



**Orange County
Board of Commissioners**

Agenda

Virtual Business Meeting

October 6, 2020

7:00 p.m.

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

Due to current public health concerns, the Board of Commissioners is conducting a Virtual Business meeting on October 6, 2020. Members of the Board of Commissioners will be participating in the meeting remotely. As in prior meetings, members of the public will be able to view and listen to the meeting via live streaming video at orangecountync.gov/967/Meeting-Videos and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

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

- Written submittals by email
- Speaking during the virtual meeting

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

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

1. Additions or Changes to the Agenda

PUBLIC CHARGE

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

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

2. Public Comments (Limited to One Hour)

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

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

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



b. Matters on the Printed Agenda

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

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

4. Proclamations/ Resolutions/ Special Presentations

- a. Domestic Violence Awareness Month Proclamation

5. Public Hearings

- a. Public Hearing on the 2021 Reappraisal Proposed Schedules of Rules, Standards and Values
b. Second Public Hearing on CDBG-CV Grant Application for Emergency Housing Assistance

6. Regular Agenda

The public comment period for 6-a, 6-b and 6-c closed at 9:00AM on September 24, 2020. The BOCC will not accept any further public comment.

- a. Proposed Amendments to the Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land Use Plan and to the Orange County Comprehensive Plan Future Land Use Map (FLUM)
b. Zoning Atlas Amendment – Parcels off Old NC Highway 86 (District 2 of Settlers Point MPD-CZ)
c. Zoning Atlas Amendment – Master Plan Development Conditional Zoning District (MPD-CZ) for the Research Triangle Logistics Park (RTLTP)

7. Reports

8. Consent Agenda

- Removal of Any Items from Consent Agenda
 - Approval of Remaining Consent Agenda
 - Discussion and Approval of the Items Removed from the Consent Agenda
- a. Minutes
b. Motor Vehicle Property Tax Releases/Refunds
c. Property Tax Releases/Refunds
d. Applications for Property Tax Exemption/Exclusion
e. Resolution Authorizing Exchange of Property for the Sheriff's Office
f. Budget Amendment for the County Funding of 800 Hot Spots to Orange County Schools
g. Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Comprehensive Transportation Plan Amendment
h. Advisory Boards and Commissions – Appointments
i. Approval of Board of Commissioners Meeting Calendar for Year 2021
j. Approval of the Board of County Commissioners (BOCC) Travel Policies and Procedures
k. Approve Contract for Building Commissioning Services of Northern Campus Project
l. Orange County Public Transportation Electric Bus and Charging Station Purchase
m. Amendment to Orange County Board of Commissioners Advisory Board Policy Regarding Elected Officials



9. County Manager's Report

10. County Attorney's Report

11. *Appointments

12. Information Items

- September 15, 2020 BOCC Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis
- Tax Collector's Report – Measure of Enforced Collections
- Tax Assessor's Report – Releases/Refunds under \$100
- Memorandum - Racial Equity Progress Report
- Memorandum - 2016 School Bond Projects

13. Closed Session

14. Adjournment

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

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

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

Public Comment Instructions

Public Comment – Written

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

Members of the public may provide written public comment by submitting it to the 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 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.

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

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: October 6, 2020

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

SUBJECT: Domestic Violence Awareness Month Proclamation

DEPARTMENT: County Manager

ATTACHMENT(S):
Proclamation

INFORMATION CONTACT:

Bonnie Hammersley, 919-245-2306

PURPOSE: To consider a proclamation recognizing October 2020 as Domestic Violence Awareness Month in Orange County.

BACKGROUND: Domestic Violence is a pattern of control in an intimate relationship where one person uses coercion and violence to gain power and control over a partner.

In 1989, the U.S. Congress first passed Public Law 101-112 designating October of that year as National Domestic Violence Awareness Month, and has adopted similar legislation each year thereafter. The goal has been to educate and make the public aware of domestic violence issues, support the victims of domestic violence, and to connect advocates across the nation who are working to end domestic violence.

The Board of Commissioners is asked to proclaim October 2020 as "Domestic Violence Awareness Month" in Orange County to support victims of domestic violence, to educate residents, and support those working to end domestic violence.

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.

ENVIRONMENTAL IMPACT: There is no environmental impact associated with consideration of the proclamation.

RECOMMENDATION(S): The Manager recommends that the Board approve the proclamation designating October 2020 as "Domestic Violence Awareness Month" in Orange County.

ORANGE COUNTY BOARD OF COMMISSIONERS

PROCLAMATION

DOMESTIC VIOLENCE AWARENESS MONTH 2020

WHEREAS, domestic violence is a pattern of coercion and control in an intimate partner relationship where one person uses violence to gain power and control over their partner; and

WHEREAS, domestic violence includes not only physical, but also mental abuse, emotional abuse, financial abuse, isolation and sexual abuse; and

WHEREAS, individuals of all backgrounds, regardless of race, age, gender identity, or sexual orientation can experience abuse by an intimate partner; and

WHEREAS, according to the National Coalition Against Domestic Violence, on average nearly 20 people per minute are physically abused by an intimate partner in the United States. During one year, this equates to more than 10 million women and men; and

WHEREAS, on a typical day there are 20,000 phone calls placed to domestic violence hotlines nationwide according to the National Coalition Against Domestic Violence; and

WHEREAS, in North Carolina, according to the North Carolina Coalition Against Domestic Violence, at least 57 individuals were murdered as a result of domestic violence in 2019; and

WHEREAS, Compass Center for Women and Families, the state-designated domestic violence service provider for Orange County, served over 1,400 survivors of domestic violence through their 24-hour hotline, support groups, court advocacy, crisis counseling, Latinx services, and other services last year; and

WHEREAS, Compass Center has launched Safe Homes, New Lives - an innovative and compassionate new housing strategy that empowers victims of domestic violence, provides safety for them and their children, and keeps them in their community by providing scattered housing across Orange County to shelter victims and their families for up to 3 months; and

WHEREAS, prevention strategies involve collaborations by multiple partners to promote social norms, policies, and laws that support gender equity and foster intimate partnerships based on mutual respect, equality, and trust;

Now, therefore, the Orange County Board of County Commissioners, do hereby proclaim this time to be:

“Domestic Violence Awareness Month 2020”

and encourage the citizens of Orange County to observe this time in ways appropriate to its importance and significance.

