North Carolina State Plane Coordinates N: 841229.276, E: 1973243.677 (NAD 83-2011), and being the point of beginning.

Thence leaving the margin of the right of way of Valley Forge Road into the interior of the Orange County property NC Grid bearing N 39° 16' 46" W 13.56' to a mathematical point located on the property line of Orange County parcel PIN 9871303619 and Douglas and Kimberly Robins PIN: 9874311418 and described in Deed Book 5088 Page 190 and Deed Book 3291 Page 119 of the Orange County Registry.

Thence with the Orange County and Robins property line S 66° 30' 09" E 15.31 to a mathematical point located on the northern marginal of the right of way of Valley Forge Road.

Thence with the Valley Forge Road right of way and Orange County property S 51° 10' 56" E 7.00' to a mathematical point on the margin to the northern right of way of Valley Forge Road and being the Point of Beginning and encompassing and area of +/- 47 square feet.

Prepared by Robert E. Hornik, Jr.  
 & Return to: The Brough Law Firm, PLLC  
 1526 E. Franklin St.  
 Suite 200  
 Chapel Hill, NC 27514

ORANGE COUNTY  
 NORTH CAROLINA

**DRAINAGE UTILITY EASEMENT**

THIS EASEMENT, made this \_\_\_ day of September 2021, by and between Orange County, a North Carolina county, with its offices located at \_\_\_\_\_, Hillsborough, North Carolina 27278, (“Grantor”), and the Town of Hillsborough, a North Carolina municipal corporation, with its offices at 101 E. Orange Street, Hillsborough, North Carolina 27278 (the “Grantee”):

**W I T N E S S E T H:**

That Grantor, as owner of certain real property located on Valley Forge Road in Orange County, North Carolina (PIN 9874303619) more specifically described in a deed recorded at Deed Book 3045, at Page 115 in the Orange County Register of Deeds office, for good, valuable, and adequate consideration, the sufficiency of which is hereby acknowledged, does hereby give, grant and convey to the Grantee a drainage and utility area easement over, under, upon and through the area described as “Drainage and Utility Easement 1” in Exhibit B annexed hereto, such easement being for the purpose of installing and maintaining drainage improvements adjacent to the Valley Forge Road right of way; said easement also being depicted on Exhibit Map A as “DUE-1” and consisting of 2939 square feet in area.

Grantee shall interfere as little as is reasonably possible with any plants, fences, or other improvements upon the Grantor’s property in exercising the rights granted herein and shall restore the area as nearly as possible to its original condition upon completion of the work.

WHENEVER USED HEREIN, the singular number shall include the plural as the context may indicate.

IN TESTIMONY WHEREOF, the said Grantor has hereunto set its hand and seal the year and day first above written.

ORANGE COUNTY, Grantor

BY: \_\_\_\_\_

(Name) (Title)

\*\*\*\*\*

Orange County, North Carolina

I, \_\_\_\_\_, a Notary Public for said County and State, do hereby certify that \_\_\_\_\_, personally appeared before me this day in his/her capacity as \_\_\_\_\_ for Grantor, Orange County, and acknowledged the due execution of the foregoing instrument in that capacity.

Witness my hand and official seal, this the \_\_\_\_ day of September, 2021.

(Official Seal)

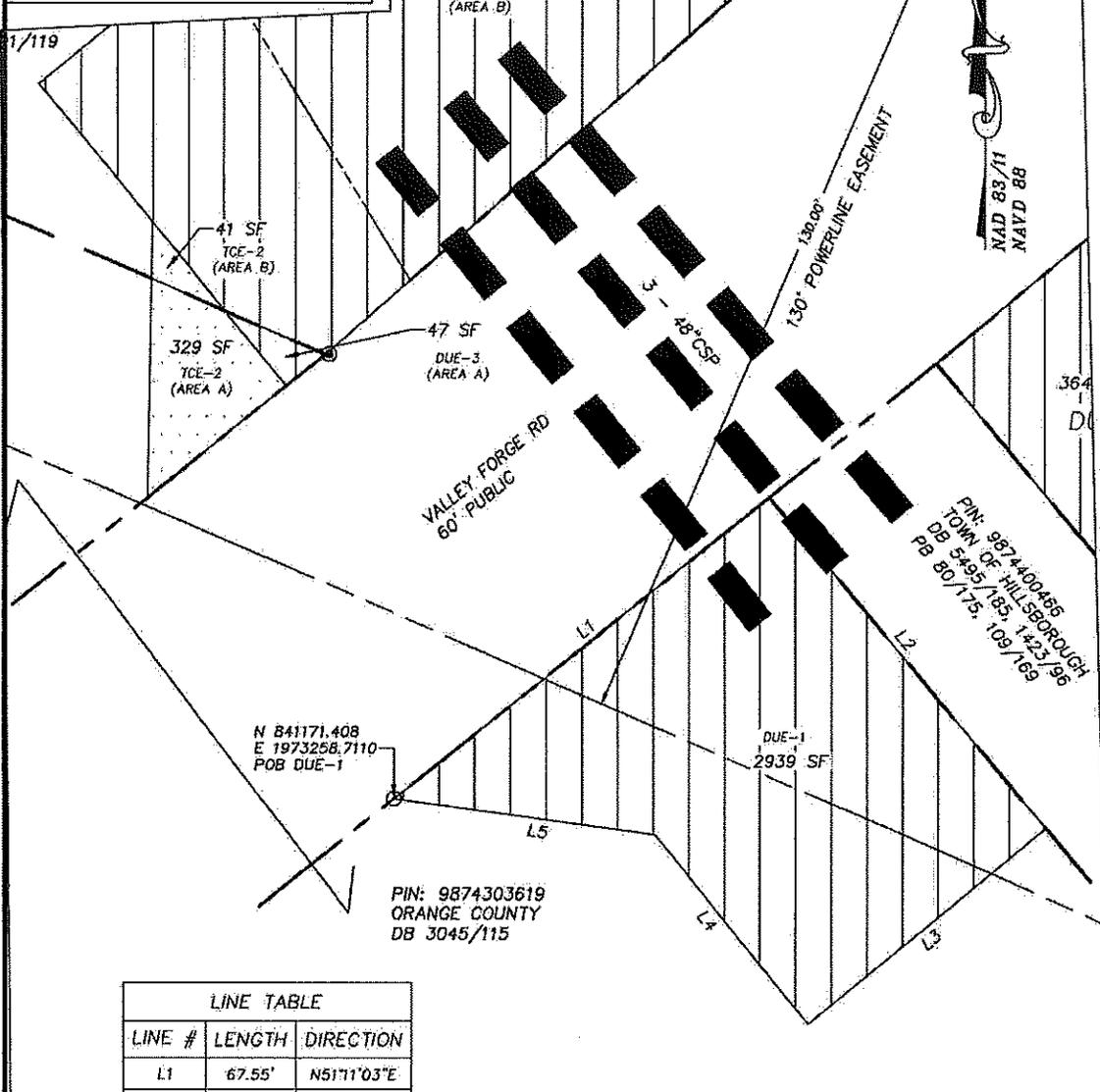
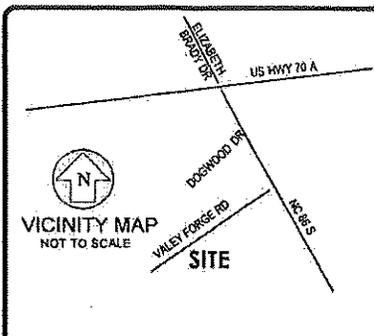
\_\_\_\_\_