Proclaimed this the 6th day of October, 2020.

Penny Rich, Chair
Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: October 6, 2020

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

SUBJECT: Public Hearing on the 2021 Reappraisal Proposed Schedules of Rules, Standards and Values

DEPARTMENT: Tax Administration

ATTACHMENT(S):

Presentation: 2021 Reappraisal Schedules of Values

UNDER SEPARATE COVER:

2021 Reappraisal Schedules of Values

ON FILE IN TAXADMINISTRATION

OFFICE AND CLERK'S OFFICE

AND AVAILABLE

ELECTRONICALLY AT:

<https://www.orangecountync.gov/878/Revaluation>

INFORMATION CONTACT:

Nancy T. Freeman, Tax Administrator

919-245-2735

PURPOSE: To conduct a public hearing scheduled for this meeting on the 2021 Reappraisal Proposed Schedules of Rules, Standards and Values.

BACKGROUND: As required by North Carolina General Statutes (NCGS) 105-317, the proposed Schedules of Values (SOV) to be used in conducting the 2021 reappraisal were submitted to the Board of County Commissioners on September 15, 2020. At that time, a public hearing was set for October 6, 2020, and notice was advertised in the News of Orange, Chapel Hill News and Durham Herald on September 16, 2020. The proposed Schedules have been available for public inspection in the Orange County Tax Office, Orange County Clerk to the Board's Office, and on the Orange County Tax Office website (available at <https://www.orangecountync.gov/878/Revaluation>) since September 15, 2020.

The public hearing is the second step in a three- step process to adopt the Schedules that will be used in conducting the 2021 reappraisal. The Board will be asked to adopt the Schedules at its November 5, 2020 regular meeting. Following adoption, the Schedules will be appealable to the State Property Tax Commission for thirty (30) days.

The timeline for the 2021 Reappraisal Schedule of Values adoption process is as follows:

- September 15, 2020: Submission to Orange County Board of Commissioners
- September 16, 2020: Advertise in newspapers
- October 6, 2020: Public hearing on SOV
- November 5, 2020: Adoption of SOV

- November 6, 2020: Publish 1st notice of adoption
- November 13, 2020: Publish 2nd notice of adoption
- November 20, 2020: Publish 3rd notice of adoption
- November 27, 2020: Publish 4th notice of adoption
- December 5, 2020: Last day for taxpayer to appeal the SOV

FINANCIAL IMPACT: There is no Orange County 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:

- 1) receive the PowerPoint presentation
- 2) conduct the public hearing to receive comments from the public
- 3) close the public hearing
- 4) provide any comments or direction to staff, and
- 5) acknowledge that staff will be presenting the SOV at the Board' s November 5, 2020 regular meeting for approval.

2021 REAPPRAISAL SCHEDULE OF RULES, STANDARDS AND VALUES

Nancy T. Freeman
Tax Administrator

What is a Reappraisal?

- The process of updating real property tax assessments for market value and present-use value
- Appraisal of all properties in Orange County as of a single date
- Primary goal is to equalize tax base
- Effective date for Orange County's upcoming reappraisal is January 1, 2021

Where We Have Been

- Field reviews began mid-2019
- Launched two interactive websites in July 2019 to assist owners review their property values
 - Property Record Card
 - Comper
- Data Validation Form mailed February 2020
 - 41,600 mailed
 - Received approximately 4,300 responses
- Revaluation Video available on our website
- Revaluation Insert with 2020 Bills

Where We Are



- Majority of land pricing has been completed
- Mostly complete with verifying individual property characteristics and data
 - ▣ Per data provided by property owners on Data Validation Forms
- Beginning “Neighborhood Reviews”
 - ▣ Current sales reports for statistics, edits as necessary
 - ▣ Before and after report for quality control
- Commercial properties are being appraised by outside commercial appraisal company

Where We Are Going



- Schedules of Values submission September 15, 2020 and corresponding adoption timeline

- Final revaluation presentation January 2021
 - ▣ Unique challenges of this revaluation
 - ▣ Tentative results at a high level by classification and district

- Notices of new value mailed late February 2021

- Deadline for informal appeals April 30, 2021

- Board of Equalization and Review to convene May 3, 2021

Where We Are Going Continued



- Post-revaluation customer service, reporting
 - Extended informal appeals process
 - Collaborative approach to appeals
 - Pooling resources with other counties performing 2021 revaluation

The Schedules of Values (SOV)



- Tax Assessor must submit SOV to the Board of County Commissioners (BOCC)
- “Upon receipt”, the BOCC shall publish a statement that such has been submitted and time/place of public hearing on SOV
- 52-day minimum for full adoption of SOV

What is the Schedules of Values?

- 4-year business plan
- An appraisal “toolbox”
- Explains methodology
- Shows appraisal system contents, i.e. calculation tables, codes, etc.
- Links to applicable case law
- Provides Uniform Standards of Professional Appraisal Practice (USPAP)
- Does **not** provide values for specific properties

The Adoption Process

- September 15, 2020: Submission of Schedules of Values to Board of County Commissioners
- September 16, 2020: Advertising notice published in News of Orange, Chapel Hill News & Durham Herald
- October 6, 2020: Public hearing
- November 5, 2020: Adoption of Schedules
- November 6, 2020: 1st advertising notice
- November 13, 2020: 2nd advertising notice
- November 20, 2020: 3rd advertising notice
- November 27, 2020: 4th advertising notice
- December 5, 2020: Last day for taxpayer appeal

For More Information



- Contact the Orange County Tax Office:
 - 919-245-2100
 - reval@orangecountync.gov

- Visit the revaluation section of our website
 - <http://www.orangecountync.gov/departments/tax/>

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: October 6, 2020

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

SUBJECT: Second Public Hearing on CDBG-CV Grant Application for Emergency Housing Assistance

DEPARTMENT: Housing and Community
Development

ATTACHMENT(S):

Attachment 1: Summary of CDBG-CV Grant

Attachment 2: Summary of Emergency
Housing Assistance (EHA)
Fund

Attachment 3: Resolution Approving Orange
County to Apply for CDBG-CV

Attachment 4: Orange County's Draft
Application for CDBG-CV
available only online
at: [http://orangecountync.gov/
DocumentCenter/View/12902/](http://orangecountync.gov/DocumentCenter/View/12902/)

INFORMATION CONTACT:

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

PURPOSE: (1) To hold a public hearing on the draft application from Orange County for Community Development Block Grant – Coronavirus (CDBG-CV) funds from the NC Department of Commerce, and (2) to authorize the County to submit an application for CDBG-CV funds.