Notary Public

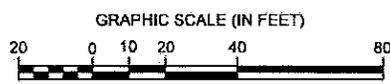
My commission expires: \_\_\_\_\_

# EXHIBIT MAP "B"

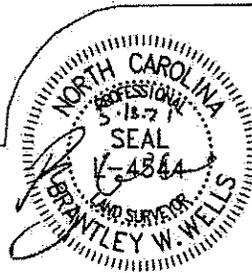
THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.



LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	67.55'	N51°11'03"E
L2	60.53'	S39°55'59"E
L3	43.23'	S50°43'14"W
L4	34.00'	N39°16'46"W
L5	36.85'	N82°00'01"W



I, BRANTLEY W. WELLS, PLS NO. 4544, CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL FIELD SURVEY AND CORNERS WERE SET OR RECOVERED AS NOTED. THIS MAP DOES NOT CONFORM WITH G.S. 47-30 AS AMENDED. WITNESS MY HAND AND SEAL THIS 18TH DAY OF MAY, 2021.



PIN 9874303619      SUMMIT JOB #18-0081		SCALE 1" = 20'	DRAWN BY BWW
TOWN OF HILLSBOROUGH DRAINAGE UTILITY EASEMENT <hr/> DUE-1 VALLEY FORGE ROAD, HILLSBOROUGH, NC		○ IRON PIN SET ● EXISTING IRON PIPE/ROD ▲ MATHEMATICAL POINT (MP) ⊙ SEWER MANHOLE ⌚ POWER POLE	<p><b>SUMMIT</b> DESIGN AND ENGINEERING SERVICES</p> <p>License #: P-0339 320 Executive Court Hillsborough, NC 27278-8551 Voice: (919) 732-3883 Fax: (919) 732-6676 www.summitde.net</p>

## SUBJECT PROPERTY:

PROPERTY LOCATION: Off Valley Forge Road at Cates Creek, Hillsborough, NC  
PARCEL IDENTIFICATION NUMBER (PIN): 9871303619 (Orange County Registry)  
PROPERTY OWNER: **Orange County**  
DEED REFERENCE: Deed Book 3045, Page 115, Orange County Registry

## SURVEYOR'S DESCRIPTION:

## Drainage and Utility Easement 1

All that portion of land situated in Hillsborough Township, Orange County, North Carolina and being more particularly described as follows:

BEGINNING at a mathematical point on the southern margin of the right-of-way of Valley Forge Road, said point also being in the line of the lands owned by Orange County, having PIN 9871303619, and being as described in Deed Book 3045 Page 115 of the Orange County Registry, and having North Carolina State Plane Coordinates N: 841171.408, E: 1973258.711 (NAD 83-2011), and being the Point of Beginning.

Thence with the margin of the southern right of way of Valley Forge and Orange County property NC Grid bearing N 51° 11' 03" E 67.55' to a mathematical point in the Orange County parcel and property owned by the Town of Hillsborough, having PIN 9874400466 and being described in Deed Book 5495 Page 185 and Deed Book 1423 Page 96 of the Orange County Registry.

Thence with common line of Orange County and Town of Hillsborough properties S 39° 55' 59" E 60.53' to a mathematical point in the common line.

Thence leaving to common line of County and Town lands, into the interior of Orange County bearing S 50° 43' 14" W 43.23' to a mathematical point.

Thence N 39° 16' 46" W 34.00' to a mathematical point; thence N 82° 00' 01" W 36.85' to mathematical point on the southern right of way of Valley Forge Road and being the Point of Beginning and encompassing and area of +/- 2,939 square feet.

**BOCC Meeting Follow-up Actions**

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

<b>Meeting Date</b>	<b>Task</b>	<b>Target Date</b>	<b>Person(s) Responsible</b>	<b>Status</b>
9/2/21	Review and consider request by Commissioner McKee that the schools staff for both districts provide a report at the September 23, 2021 Joint Meeting on local and state performance testing results	9/2021	Bonnie Hammersley	Manager forwarded request to both Superintendents
9/2/21	Review and consider request by Commissioner McKee that the Board schedule a work session discussion on a potential policy requiring any entity receiving County funds include on their regular meeting agendas an opportunity for public comments	12/2021	Bonnie Hammersley	To be scheduled for Board discussion and action
9/2/21	Review and consider request by Commissioner Price that the Board discuss the formation of a Library task force or committee to collaborate with Chapel Hill on library issues	11/2021	Bonnie Hammersley Lucinda Munger	Staff to pursue developing draft materials for Board consideration to establish a Library Task Force/Committee
9/2/21	Move forward with developing a plan in order for the Board to return to in-person meetings, including spacing, staff inclusion, masking provisions, public participation parameters, etc.	11/2021	Laura Jensen	Staff to move forward with assessment and plan development

**MEMORANDUM**

**TO:** Board of County Commissioners  
Bonnie Hammersley, Orange County Manager  
Travis Myren, Orange County Deputy Manager

**FROM:** Christopher J. Sandt, P.E., Staff Engineer  
Craig N. Benedict, Planning Director

**DATE:** August 30, 2021

**SUBJECT:** BOCC Information Item – Administrative Updates to the Eno River  
Voluntary Water Management Operations Plan (WMOP)

This purpose of this Information Item is to inform the BOCC of proposed administrative updates to the Eno River Voluntary Water Management Operations Plan (WMOP).

**Background**

In 1988, Orange County became party to the Eno River Voluntary Water Management Operations Plan (WMOP). The WMOP was/is intended to preserve a minimum flow in the Eno River, even during times of drought, by restricting the amount of raw water that major water users (i.e. users who withdraw 100,000 gallons of raw water per day or more) can withdraw from the Eno River. The three major water users who are parties to the WMOP are the Town of Hillsborough (Town), Orange-Alamance Water System (OAWS) and Resco Products (formerly Piedmont Minerals). Orange County is party to the WMOP because at the time of the original development of the WMOP, Lake Orange (owned and operated by Orange County) was the only public water supply reservoir located within Orange County that was capable of controlling raw water releases from the dam. In the year 2000, the WMOP was revised/modified to incorporate the West Fork Eno Reservoir (WFER) into the WMOP. The WFER (owned and operated by the Town) is a public water supply reservoir located on the West Fork of the Eno River.