BACKGROUND: On August 25, 2020, Governor Roy Cooper announced the availability of \$28 million from federal Community Development Block Grant – Coronavirus (CDBG-CV) funding to be disbursed to support rental and utility payments and prevent evictions for those with a demonstrated need (see Attachment 1). The funding will be distributed to eligible community agencies around the state that will work directly with North Carolinians on an application and disbursement process.

Orange County intends to apply for the CDBG-CV funds to be used with the County's existing Emergency Housing Assistance fund, which provides financial assistance to help Orange County residents with low incomes secure and maintain stable housing (see Attachment 2). Assistance is available to households in Orange County that earn no more than 60% of the area median income, have an urgent need for housing assistance, and do not have adequate savings to cover the cost of their housing need.

Before submitting an application, Orange County must hold two (2) public hearings to obtain citizens' comments. The first public hearing was held at the beginning of the application process. The second public hearing – the hearing being held today – must be held after the

application is drafted but prior to its submission. The draft application is available in Attachment 4, and online at <http://orangecountync.gov/DocumentCenter/View/12902/>.

The Board of Commissioners must also authorize the County to submit an application for CDBG-CV funds through a resolution (see Attachment 3). All public comments received during the public hearing today, the prior public hearing, and throughout the entire public comment period will be considered and incorporated into the County's final application.

FINANCIAL IMPACT: If Orange County is awarded CDBG-CV funds, up to \$900,000 would become available for Emergency Housing Assistance.

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

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**
The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.
- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.
- **GOAL: CREATE A SAFE COMMUNITY**
The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

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

RECOMMENDATION(S): The Manager recommends (1) that the Board conduct the public hearing and accept comment on the draft application for CDBG-CV funds to be used for Emergency Housing Assistance and (2) that the Board authorize the Department of Housing and Community Development to submit an application for CDBG-CV funds on behalf of the County.

INTRODUCTION

NC Commerce's Rural Economic Development Division (REDD) will administer the **Community Development Block Grant Coronavirus (CDBG-CV)** funds awarded to the State by the U. S. Department of Housing and Urban Development (HUD) to support North Carolina's COVID-19 response efforts. This allocation was authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis. Initially, REDD makes available approximately \$27.5 million through awarding grants to non-entitlement communities (i.e., incorporated municipalities under 50,000 and counties under 200,000 in population).

The **North Carolina CDBG-CV** Program is designed to help a non-entitlement municipality or county to prepare, prevent, or respond to the health and economic impacts of COVID-19. The activities must be most critical to their locality and primarily for their low- and moderate-income residents. Beginning September 1, 2020, REDD will award CDBG-CV funds on a first-come, first-served basis with a focus on local needs identified by the community in collaboration with state and local health officials. Applicants may view current COVID-19 metrics on the North Carolina Department of Health and Human Services website at <https://covid19.ncdhhs.gov/> .

AREAS OF FOCUS FOR CORONAVIRUS RESPONSE

As noted by Governor Roy Cooper, "efforts to support families, small business, and economic recovery remain critical" during the COVID-19 pandemic. In support of these public health and economic recovery goals, **North Carolina CDBG-CV** Program projects must incorporate at least one of the following as an area of focus:

- Support families and communities through telehealth support and other public services.**
- Protect the most vulnerable and high-risk populations.**
- Assist small businesses with economic recovery.**
- Address testing, tracing, and trends.**

FUNDING PRIORITIES BY ELIGIBLE ACTIVITY

The State has established the following funding priorities by eligible activity:

- **Public Service:** The priority in this category is subsistence payments to prevent evictions and utility disconnections. Food distribution, testing and diagnosis, and employment training for health care workers on the frontlines are also prioritized.
- **Public Facilities:** The priority in this category is broadband services and enhancing internet access that supports increased connectivity to schools, jobs, and healthcare. This category also includes building rehabilitation or improvements to support activities such as repurposing buildings into patient treatment centers.
- **Economic Development:** The priority in this category is to provide financial assistance to businesses with 100 or fewer employees, including microenterprises with five or fewer employees. The focus is to support businesses that manufacture medical supplies, and to help small businesses impacted by COVID-19 create and retain jobs.



Emergency Housing Assistance (EHA)

The Emergency Housing Assistance fund was created under the Risk Mitigation and Housing Displacement Fund to help Orange County residents with low incomes secure and maintain stable housing. Assistance is available to households in Orange County that (1) earn no more than 60% of the area median income (AMI), (2) have an urgent need for housing assistance, and (3) do not have adequate savings to cover the cost of their housing need.

The most current income limits for Orange County are:

- 1-person household: \$38,220
- 2-person household: \$43,680
- 3-person household: \$49,140
- 4-person household: \$54,540
- 5-person household: \$58,920
- 6-person household: \$63,084
- 7-person household: \$67,680
- 8-person household: \$72,000

Eligible Costs

Emergency Housing Assistance may pay for security deposits, utility connections and arrears, rental payments and arrears, and, in certain emergency situations and upon OCHCD approval, other urgent housing-related costs (e.g., mortgage payments/arrears, moving costs), especially for hard-to-house individuals and families, such as large families with children, seniors, people with disabilities, veterans, and people with justice system involvement. Emergency Housing Assistance may not duplicate any assistance provided by any other program.

Maximum Assistance

The total amount of assistance provided to any household may not exceed \$6,500. Rent and utility payments may only cover arrears and/or payments for the current month or next upcoming month; assistance will not be granted for months further in the future. For example, if an applicant applies on June 15, assistance may be granted to cover any arrears for past rent owed, rent owed in the current month (June), rent to be owed in the upcoming month (July), but not for rent owed in future months (August or beyond). However, applicants may request assistance again in future months, if needed, up to the \$4,000 maximum.