The WMOP sets forth a minimum release schedule from both the Lake Orange dam (County-operated) and the West Fork Eno Reservoir dam (Town-operated) to provide the major water users with raw water based on allocations as specified within the WMOP. In addition, the WMOP mandates minimum in-stream flow within the Eno River during dry weather periods to help sustain aquatic ecosystem health. The North Carolina Department of Environmental Quality, Division of Water Resources (DWR) currently administers the WMOP. The Orange County Staff Engineer is responsible for monitoring daily Eno River flows and initiating/rescinding raw water withdrawal restrictions during low-flow (dry weather) periods. The Orange County Staff Engineer reviews raw water release data from Lake Orange, Lake Ben Johnston (a run-of-river dam owned and operated by the Town), Corporation Lake (a run-of-river dam owned and operated by OAWS), and the WFER to monitor established river flow and raw water withdrawal targets as specified in the WMOP. Allocated water withdrawers are responsible for monitoring and reporting their raw water withdrawals to DWR and the

Orange County Staff Engineer. Additional background information on the Eno River and the WMOP is located at the following DWR website links:

[http://www.ncwater.org/Eno\\_River\\_Management/](http://www.ncwater.org/Eno_River_Management/)  
[http://www.ncwater.org/Eno\\_River\\_Management/plan.php](http://www.ncwater.org/Eno_River_Management/plan.php)

### **Purpose of Information Item**

The last revision to the WMOP (the addition of the WFER) was made in 2000, over 20 years ago, and involved regulatory changes that required review and approval by the Environmental Management Commission (EMC) prior to execution. The existing WMOP (i.e. the 2000 version) is in typewritten font and needs to transition to the 21<sup>st</sup> Century. The existing WMOP does not contain a table of contents or page numbers for reference by the reader, and Resco Products (one of the major water users) is noted erroneously as Piedmont Minerals. In addition, the existing WMOP contains some administrative ambiguities that require minor clarifications and/or refinements.

See **Attachment 1** for a copy of the existing WMOP.

The Orange County Staff Engineer originally initiated the proposed administrative updates with the WMOP partners in early 2020. Since that time, Orange County has received formal consent and input from all WMOP partners, including DWR. The WMOP partners have collectively agreed that it is time to update the formatting of the WMOP and provide more background and explanation of the existing WMOP terms. DWR has confirmed, in writing, that the proposed WMOP updates as contained within this Information Item will not require EMC review or approval due to the administrative/cosmetic nature of the proposed updates. The proposed updates involve converting the late-1980's WMOP document to electronic format, providing a table of contents and page numbers, adding an introductory section, making grammar and editorial updates, and providing a better explanation of the allowable raw water withdrawal allocations (i.e. revisions to Table 1 within the WMOP). The proposed revisions also update the names of the current partners and current state agencies.

See **Attachment 2** for a copy of the proposed WMOP, inclusive of proposed updates.

DWR staff has accepted and integrated all of the requested administrative WMOP updates as such. The Hillsborough Board of Commissioners was made aware of the proposed WMOP updates through a Town staff-initiated information item on consent agenda at their August 9, 2021 meeting; see Agenda/Minutes at the link below: <http://archive.hillsboroughnc.gov/WebLink/1/doc/3424/Page1.aspx>. There were no Town Commissioner comments and/or exceptions received. There are no Orange County financial impacts associated with the proposed WMOP updates.

***NOTE:** Any future proposed regulatory/material changes to the WMOP (e.g. changing allocated raw water withdrawals, changing minimum water releases, etc.) would require formal presentation to the WMOP partner government leaders and the EMC for review and approval prior to execution.*

Please communicate any questions or concerns to Christopher J. Sandt, P.E., Staff Engineer (csandt@orangecountync.gov or 919-245-2583).

Department of Natural Resources and Community Development  
Division of Water Resources

ENO RIVER CAPACITY USE INVESTIGATION

WATER MANAGEMENT OPERATIONS PLAN

August 19, 1988

Endorsed by Environmental Management Commission  
September 8, 1988

Modified March 1989

Revised July 1990

## WATER MANAGEMENT PLAN

All water users in the Eno River Basin who withdraw more than 100,000 gallons of water per day from surface water or groundwater sources are subject to the management controls of this plan. Both water withdrawals and reservoir releases are subject to controls. Water users affected by controls under the plan are listed below.

1. Town of Hillsborough -- Lake Ben Johnston withdrawal and reservoir release.
2. Orange-Alamance -- Corporation Lake withdrawal and reservoir release.
3. Piedmont Minerals -- Eno River withdrawal.
4. City of Durham -- Eno River withdrawal.
5. West Point Grist Mill -- Eno River.
6. Irrigators whose monthly average withdrawal exceeds 100,000 gallons per day.
7. Orange County -- Releases from Lake Orange, Corporation Lake, and Lake Ben Johnston.

The limited capacity of the basin requires these users to be subject to the following controls.

#### Hillsborough Water System

The Hillsborough Water System will be allowed to withdraw a maximum of 1,510,000 gallons of water per day from their intake at Lake Ben Johnston. Maximum allowable withdrawals will change as the lake levels at Lake Orange change. Table 1 indicates the maximum allowable withdrawal at successive storage levels.

#### The Orange-Alamance Water System

The Orange-Alamance Water System will be allowed to withdraw a maximum of 820,000 gallons of water per day from its intake at Corporation Lake. Allowed withdrawals will be reduced as storage at Lake Orange is reduced. Table 1 indicates the maximum allowable withdrawal for given storage levels at Lake Orange.

#### Piedmont Minerals

Piedmont Minerals will be allowed to withdraw a maximum of 900,000 gallons of water per day from their intake in the Eno River below Lake Ben Johnston when flows at the Eno Gage are 14 cfs and above. This will be reduced to 430,000 gallons per day when flows are between 14 cfs and 4 cfs. Below 4 cfs, the maximum allowable withdrawal will depend on the storage and lake levels in Lake Orange, as shown in Table 1.

### Durham Water System

The Durham Water System will be allowed to withdraw water from the Eno River below the U.S. 501 Bridge in amounts up to 5,000,000 gallons of water per day when the flows, as measured at the USGS Eno River gage at Durham, are above 30 cfs from March through May and 10 cfs during other times of the year. Withdrawals will cease when flows fall below these levels.

### West Point Grist Mill.

The West Point Grist Mill is a run-of-river operation. The Mill will be permitted to use water from the Eno for mill power and return it to the river immediately downstream.

### Irrigators With Average Use Exceeding 100,000 Gallons/Day

Irrigators will be allowed to withdraw up to their maximum monthly use, based on water use figures collected by the Division of Water Resources in 1987 for the severe drought year of 1986. Current (1986) water use would not be restricted, but increases in existing water use and large new users may be restricted. The short-range objective is to limit the expansion of irrigation acreage and facilities until downstream water supply sources can be improved.