How to Apply for EHA

Option 1: Online Application Portal



1. Go to our online application portal: <https://portal.neighborlysoftware.com/ORANGECOUNTYNC/Participant/>
2. Create an account, confirm it using the link that will be sent to your email, and sign into your account.
3. Under "Start a New Application", select Emergency Housing Assistance, and create an application. Along with submitting the application, you will be required to provide:
 - a. Documentation verifying total gross household income
 - b. Documentation verifying total household savings/assets/cash
 - c. Copy of the lease or other documentation from the landlord showing the amount of funds needed (as applicable)
 - d. Statement or invoice from utility provider (as applicable)
4. Be sure to click "Complete & Continue" after each section of the application is complete. You can also click "Save" to come back and complete a section later.
5. Submit your application through the portal once all sections are complete.

Option 2: Apply by Email

1. Complete an Emergency Housing Assistance application (which can be downloaded from the "Documents" section) and provide:
 - a. Documentation verifying total gross household income*
 - b. Documentation verifying total household savings/assets/cash*
 - c. Copy of the lease or other documentation from the landlord showing the amount of funds needed (as applicable)
 - d. Statement or invoice from utility provider (as applicable)
2. Submit your application and attachments by email to HousingHelp@orangecountync.gov

* See the EHA Application for a checklist of the acceptable source documentation

Documents

- [EHA Application \(English\)](#)
- [Solicitud para Asistencia de Vivienda de Emergencia \(Español\)](#)
- [EHA and Housing Helpline Flyer](#)
- [Folleto del Programa de Asistencia de Vivienda de Emergencia y la Línea de Ayuda de Vivienda \(Español\)](#)
- [EHA and Housing Helpline Progress Report](#)
- [Risk Mitigation and Housing Displacement Fund Policies](#)

Questions?



Contact the Housing Helpline at HousingHelp@orangecountync.gov or 919-245-2655

**RESOLUTION APPROVING THE ORANGE COUNTY APPLICATION FOR
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING
FOR THE EMERGENCY HOUSING ASSISTANCE FUND**

WHEREAS, the Orange County Emergency Housing Assistance fund, formerly called the Housing Stabilization Fund, was established by the Orange County Board of Commissioners in 2018 as part of the Risk Mitigation and Housing Displacement Fund in order to provide emergency financial assistance to low-income residents of the County to help secure and maintain stable housing; and,

WHEREAS, the Orange County Board of Commissioners has previously indicated its desire to increase funding to the Emergency Housing Assistance fund in order to stabilize County residents and the local housing market in the wake of the COVID-19 pandemic; and,

WHEREAS, the Commissioners have held two public hearings concerning the proposed application for Community Development Block Grant funding to benefit the County's Emergency Housing Assistance fund; and,

WHEREAS, the Commissioners wish the County to pursue a formal application for Community Development Block Grant funding to benefit the Emergency Housing Assistance fund; and have invested monies in the amount of eight hundred eighty thousand dollars (\$880,000) from the County's Coronavirus Relief Fund allocation into the project as committed to in the application.

WHEREAS, the Commissioners certify that the County will meet all federal regulatory and statutory requirements of the State of North Carolina Community Development Block Grant Program,

NOW, THEREFORE BE IT RESOLVED, by the Orange County Board of Commissioners that Orange County is authorized to submit a formal application on behalf of Orange County to the North Carolina Department of Commerce for approval of a Community Development Block Grant to benefit the Emergency Housing Assistance fund.

Adopted this the 6th day of October, 2020 in Orange County, North Carolina.

Penny Rich, Chair
Orange County Board of Commissioners

ATTEST:

Clerk to the Board

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: October 6, 2020**

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

SUBJECT: Proposed Amendments to the Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land Use Plan and to the Orange County Comprehensive Plan Future Land Use Map (FLUM)

DEPARTMENT: Planning and Inspections

ATTACHMENT(S):

1. Resolution Amending COCA Land Use Plan and Orange County 2030 Comprehensive Plan
2. September 30, 2020 Memorandum from County Planning Staff

INFORMATION CONTACT:

Tom Altieri, Planner III, 245-2579
Tom Ten Eyck, Planner II, 245-2567
Craig Benedict, Planning Director, 245-2575
Steve Brantley, Economic Development Director, 245-2326

PURPOSE: To take action on a County-initiated request to amend the:

- Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land Use Plan, and
- Orange County Comprehensive Plan Future Land Use Map (FLUM).

The amendments to these long-range plans work together to expand the southern boundary of the Hillsborough Economic Development area.

BACKGROUND: Orange County and the Town of Hillsborough have been discussing potential expansion of the Hillsborough Economic Development area for several years as the County continued work towards investing in a sewer “trunk line”, south of Interstate 40 and west of Old Highway 86, in accordance with its Capital Improvement Plan developed in 2012. With an eye towards maximizing the use of the sewer line, there is interest in designating additional lands that could be served via a “gravity sewer line” for non-residential purposes. In addition, Orange County evaluates the amount of land available for economic development, and due to lands being developed as the UNC Hospital and Durham Technical Community College over the last few years, the limited supply in this area was considered for expansion.

At its June 6, 2017 meeting, the BOCC approved amendments to the Water and Sewer Management, Planning, and Boundary Agreement (WASMPBA) to expand the Hillsborough Primary Service Area. All parties have since approved the WASMPBA amendment, with the Town of Hillsborough Board as the last party to approve it in October 2017. Because of language included in the approval resolutions, the WASMPBA amendment is to become effective when the joint land use plan is amended to reflect the expanded Urban Service Area and assigned a future land use classification. Some of these background details, including notice to the Board when the land use plan amendments would be forthcoming, were included

as an Information Item on the Board's June 16, 2020 agenda. The link to that Information Item is: <http://server3.co.orange.nc.us:8088/WebLink/0/doc/62679/Page1.aspx>

In accordance with the provisions of Section 2.3 *Comprehensive Plan Amendments* of the Unified Development Ordinance, the Planning Director has initiated amendments to the Central Orange Coordinated Area (COCA) Land Use Plan and to the Orange County Comprehensive Plan Future Land Use Map (FLUM) in the vicinity of the southern portion of the Hillsborough Area Economic Development District. The amendments related to COCA affect 17 parcels (in whole or part) encompassing 84 acres. The amendments related to the FLUM affect 20 parcels (in whole or part) encompassing 89 acres. The COCA proposed land use category is Suburban Office and the FLUM proposed category is Economic Development. These related amendments are being proposed to prescribe the land uses that will be allowed in the expanded area for Economic Development.