### Users Withdrawing In Excess of 100,000 Gallons Per Day

Any users, not previously mentioned, which withdraw more than 100,000 gallons per day from either ground or surface water sources in the Eno River Basin, upstream of the confluence with the Little River, will be required to agree to limits, but are not now included in this plan.

### Instream Flow

In addition to maximum withdrawal limits set for offstream uses in the Eno River Basin, minimum instream flow requirements are established at the Hillsborough streamflow gage (USGS Streamflow Gage # 02085000). A minimum of 1.7 cfs (1,100,000 gallons per day) is to be maintained at the gage when Lake Orange is greater than 80 percent total storage. This value is reduced as the storage level decreases at Lake Orange. Table 1 lists the minimum instream flow requirements. Orange County will be responsible for coordinating releases and maintaining minimum flows at the gage. The three major withdrawers will provide withdrawal schedules to the County at least one week in advance and will notify the County immediately regarding emergencies and other necessary changes in the withdrawal schedule.

### Additional Storage

The withdrawal allocation can be revised whenever additional storage facilities are completed in the capacity use area or when additional water supplies are made available from sources outside the area. New storage facilities will be reviewed to ensure that there are no adverse effects upon the permit holders or on streamflow as measured at the Hillsborough gage.

### Outside Sources

Water obtained from sources outside of the area designated as capacity use will not be limited under the Eno Capacity Use regulations. During periods of higher flows (over 10 cfs or 6.452 MGD), public water supply systems may take additional water from the Eno, provided that they have long-term contracts for obtaining an equal amount of water from outside the basin when the flow in the Eno drops. This type of adjustment will be evaluated on a case-by-case basis by the N.C. Division of Water Resources.

### Plan Administration

Orange County will be responsible for notifying affected water users of levels at Lake Orange and of the reductions of water withdrawals as required by the Plan.

### Periodic Review and Changes

Withdrawal allowances will be subject to review every 5 years or when changes have been made to current systems, storage, or supply sources.

### Plan Support

Technical support, plan clarification, and approval of minor interim adjustments and modifications will be provided by the N.C. Division of Water Resources.

Reporting

Average daily withdrawal in million gallons per day (MGD) for Orange-Alamance, Hillsborough, and Piedmont Minerals will be reported monthly to the Division of Water Resources. Average daily withdrawals in MGD for agricultural users will be reported annually in March.

Revised July 1990

Table 1

Maximum Allowable Surface Water Withdrawals  
Based on Lake Orange Level

Percent of Storage Remaining at Lake Orange	Drawdown in feet from top of 1-ft. flashboard	Allowable Surface Water Withdrawal -----gallons per day-----			
		Town of Hillsborough	Orange-Alamance	Piedmont Minerals	Instream Flow Requirement
> 100	spilling	*	*	**	1,100,000
100 - 80	0.0	1,510,000	820,000	430,000	1,100,000
80 - 60	2.0	1,360,000	740,000	380,000	650,000
60 - 50	4.3	1,280,000	700,000	360,000	450,000
50 - 40	5.8	1,280,000	700,000	320,000	450,000
40 - 30	7.4	1,130,000	620,000	190,000	0
<= 30	9.3	680,000	370,000	0	0

notes:

- \*- Adjusted to reflect outside source agreement for Hillsborough and Orange-Alamance.
- Excess withdrawals from Eno River based on outside source agreement may be made when flows at the Eno River at Hillsborough Gage are 10 cubic feet per second (cfs) and above, regardless of water level in Lake Orange. Maximum withdrawals will be limited to the total of the contract amount and the allocated amount.
- A low flow period will begin on the 7th consecutive day of the average daily flow at the Hillsborough Gage dropping below 10 cfs. On the 4th day, the Orange County Engineer will request that affected parties prepare for a low flow period.
- When flows are between 10 cfs and 3 cfs at the Hillsborough Gage during a low flow period, withdrawals from the Eno River shall be limited to the 100-80 percent of storage remaining amount shown above, regardless of water level in Lake Orange.
- When flows are below 3 cfs at the Hillsborough Gage, during a low flow period, withdrawals will be limited to amounts shown above for percent of storage remaining at Lake Orange.
- A low flow period will be terminated when average daily flow at the Hillsborough Gage registers 10 cfs or greater for a period of 7 consecutive days. The Orange County Engineer will notify affected parties when the low flow period is terminated.
- \*\* - For Piedmont Minerals Inc: When flows at the Hillsborough gage are 14 cfs and above, withdrawals from the Eno River will be limited to 900,000 gallons per day (gpd). Between 14 cfs and 4 cfs, withdrawals will be limited to 430,000 gpd, regardless of water level in Lake Orange. Below 4 cfs, withdrawals will be limited to amounts shown above for percent of storage remaining.

June 1991

## ADDENDUM

To the Eno River Voluntary Water Use Agreement

- When Lake Orange is above 100 percent full and is spilling, Hillsborough will be allowed partial credit for water purchased from an outside source and discharged into the Eno River west of county road 1009 during the monitoring week that the discharge occurs, at a credit rate of 60 percent of the total discharge, when the discharge is made over a 24-hour period or greater. The credit volume will be divided by 7 days and added to the withdrawal limit listed in Table 1, to determine the allowed average daily withdrawal for that week. In the event that the flushing discharge straddles two monitoring weeks, the credit volume will be applied equally between the two weeks. The Orange County Engineer, or DWR staff in his absence, must be notified of the volume and the duration upon completion of the flushing. A written report of the flushing, detailing exact dates, times, and volumes, shall be included in the monthly report to DWR. If notification is not received with that month's water use report, no credit will be granted and any excess water use will be labeled as a violation of this agreement. The Division of Water retains the right to revoke permission for Hillsborough to receive credit for flushed flows if at any time, in the opinion of the Division, the ability of Ben Johnston Dam to meet downstream flows may be compromised. Said revocation will be in effect until there is notice by DWR that the problem has been corrected to its satisfaction. If Lake Orange is not spilling, no credit will be allowed.

- In the event that flow at the Eno River at Hillsborough streamflow gage is over 10 cfs, Corporation Lake and Lake Ben Johnston are both spilling water over the dams, purchases of water are being made from outside of the Eno River Basin, and the low flow period has not yet ended, users may cease their outside purchase of water and withdraw the amount of water allowed in the absence of a low flow period, as long as the ability to resume purchase of water for immediate customer delivery remains. This time period has been determined to be three days for the OWASA line. Water purchases will be made as often as necessary to flush the lines and keep them from stagnating. If flows drop below 10 cfs before the low flow period is over, Eno River withdrawals must immediately be reduced to Table 1 levels.

- Transfer of water allocation between users is permissible under the following conditions: 1) Lake Orange is greater than 80 percent full; 2) notification of the duration and specific volume of the transfer will be given by the surrendering party to the Orange County Engineer, or the DWR in his absence, a minimum of one day before the transfer is to take place; 3) the total allocation will be adjusted if necessary by the averaging period of the surrendering party, and 4) written notification of the duration and volume of the transfer will be provided by both involved parties in their monthly water use reports to DWR. If prior notification is not received, DWR will not recognize the allocation transfer.

## Maximum Allowable Surface Water Withdrawals Based on Lake Orange Water Level

	Percent of Storage Remaining at Lake Orange	Drawdown in feet from top of 1-ft. flashboard	Allowable Surface Water Withdrawal (gallons per day)			Instream Flow Requirement at Hillsborough Gage (gallons per day)		
			Town of Hillsborough <sup>†</sup>	Orange-Alamance	Piedmont Minerals	From Lake Orange	From West Fork Eno Reservoir	Total Flow at Hillsborough Gage
			* <sup>†</sup>	*	**	1,100,000	650,000	1,750,000
Stage 1	100 - 80	0.0	1,510,000 <sup>†</sup>	820,000	430,000	1,100,000	650,000	1,750,000
Stage 2	80 - 60	2.0	1,360,000 <sup>†</sup>	740,000	380,000	650,000	650,000	1,300,000
Stage 3	60 - 50	4.3	1,280,000 <sup>†</sup>	700,000	360,000	450,000	650,000	1,100,000
Stage 4	50 - 40	5.8	1,280,000 <sup>†</sup>	700,000	320,000	450,000	650,000	1,100,000
Stage 5	40 - 30	7.4	1,130,000 <sup>†</sup>	620,000	190,000	0	650,000	650,000
Stage 6	<= 30	9.3	680,000 <sup>†</sup>	370,000	0	0	650,000	650,000

Notes:

<sup>†</sup> Allowable withdrawals for Hillsborough shown above do not include withdrawals of water supply releases from West Fork Eno Reservoir.

\* - Adjusted to reflect outside source agreement for Hillsborough and Orange-Alamance.

- Excess withdrawals from Eno River based on outside source agreement may be made when flows at the Eno River at Hillsborough Gage are 10 cubic feet per second (cfs) and above, regardless of water level in Lake Orange. Maximum withdrawals shall be limited to the total of the contract amount and the allocated amount.
- A low flow period will begin on the 7<sup>th</sup> consecutive day of the average daily flow at the Hillsborough Gage dropping below 10 cfs. On the 4<sup>th</sup> day, the Orange County Engineer will request that affected parties prepare for a low flow period.
- When flows are between 10 cfs and 3 cfs at the Hillsborough Gage during a low flow period, withdrawals from the Eno River shall be limited to the Stage 1 amount shown above (100-80 percent of storage remaining), regardless of water level in Lake Orange.
- When flows are below 3 cfs at the Hillsborough Gage during a low flow period, withdrawals shall be limited to amounts shown above for percent of storage remaining at Lake Orange.
- A low flow period will be terminated when average daily flow at the Hillsborough Gage registers 10 cfs or greater for a period of 7 consecutive days. The Orange County Engineer will notify affected parties when the low flow period is terminated.

\*\*For Piedmont Minerals: When flows at the Hillsborough Gage are 14 cfs and above, withdrawals from the Eno River will be limited to 900,000 gallons per day (gpd). Between 14 cfs and 4 cfs, withdrawals will be limited to 430,000 gpd, regardless of water level in Lake Orange. Below 4 cfs, withdrawals will be limited to amounts shown above for percent of storage remaining.

RESOLUTION NO. 88-13  
ENVIRONMENTAL MANAGEMENT COMMISSION

WHEREAS, at the direction of the Environmental Management Commission (EMC), the Department of Natural Resources and Community Development has completed a capacity use investigation of the Eno River portion of the Neuse River Basin, pursuant to the provisions of the N.C. Water Use Act of 1967 (G.S. 143-215.11 et.seq.).

WHEREAS, the Department found that:

1. The aggregate use of surface water from the Eno River has grown to the point where coordination is required to prevent conflicts and to protect the interests and rights of riparian owners.
2. During low flow periods the demand for water exceeds the amount of water available from the Eno River.
3. Limited regulation of water users appears to be an equitable short-term alternative until new water supply sources are developed.
4. A means is needed to encourage cooperation and conservation among all water users in order that greater efficiencies in water use are promptly implemented.
5. The rapid present and projected growth of water use in the Eno Basin requires action soon to avoid the risk of even more severe water supply problems.

WHEREAS, the Department recommended that the estimated 150 square miles of the Eno River watershed area upstream from the confluence with the Little River be designated as a capacity use area.

WHEREAS, the Department developed a proposed water management plan for the Eno Basin to illustrate the types of regulations and permits that would be proposed under the capacity use designation.

WHEREAS, the water users in the Eno Basin have committed themselves to follow the proposed water management plan.

WHEREAS, the voluntary water management plan includes the essential elements of a declared capacity use area with the exception of the provisions for enforcement.

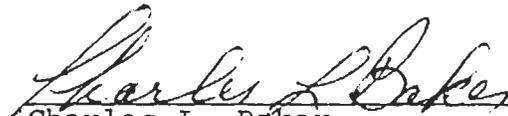
WHEREAS, the General Statute directs the Department to present "actions which might preclude the need for additional regulation."

WHEREAS, the voluntary plan, if adhered to by those involved, satisfactorily addresses the capacity use-related problems in the Eno River area.

NOW THEREFORE, BE IT RESOLVED that the EMC accepts the Eno River Capacity Use Investigation Hearing Officer's Report and endorses the voluntary Water Management Operations Plan and directs the staff of the Division of Water Resources to monitor compliance with the plan and make periodic reports to the EMC.

BE IT FURTHER RESOLVED, that should the plan not be adhered to by those involved, that the EMC intends to proceed with a designation of capacity use for the Eno River area, as outlined in the Department's report.

This the 8th day of September 1988.

  
\_\_\_\_\_  
Charles L. Baker  
Chairman,  
Environmental Management Commission

Department of Environmental Quality  
(formerly, Department of Natural Resources and Community Development)  
Division of Water Resources

ENO RIVER CAPACITY USE INVESTIGATION

WATER MANAGEMENT OPERATIONS PLAN

August 19, 1988

Endorsed by Environmental Management Commission  
September 8, 1988

Modified or Revised: March 1989,  
July 1990, March 2000, and July 2021

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## INTRODUCTION

The Water Management Operations Plan (WMOP) was the result of a Capacity Use Investigation (CUI) by the Department of Environmental Quality (DEQ) (formerly, Department of Natural Resources and Community Development) – Division of Water Resources (DWR) and a subsequent cooperative effort by the DWR and primary water users at the time to avoid a formal Capacity Use designation and regulations. The WMOP, instead, established voluntary water use restrictions that provide for equitable use of the water resources, while providing for minimum flows in the Eno River. The requirements in the WMOP are managed and administered by the water users and Orange County, with oversight and coordination by DWR. The DWR is responsible for production of the quarterly and annual reports based on available information and organization of an annual meeting of the water users group. Based upon the EMC Resolution (attached), the intent of the WMOP is to institute a “voluntary water management plan [that] includes the essential elements of a declared capacity use area with the exception of the provisions for enforcement, ... [to] satisfactorily address the capacity use-related problems in the Eno River area.”