1. The *Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land Use Plan* is a joint land use document that defines the locations of future land use categories to help achieve a desired and coordinated pattern of development over time. The COCA Land Use Plan includes several urban-style land use categories that are more specific than those provided in the County's Comprehensive Plan, which covers a much larger geographic area. Implementation of the COCA Land Use Plan is achieved through consistency with the County's Comprehensive Plan Future Land Use Map, application of County zoning, and a coordinated approach to rezoning. The amendment proposes a "Suburban Office Complex" land use in the expansion area which would designate the area for office and employment, businesses in a campus setting, and limited supporting services. The proposed amendment also reflects the expansion of the Town's Urban Service Boundary consistent with the WASMPBA to provide water and sewer service to the area. As part of a joint land use plan, this amendment requires approval by the Town of Hillsborough and Orange County. The Town of Hillsborough has already taken action and unanimously approved the amendment as follows.

Town of Hillsborough Approval Process:

March 15, 2018 – Town Public Hearing and Planning Board recommendation

March 26, 2018 – Hillsborough Town Board adopted

2. The *Orange County Comprehensive Plan Future Land Use Map (FLUM)* defines the location of future land use categories, consistent with any joint land use plans, and is designed to accommodate a particular combination of general land uses. The FLUM helps achieve a desired pattern of development over time and is implemented primarily through zoning. The proposed amendment to this plan would change the expansion area from a Rural Residential land use to an Economic Development Transition Activity Node, which would designate the area for light industrial, distribution, office, service/retail uses, and flex space (typically one-story buildings designed, constructed, and marketed as suitable for use as offices but able to accommodate other uses such as a warehouse, showroom, manufacturing assembly, or similar operations).

The County has not initiated any rezoning at this time. Currently, the area is zoned Rural Residential (R-1). However, approximately 12-acres of a developer initiated and proposed Research Triangle Logistics Park (RTLTP) are located in the amendment area discussed herein. Any rezoning that comes forward in the future will require a subsequent item on a public hearing and finding that it is consistent with the plans.

Planning Board Recommendation: The Orange County Planning Board, at its August 5, 2020 regular meeting, voted 6-4 to recommend approval of the proposed amendments. Clarification of the motion voted upon was deemed necessary and the Planning Board considered a clarified motion at its special meeting on August 19, 2020 when the board voted 6-4 to recommend **approval** of the amendments. Agenda materials from these meetings can be viewed at: <http://orangecountync.gov/AgendaCenter/Planning-Board-26>

Public Hearing: A public hearing was opened on September 15, 2020 and continued without public comment to September 22, 2020 so that all members of the public signed up to speak on the RTLP proposal, a separate item on the agenda, would have adequate opportunity to speak and be heard by the Board. At the September 22 hearing, four (4) people spoke on this item.

Materials from the September 15 and 22 meetings are available at: <https://www.orangecountync.gov/1707/BOCC-Agendas>.

Video from the September 22, 2020 meeting and public hearing on this item can be accessed at: <https://www.orangecountync.gov/967/Meeting-Videos>.

In accordance with Session Law 2020-3 Section 4.31(a), regarding remote meetings during declared emergencies, written comments were allowed to be sent for 24-hours after the public hearing was closed. Comments sent to ocbocc@orangecountync.gov are viewable at: <https://groups.google.com/g/ocbocc?pli=1>. **The public comment period closed at 9:00AM on September 24, 2020. The BOCC will not accept any further public comment.**

A RTLP Frequently Asked Questions document, which includes a section on Land Use and Zoning, was prepared in response to public comments and is available via the following link: <https://www.orangecountync.gov/DocumentCenter/View/12732/Final-Research-Triangle-Logistics-Park-FAQ?bidId=>

Planning Director's Recommendation: The Planning Director recommends **approval** of the Resolution contained in Attachment 1, indicating consistency with the County's land use and economic development goals. Text shown in the Resolution in "Track Changes" format is new text that was not included in the version received by the Planning Board and provides greater detail of the County's efforts, over time, to prepare additional area for Economic Development purposes. Attachment 2 is a Memo from the County Planning and Inspections Director that includes a Justification Outline for the proposed plan amendments.

FINANCIAL IMPACT: Consideration and approval will not create the need for additional funding for the provision of County services. Costs for mailed notifications and the required legal advertisement will be paid from FY2020-21 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

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

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

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

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

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

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

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

RECOMMENDATION(S): The Manager recommends the Board approve the Resolution in Attachment 1 amending the COCA Land Use Plan and the Orange County Comprehensive Plan FLUM, as recommended by the Planning Board and Planning Director.

Resolution #: RES-2020-053

**A RESOLUTION AMENDING THE
TOWN OF HILLSBOROUGH/ORANGE COUNTY CENTRAL ORANGE COORDINATED AREA
LAND USE PLAN
ORANGE COUNTY COMPREHENSIVE PLAN FUTURE LAND USE MAP**

WHEREAS, Orange County has initiated amendments to the:

- Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan,
- Orange County Comprehensive Plan Future Land Use Map, as established in Section 1.7 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, the proposed amendment to the Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan consists of the following:

- Extend the Town's Urban Service Boundary for public water and sewer consistent with previously approved Water and Sewer Management, Planning, and Boundary Agreement amendment by all parties, and
- Add the Suburban Office Complex Future Land Use Classification to all or portions of 17 parcels, totaling 84 acres, located on both sides of Old Highway 86, south of Interstate 40, and

WHEREAS, the proposed amendment to the Orange County Comprehensive Plan Future Land Use Map consists of the following:

- Amend all or portions of 20 parcels, totaling 89 acres, located on both sides of Old Highway 86, south of Interstate 40 from Rural Residential to Economic Development Transition. Additionally, 1.64 acres of road right-of-way is included, and
- One overlay land use classification applies in this geographic area (Resource Protection Area). No modifications are being proposed to the boundary, and

WHEREAS, the following parcels are affected by the Orange County Comprehensive Plan Future Land Use Map amendment proposal:

Parcel Identification Number (PIN)	Entire or Partial Parcel to be Changed?	Owner on Record	Acreage Proposed to be Changed
9862998894	Partial	LANDMARK MANAGEMENT PARTNERS LLC	11.69
9872087570	Partial	CHARLENE W HAMLETT	0.03
9872095945	Partial	LARRY B LEE	1.64
9872098324	Partial	THEODORE L BRYANT and BEVERLY N BRYANT	7.45
9872183072	Partial	JOE L JERNIGAN	0.02
9872187626	Partial	THEODORE L BRYANT and BEVERLY N BRYANT	7.98
9872188329	Partial	JOE L JERNIGAN and VICKIE R JERNIGAN	1.87
9872191961	Entire	JEANINE L DUKE and JAMES N POULOS	1.18
9872193459	Entire	THEODORE L BRYANT and BEVERLY N BRYANT	10.23
9872196844	Entire	MICHAEL WILLIAM SUDYK	3.26
9872198336	Entire	THEODORE L BRYANT and BEVERLY N BRYANT	10.44
9872286360	Partial	REA LANDCOM INC	0.04
9872286779	Partial	THEODORE L BRYANT and BEVERLY A BRYANT	0.59
9872292222	Entire	THEODORE L BRYANT and BEVERLY N BRYANT	10.18
9872298289	Partial	THEODORE L BRYANT and BEVERLY N BRYANT	7.99
9873007189	Entire	JOHN JR BOXTER and SHANNON MARTIN	1.06
9873008345	Entire	JOSEPH S SHORE and SARAH C SHORE	2.71
9873104230	Entire	MICHAEL W SUDYK and GEORGE W SUDYK	4.45
9873104310	Partial	BEATRICE S BROOKS	0.72

WHEREAS, the approved Article 46 ¼-Cent County Sales and Use Tax, effective in April 2012, allocates 50% of the funds to Orange County Economic Development District initiatives including infrastructure improvements in the Hillsborough EDD area, and

WHEREAS, Orange County and the Town of Hillsborough have been discussing potential expansion of the Hillsborough Economic Development area for several years as the County continued work towards investing in a sewer “trunk line”, in accordance with its Capital Improvement Plan developed in 2012, and

WHEREAS, the proposals have been found to be internally consistent with the 2030 Orange County Comprehensive Plan or part thereof including, but not limited to, the following:

Objective ED-1.5:

Identify barriers to development of desirable businesses and local businesses, and mitigate these barriers.

Objective ED-2.1:

Encourage compact and higher density development in areas served by water and sewer. (See also Land Use Objective LU-1.1 and Water and Wastewater Objective WW-5.)

Objective ED-2.5:

Identify lands suitable to accommodate the expansion and growth of commercial and industrial uses in the County.

Objective ED-2.7:

Select industrial sites in Economic Development Areas based on present and planned supporting systems, such as public water and sewer, access to adequate highway, rail, or public transportation infrastructures, and minimize detrimental environmental or negative social outcomes. (See also Water and Wastewater Objective WW-15.)

Land Use Goal 1: Fiscally and environmentally responsible, sustainable growth, consistent with the provision of adequate services and facilities and a high quality of life.

Objective LU-1.1:

Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available. (See also Economic Development Objectives ED-2.1, ED-2.3, ED-2.10, and Water and Wastewater Objective WW-2.)

Land Use Goal 4: Land development regulations, guidelines, techniques and/or incentives that promote the integrated achievement of all Comprehensive Plan goals, and

WHEREAS, the requirements of Sections 2.3 of the Unified Development Ordinance (UDO) has been deemed complete, and

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of Orange County that the Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan and Orange County Comprehensive Plan Future Land Use Map are hereby amended as depicted on the attached maps.

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

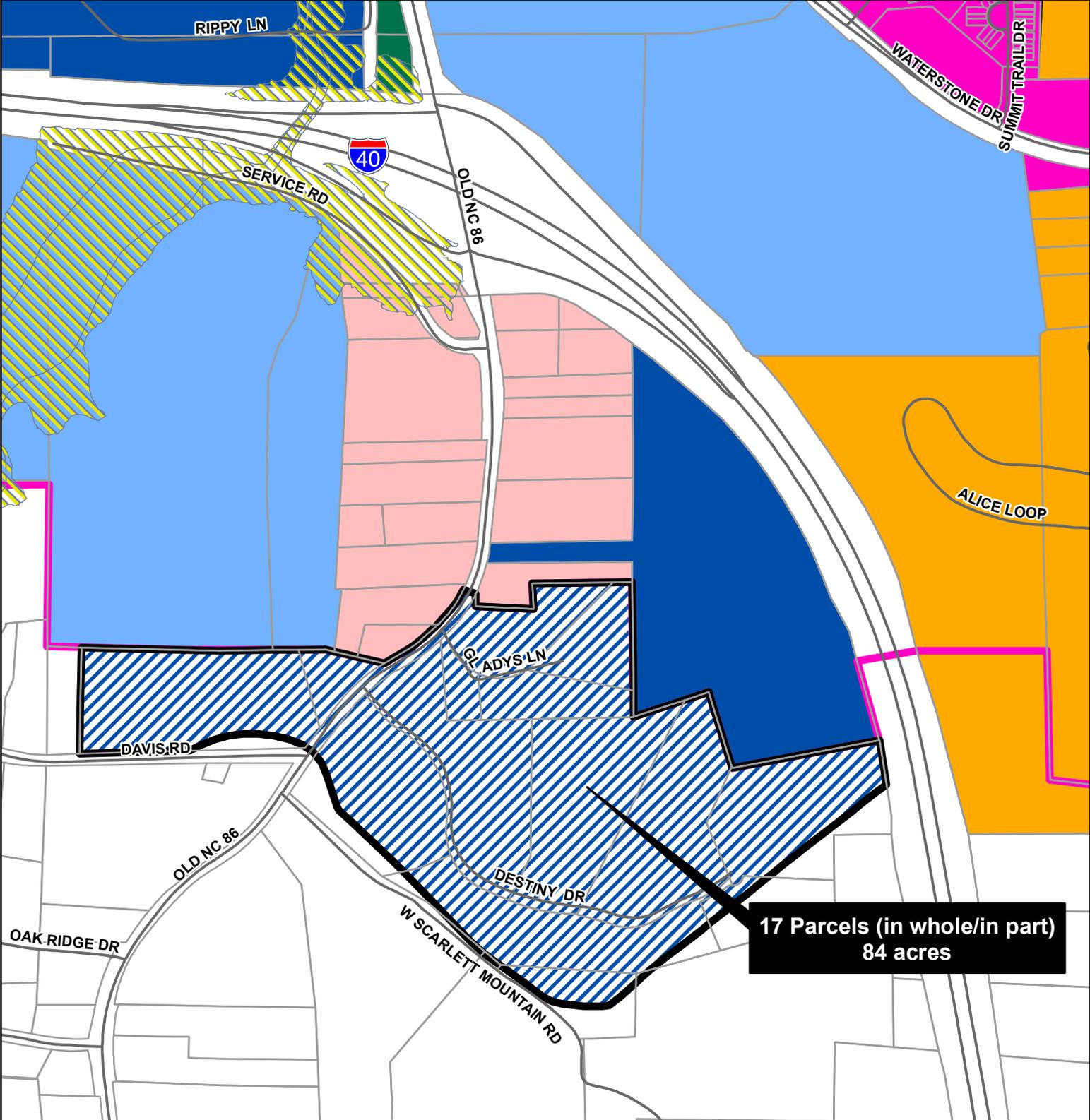
I, Greg Wilder, Interim Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2020 as relates in any way to the adoption of the foregoing and that said proceedings are recorded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