The specific changes or additions made for each of the previous modifications or revisions listed on the cover page (March 1989, July 1990, March 2000) are not entirely known. However, the changes made in July 1990 and March 2000 included revisions to Table 1. Both versions of Table 1 are included in this current version of the WMOP. The March 2000 revision of Table 1 was specifically concerned with integrating the minimum release requirements for the newly constructed West Fork Eno River Reservoir (WFER). These minimum release requirements were from federal and state permits (Clean Water Act - Sections 401/404, and NCDEMLR Dam Safety Permit) for the dam construction and established outside of requirements by the EMC related to the Eno River WMOP. This revision is limited to editorial changes for clarifications, background information, intent statement based on the EMC Resolution, and to create a modern digital version. This revision in no way implies any management or operational changes to the WMOP.

### Background

Issues with using the Eno River as a dependable water supply had been documented for many years, dating back to the 1950's, especially during times of drought. As a result, the Orange County Board of Commissioners formed a water resource task force in the early 1980's to study potential options available to improve the situation, who issued a report of their findings in May 1981. According to the Capacity Use Investigation (CUI), issued December 1988, by the DEQ, “The [task force] report discussed possible designation of the Upper Neuse Basin as a Capacity Use Area; concerns over maintaining instream flow needs; water supply limitations; water conservation; potential reservoir sites; and other related items. The County has worked closely with the State in attempting to achieve their water resource objectives.”

The CUI continues describing the findings from the task force report, “The State has worked closely with the local governments in the Eno River Area in attempting to provide for adequate water supplies and minimum instream flow needs. The State has assisted local water supply interests in determining storage volumes available in the three reservoirs [i.e,

Lake Ben Johnson, Corporation Lake and Lake Orange], developing and improving system operating rules, and assisting the County in preparing a draft water conservation ordinance.” Several years later, as documented in the CUI, “at the request of the [Orange] County Manager, a simulation was conducted reflecting water demands for Hillsborough and Orange-Alamance as they existed in June of 1986.” The results of this modeling concluded that “with the projected water demands in the early 1990’s the Eno River would cease to flow at the water intakes ten times and the systems would be in crisis mandatory rationing thirty-two times (a total of 1,830 days). The CUI goes on to say, that “even under existing water supply demands, the potential for a water supply disaster is imminent.”

Orange County is not one of the six water users, listed below, directly affected by controls under the WMOP, because Orange County does not withdrawal water from the Eno River, as it does not operate a water system or other water withdrawal purpose. However, as the owner of Lake Orange, the County is responsible for the management and operations of Lake Orange to meet specified flow targets in the Eno River through the release of water from Lake Orange. This WMOP establishes the three existing reservoirs as the means by which required minimum flows in the Eno River are controlled; however, with Lake Orange the largest and most upstream, at the time of the issuance of the WMOP, it serves as the primary controlled water source (i.e., reservoir) to meet flow targets in the Eno River downstream during low flows.

All water users in the Eno River Basin who withdraw more than 100,000 gallons of water per day from surface water or groundwater sources are subject to the management controls of this plan. Both water withdrawals and reservoir releases are subject to controls. Water users affected by controls under the plan are listed below.

1. Town of Hillsborough -- Lake Ben Johnston and West Fork Eno River Reservoir withdrawal and reservoir releases.
2. Orange-Alamance -- Corporation Lake withdrawal and reservoir releases.
3. Resco Products (formerly, Piedmont Minerals) -- Eno River withdrawal.
4. City of Durham -- Eno River withdrawal.
5. West Point Grist Mill -- Eno River.
6. Irrigators whose monthly average withdrawal exceeds 100,000 gallons per day.

The limited capacity of the basin requires these users to be subject to the following controls.

### Hillsborough Water System

The Hillsborough Water System will be allowed to withdraw a maximum of 1,510,000 gallons of water per day from their intake at Lake Ben Johnston. Maximum allowable withdrawals will change as the lake levels at Lake Orange change. Table 1 indicates the maximum allowable withdrawal at successive storage levels.

### Orange-Alamance Water System

The Orange-Alamance Water System will be allowed to withdraw a maximum of 820,000 gallons of water per day from its intake at Corporation Lake. Allowed withdrawals will be reduced as storage at Lake Orange is reduced. Table 1 indicates the maximum allowable withdrawal for given storage levels at Lake Orange.

### Resco Products (formerly, Piedmont Minerals)

Resco Products will be allowed to withdraw a maximum of 900,000 gallons of water per day from their intake in the Eno River below Lake Ben Johnston when flows at the Eno gage are 14 cfs and above. This will be reduced to 430,000 gallons per day when flows are between 14 cfs and 4 cfs. Below 4 cfs, the maximum allowable withdrawal will depend on the storage and lake levels in Lake Orange, as shown in Table 1.

### City of Durham Water System

The City of Durham Water System will be allowed to withdraw water from the Eno River below the U.S. 501 Bridge in amounts up to 5,000,000 gallons of water per day when the flows, as measured at the USGS Eno River gage at Durham, are above 30 cfs from March through May and 10 cfs during other times of the year. Withdrawals will cease when flows fall below these levels.

### West Point Grist Mill

The West Point Grist Mill is a run-of-river operation. The Mill will be permitted to use water from the Eno for mill power and return it to the river immediately downstream.

### Irrigators with Average Use Exceeding 100,000 Gallons/Day

Irrigators will be allowed to withdraw up to their maximum monthly use, based on water use figures collected by the Division of Water Resources in 1987 for the severe drought year of 1986. Current (1986) water use would not be restricted, but increases in existing water use and large new users may be restricted. The short-range objective is to limit the expansion of irrigation acreage and facilities until downstream water supply sources can be improved.

### Users Withdrawing in Excess of 100,000 Gallons Per Day

Any users, not previously mentioned, which withdraw more than 100,000 gallons per day from either ground or surface water sources in the Eno River Basin, upstream of the confluence with the Little River, will be required to agree to limits, but are not now included in this plan.

## FLOW AND STORAGE REQUIREMENTS

### Instream Flow

In addition to maximum withdrawal limits set for offstream uses in the Eno River Basin, minimum instream flow requirements are established at the Hillsborough streamflow gage (USGS Streamflow Gage #02085000). A minimum of 1.7 cfs (1,100,000 gallons per day) is to be maintained at the gage when Lake Orange is greater than 80 percent total storage. This value is reduced as the storage level decreases at Lake Orange. Table 1 lists the minimum instream flow requirements. Orange County will be responsible for coordinating releases to maintain minimum flows at the gage. The three major withdrawers will provide withdrawal schedules to the County at least one week in advance and will notify the County immediately regarding emergencies and other necessary changes in the withdrawal schedule.