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

SEAL

Interim Clerk to the Board of Commissioners

Proposed Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan



**17 Parcels (in whole/in part)
84 acres**

<ul style="list-style-type: none"> Natural Resources Proposed Suburban Office Expanded Urban Service Boundary Pending Hillsborough Current Urban Service Boundary 	<p>Existing Land Use Plan</p> <ul style="list-style-type: none"> Employment Mixed Res Neighborhood Mixed Use 	<ul style="list-style-type: none"> Neighborhood Mixed Use Permanent Open Space Suburban Office
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ORANGE COUNTY
NORTH CAROLINA

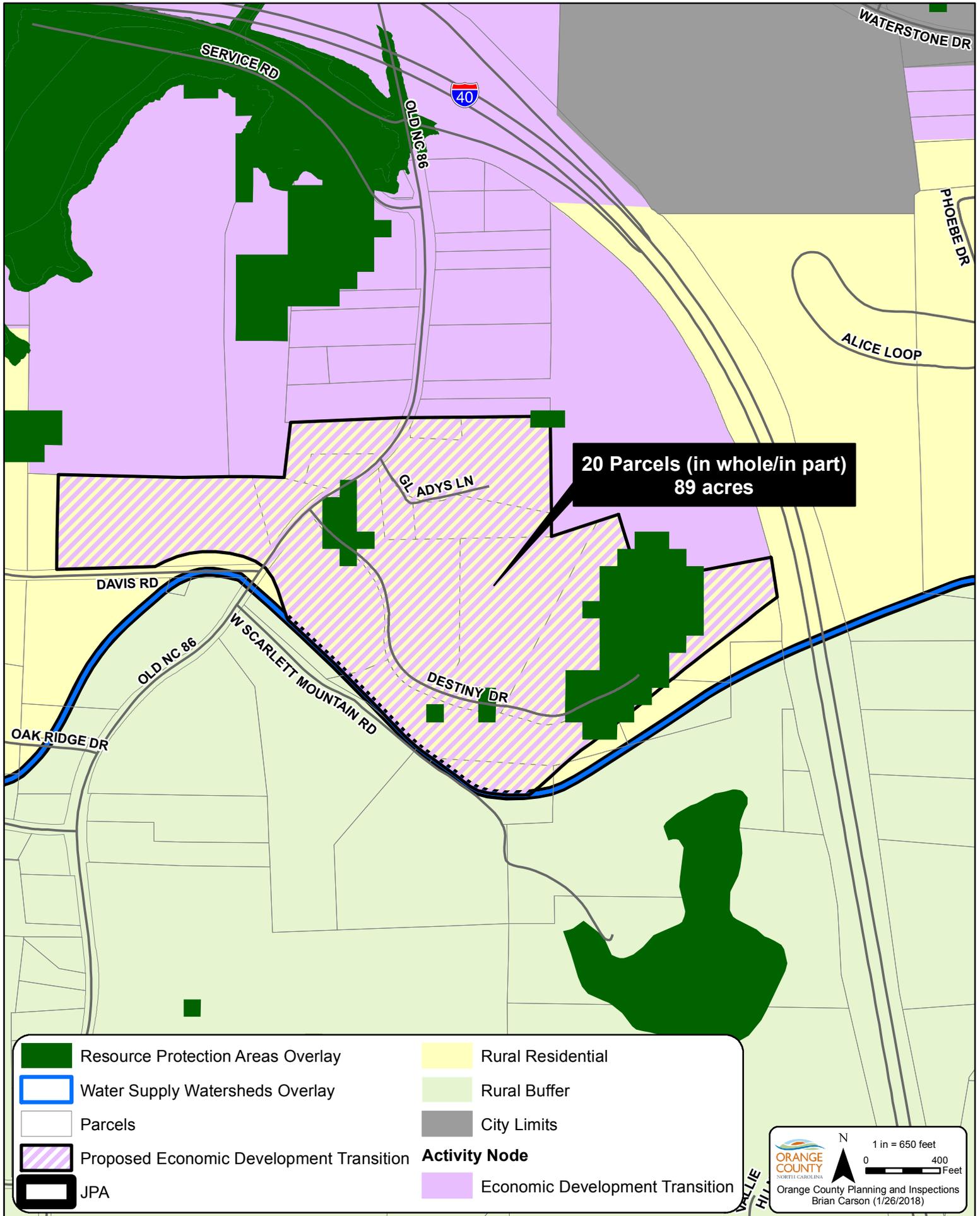
N

1 in = 650 feet

0 400 Feet

Orange County Planning and Inspections
Brian Carson (1/26/2018)

Orange County Comprehensive Plan Future Land Use⁹Map



 Resource Protection Areas Overlay	 Rural Residential
 Water Supply Watersheds Overlay	 Rural Buffer
 Parcels	 City Limits
 Proposed Economic Development Transition	Activity Node
 JPA	 Economic Development Transition