### Additional Storage

The withdrawal allocation can be revised whenever additional storage facilities are completed in the capacity use area or when additional water supplies are made available from sources outside the area. New storage facilities will be reviewed to ensure that there are no adverse effects upon the permit holders or on streamflow as measured at the Hillsborough gage.

### Outside Sources

Water obtained from sources outside of the area designated as capacity use will not be limited under the Eno Capacity Use regulations. During periods of higher flows (over 10 cfs or 6.452 MGD), public water supply systems may take additional water from the Eno, provided that they have long-term contracts for obtaining an equal amount of water from outside the basin when the flow in the Eno drops. This type of adjustment will be evaluated on a case-by-case basis by the N.C. Division of Water Resources.

## PLAN ADMINISTRATION

Orange County will be responsible for notifying affected water users of levels at Lake Orange and the West Fork Eno Reservoir and of the reductions of water withdrawals as required by the Plan.

### Periodic Review and Changes

Withdrawal allowances will be subject to review when changes have been made to current systems, storage, or supply sources.

### Plan Support

Technical support, plan clarification, and approval of minor interim adjustments and modifications will be provided by the N.C. Division of Water Resources.

## Reporting

Average daily withdrawal in million gallons per day (MGD) for Orange-Alamance, Hillsborough, and Piedmont Minerals will be reported monthly to the Division of Water Resources. Average daily withdrawals in MGD for agricultural users will be reported annually in March.

Additional detailed information regarding the management of water releases and withdrawals, including contact information for membership of the water users group is available at, [http://www.ncwater.org/Eno River Management/](http://www.ncwater.org/Eno_River_Management/)

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## Addendum 1 –Hillsborough Water Purchases (June 1991)

### To the Eno River Voluntary Water Use Agreement

When Lake Orange is above 100 percent full and is spilling, Hillsborough will be allowed partial credit for water purchased from an outside source and discharged into the Eno River west of county road 1009 during the monitoring week that the discharge occurs, at a credit rate of 60 percent of the total discharge, when the discharge is made over a 24-hour period or greater. The credit volume will be divided by 7 days and added to the withdrawal limit listed in Table 1, to determine the allowed average daily withdrawal for that week. In the event that the flushing discharge straddles two monitoring weeks, the credit volume will be applied equally between the two weeks. The Orange County Engineer, or DWR staff in his absence, must be notified of the volume and the duration upon completion of the flushing. A written report of the flushing, detailing exact dates, times, and volumes, shall be included in the monthly report to DWR. If notification is not received with that month's water use report, no credit will be granted, and any excess water use will be labeled as a violation of this agreement. The Division of Water retains the right to revoke permission for Hillsborough to receive credit for flushed flows if at any time, in the opinion of the Division, the ability of Ben Johnston Dam to meet downstream flows may be compromised. Said revocation will be in effect until there is notice by DWR that the problem has been corrected to its satisfaction. If Lake Orange is not spilling, no credit will be allowed.

- In the event that flow at the Eno River at Hillsborough streamflow gage is over 10 cfs, Corporation Lake and Lake Ben Johnston are both spilling water over the dams, purchases of water are being made from outside of the Eno River Basin, and the low flow period has not yet ended, users may cease their outside purchase of water and withdraw the amount of water allowed in the absence of a low flow period, as long as the ability to resume purchase of water for immediate customer delivery remains. This time period has been determined to be three days for the OWASA line. Water purchases will be made as often as necessary to flush the lines and keep them from stagnating. If flows drop below 10 cfs before the low flow period is over, Eno River withdrawals must immediately be reduced to Table 1 levels.

- Transfer of water allocation between users is permissible under the following conditions: 1) Lake Orange is greater than 80 percent full; 2) notification of the duration and specific volume of the transfer will be given by the surrendering party to the Orange County Engineer, or the DWR in his absence, a minimum of one day before the transfer is to take place; 3) the total allocation will be adjusted if necessary by the averaging period of the surrendering party, and 4) written notification of the duration and volume of the transfer will be provided by both involved parties in their monthly water use reports to DWR. If prior notification is not received, DWR will not recognize the allocation transfer.

## Eno River Water Management Plan

Table 1 – Eno River Water Management and Operations Conditions (revised October 2020)

Stage	Triggers		Allowable Surface Water Withdrawal			Minimum Releases		Instantaneous Instream Flow Requirement at Hillsborough Gage (mgd [cfs])
	Percent of Storage Remaining in Lake Orange	Drawdown in Lake Orange from top of flashboard (ft)	Town of Hillsborough (mgd [cfs])	Orange-Alamance (mgd [cfs])	Resco Products (mgd [cfs])	Lake Orange (mgd [cfs])	West Fork Eno Reservoir (WFER) (mgd [cfs])	
no stage	>100	spilling	*	*	0.9 [1.4]	1.1 [1.7]	0.65 [1.01]	
Stage 1	100-80	0	1.51 [2.34]	0.82 [1.27]	0.43 [0.67]	1.1 [1.7]	0.65 [1.01]	1.75 [2.71]
Stage 2	80-60	2.0	1.36 [2.10]	0.74 [1.15]	0.38 [0.59]	0.65 [1.01]	0.65 [1.01]	1.3 [2.01]
Stage 3	60-50	4.3	1.28 [1.98]	0.7 [1.08]	0.36 [0.56]	0.45 [0.7]	0.65 [1.01]	1.1 [1.7]
Stage 4	50-40	5.8	1.28 [1.98]	0.7 [1.08]	0.32 [0.5]	0.45 [0.7]	0.65 [1.01]	1.1 [1.7]
Stage 5	40-30	7.4	1.13 [1.75]	0.62 [0.96]	0.19 [0.29]	0	0.65 [1.01]	0.65 [1.01]
Stage 6	<30	9.3	0.68 [1.05]	0.19 [0.29]	0	0	0.65 [1.01]	0.65 [1.01]

million gallons per day (mgd); cubic feet per second (cfs); feet (ft)

\* When flows are greater than 10 cfs as measured at the Hillsborough gage, additional withdraws beyond those allowed in Table 1 can commence at rates less than or equal to that of contracts held by the Town of Hillsborough & Orange-Alamance for water supply sources outside the basin.

Low Flow Stage Conditions:

-A low flow period will begin at the end of the 7th consecutive day when the average daily flow at the Hillsborough gage has been below 10 cfs. At the end of the 4th day, the Orange County Engineer will request that affected parties prepare for a low flow period.

-When flows are between 10 cfs and 3 cfs at the Hillsborough gage during a low flow period, withdrawals from the Eno River shall be limited to the Stage 1 amount shown above (100-80 percent of storage remaining), regardless of water level in Lake Orange.

-When flows are below 3 cfs at the Hillsborough gage during a low flow period, withdrawals shall be limited to amounts shown above for percent of storage remaining at Lake Orange.

-A low flow period will be terminated when average daily flow at the Hillsborough gage registers 10 cfs or greater for a period of 7 consecutive days. The Orange County Engineer will notify affected parties when the low flow period is terminated.

-The Orange County Engineer will notify the affected parties when moving between Low Flow Stages.

Conditions for All Water Users:

- Allowable withdrawal values are based on natural flow estimates and releases from Lake Orange.
- Excess withdrawals from the Eno River based on an outside source agreement may be made when flows at the Hillsborough gage are 10 cfs and above, regardless of water level in Lake Orange. Maximum withdrawals shall be limited to the total of the contract amount and the allocated amount.

Conditions for the Town of Hillsborough:

- Allowable withdrawals for the Town of Hillsborough shown above do not include withdrawals of water supply releases from the WFER.
- Minimum releases from the WFER are based on Army Corps of Engineers Permit Condition, not the Eno River Water Management and Operations Plan.
- Releases from Lake Orange and/or the WFER may need to exceed the minimum releases shown in Table 1 to meet the minimum instream flow requirements as shown in Table 1 due to natural conditions.

Conditions for Orange County:

- Releases from Lake Orange and/or the WFER may need to exceed the minimum releases shown in Table 1 to meet the minimum instream flow requirements as shown in Table 1 due to natural conditions.

Conditions for Resco Products:

When flows at the Hillsborough gage are 14 cfs and above, withdrawals from the Eno River will be limited to 0.9 mgd. Between 14 cfs and 4 cfs, withdrawals will be limited to 0.43 mgd, regardless of water level in Lake Orange. Below 4 cfs, withdrawals will be limited to amounts shown above for percent of storage remaining.

## Appendix A: EMC Resolution

RESOLUTION NO. 88-13  
ENVIRONMENTAL MANAGEMENT COMMISSION

WHEREAS, at the direction of the Environmental Management Commission (EMC), the Department of Natural Resources and Community Development has completed a capacity use investigation of the Eno River portion of the Neuse River Basin, pursuant to the provisions of the N.C. Water Use Act of 1967 (G.S. 143-215.11 et. seq.).

WHEREAS, the Department found that:

1. The aggregate use of surface water from the Eno River has grown to the point where coordination is required to prevent conflicts and to protect the interests and rights of riparian owners.
2. During low flow periods the demand for water exceeds the amount of water available from the Eno River.
3. Limited regulation of water users appears to be an equitable short-term alternative until new water supply sources are developed.
4. A means is needed to encourage cooperation and conservation among all water users in order that greater efficiencies in water use are promptly implemented.
5. The rapid present and projected growth of water use in the Eno Basin requires action soon to avoid the risk of even more severe water supply problems.

WHEREAS, the Department recommended that the estimated 150 square miles of the Eno River watershed area upstream from the confluence with the Little River be designated as a capacity use area.

WHEREAS, the Department developed a proposed water management plan for the Eno Basin to illustrate the types of regulations and permits that would be proposed under the capacity use designation.

WHEREAS, the water users in the Eno Basin have committed themselves to follow the proposed water management plan.

WHEREAS, the voluntary water management plan includes the essential elements of a declared capacity use area with the exception of the provisions for enforcement.

WHEREAS, the General Statute directs the Department to present "actions which might preclude the need for additional regulation."

WHEREAS, the voluntary plan, if adhered to by those involved, satisfactorily addresses the capacity use-related problems in the Eno River area.

NOW THEREFORE, BE IT RESOLVED that the EMC accepts the Eno River Capacity Use Investigation Hearing Officer's Report and endorses the voluntary Water Management Operations Plan and directs the staff of the Division of Water Resources to monitor compliance with the plan and make periodic reports to the EMC.

BE IT FURTHER RESOLVED, that should the plan not be adhered to by those involved, that the EMC intends to proceed with a designation of capacity use for the Eno River area, as outlined in the Department's report.

This the 8th day of September 1988.



Charles L. Baker  
Chairman,  
Environmental Management Commission

Appendix B: Original Table 1 (July 1990)

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## Maximum Allowable Surface Water Withdrawals Based on Lake Orange Water Level

	Percent of Storage Remaining at Lake Orange	Drawdown in feet from top of 1-ft. flashboard	Allowable Surface Water Withdrawal (gallons per day)			Instream Flow Requirement at Hillsborough Gage (gallons per day)		
			Town of Hillsborough <sup>†</sup>	Orange-Alamance	Piedmont Minerals	From Lake Orange	From West Fork Eno Reservoir	Total Flow at Hillsborough Gage
			> 100	spilling	* <sup>†</sup>	*	**	1,100,000
Stage 1	100 - 80	0.0	1,510,000 <sup>†</sup>	820,000	430,000	1,100,000	650,000	1,750,000
Stage 2	80 - 60	2.0	1,360,000 <sup>†</sup>	740,000	380,000	650,000	650,000	1,300,000
Stage 3	60 - 50	4.3	1,280,000 <sup>†</sup>	700,000	360,000	450,000	650,000	1,100,000
Stage 4	50 - 40	5.8	1,280,000 <sup>†</sup>	700,000	320,000	450,000	650,000	1,100,000
Stage 5	40 - 30	7.4	1,130,000 <sup>†</sup>	620,000	190,000	0	650,000	650,000
Stage 6	<= 30	9.3	680,000 <sup>†</sup>	370,000	0	0	650,000	650,000

Notes:

<sup>†</sup> Allowable withdrawals for Hillsborough shown above do not include withdrawals of water supply releases from West Fork Eno Reservoir.

\* - Adjusted to reflect outside source agreement for Hillsborough and Orange-Alamance.

- Excess withdrawals from Eno River based on outside source agreement may be made when flows at the Eno River at Hillsborough Gage are 10 cubic feet per second (cfs) and above, regardless of water level in Lake Orange. Maximum withdrawals shall be limited to the total of the contract amount and the allocated amount.
- A low flow period will begin on the 7<sup>th</sup> consecutive day of the average daily flow at the Hillsborough Gage dropping below 10 cfs. On the 4<sup>th</sup> day, the Orange County Engineer will request that affected parties prepare for a low flow period.
- When flows are between 10 cfs and 3 cfs at the Hillsborough Gage during a low flow period, withdrawals from the Eno River shall be limited to the Stage 1 amount shown above (100-80 percent of storage remaining), regardless of water level in Lake Orange.
- When flows are below 3 cfs at the Hillsborough Gage during a low flow period, withdrawals shall be limited to amounts shown above for percent of storage remaining at Lake Orange.
- A low flow period will be terminated when average daily flow at the Hillsborough Gage registers 10 cfs or greater for a period of 7 consecutive days. The Orange County Engineer will notify affected parties when the low flow period is terminated.

\*\*For Piedmont Minerals: When flows at the Hillsborough Gage are 14 cfs and above, withdrawals from the Eno River will be limited to 900,000 gallons per day (gpd). Between 14 cfs and 4 cfs, withdrawals will be limited to 430,000 gpd, regardless of water level in Lake Orange. Below 4 cfs, withdrawals will be limited to amounts shown above for percent of storage remaining.