 N
 1 in = 650 feet
 0 400 Feet
 ORANGE COUNTY NORTH CAROLINA
 Orange County Planning and Inspections
 Brian Carson (1/26/2018)

Attachment 2
PLANNING & INSPECTIONS DEPARTMENT
 Craig N. Benedict, AICP, Director

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



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

MEMORANDUM

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

CC: Tom Altieri, Comprehensive Planning Supervisor
 David Blankford, Planning Board Chair

FROM: Craig Benedict, Orange County Planning & Inspections Director

DATE: September 30, 2020

SUBJECT: Orange County Town of Hillsborough Central Orange Coordinated Area (COCA)/ Orange County Future Land Use Map (FLUM) Changing Conditions and Justification Outline

Abstract:

Consistent with section 1.7.3 area plans of the Unified Development Ordinance (UDO) the comprehensive plan is continually analyzed and updated as necessary, especially in smaller focus areas coordinated with nearby local governments such as the Town of Hillsborough (TOH) and the Economic Development District (EDD) near the I 40 interstate interchange and old NC 86.

(1.7.3 Area Plans As part of the Comprehensive Plan, area plans may be prepared which focus on a portion of the County such as a township, a watershed or an interstate highway interchange. Likewise, technical information and/or task force reports prepared as part of a plan element or an area plan may be incorporated as part of the appendix of or as a supplement to the Comprehensive Plan.)

The collaborative planning with the TOH since 2002 and annual related goals setting meetings with the Board of County Commissioners (BOCC) and Planning Board (PB) have provided justification for comprehensive plan amendments as noted in section 2.3 comprehensive plan amendments of the UDO. Specifically section 2.3.2 generally; subsection outline the rationale for amendments to the comprehensive plan including the future land use plan map (FLUM) and associated joint planning land use maps (Orange County/TOH central orange coordinated area (COCA)).

(B) (1) (3) (2.3.2 Generally (A) The Comprehensive Plan shall be so prepared that all or individual elements and parts thereof may be adopted and/or amended by the Board of Commissioners. (B) For the purpose of establishing and maintaining sound, stable, and desirable development within Orange County, the Comprehensive Plan or portion thereof shall not be amended except as follows: (1) Because of *changed* or *changing* conditions in a particular area or areas of

the County; (2) To correct an error or omission; or (3) In response to a change in the policies, objectives, principles or standards governing the physical development of the County.)

The below outlined list demonstrates the ongoing studies and analysis of conditions (i.e. That is *changed* or *changing* conditions land use, infrastructure, economy, balancing different goals, etc.) that have prompted minor changes in the land use pattern near the Hillsborough area EDD.

Justification Outline

- Long and Short range planning
 - Joint planning with Town of Hillsborough 2002-2020 (ongoing)
 - Land use locations (heavier traffic nonresidential jobs south of city)
 - Water sewer capacity and service area (WASMPBA, urban service line)
 - Transportation and traffic

- Infrastructure Planning (Utility and Roads)
 - 2012 Orange County Capital Improvement Project (CIP) funding in Hillsborough Economic Development District (EDD)
 - Efficient use of public services, promote economic development; Board of County Commissioners (BOCC Goals)
 - 2018 Water system to Davis road now operated by Town of Hillsborough and Town CIP contributions
 - 2016 Engineering water and sewer analysis for CIP
 - Close proximity to interstate interchange serviceable by gravity sewer
 - I-40 and Churton St/Old 86 State Transportation Improvement Plan (STIP)
 - Comprehensive Transportation MPO plans
 - Access Management Plans

- Development potential
 - Development in area (Waterstone) led a reduction/conversion of economic development lands to residential, therefore need to adjust expand land use for more nonresidential.
 - Floodplain extent in EDD reduced usable development acreage (2016)
 - Limited perk ability of soils for nonpublic water and sewer areas under amendment
 - Not in protected or critical watershed
 - Need for regional uses including distribution and retail
 - Expanded EDD area has similar characteristics to adjacent EDD and has a finite extent due to the ridge line (anti-sprawl limit)
 - Logistics distribution is more prominent in the economy

**ORANGE COUNTY
BOARD OF COUNTY COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: October 6, 2020

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

SUBJECT: Zoning Atlas Amendment – Parcels off Old NC Highway 86 (District 2 of Settlers Point MPD-CZ)

DEPARTMENT: Planning and Inspections

ATTACHMENTS:

1. Map of Subject Parcels
2. Excerpt of August 5, 2020 Planning Board Minutes and Statement of Consistency
3. Statement of Consistency
4. Ordinance Amending Zoning Atlas

INFORMATION CONTACT:

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

PURPOSE: To take action on Planning Director initiated Zoning Atlas Amendments for parcels east of Old NC Highway 86, south of Interstate 40, within the Hillsborough Township of Orange County.

Specifically, staff is proposing to rezone 8 parcels, totaling approximately 46 acres, originally part of the Master Plan Development Conditional Zoning (MPD-CZ) district known as Settlers Point. A map of the subject parcels is contained in Attachment 1.

As a general reminder the public comment period for this item closed at 9:00 a.m. on September 24, 2020. The BOCC will not be accepting any further public comment on this item.

BACKGROUND: A public hearing was opened on September 15, 2020 and continued without public comment to September 22, 2020 so that all members of the public signed up to speak on the RTLP proposal, a separate item on the agenda, would have adequate opportunity to speak and be heard by the Board. No one spoke on this item at the September 22 meeting.

Materials from the public hearing are available at:
<http://server3.co.orange.nc.us:8088/weblink/0/doc/49647/Page1.aspx>.

Video from the September 22, 2020 meeting can be accessed at:
<https://www.orangecountync.gov/967/Meeting-Videos>.

In accordance with Session Law 2020-3 Section 4.31(a), regarding remote meetings during declared emergencies, written comments were allowed to be sent for 24-hours after the public hearing was closed.

Interested parties were told to submit comments via e-mail, or in writing to the Planning Department office at 131 West Margaret Lane in downtown Hillsborough, by 9:00 a.m. September 24, 2020.

No written comments were received at the Planning Department office by the deadline. All comments sent to ocbocc@orangecountync.gov on this proposal are viewable at: <https://groups.google.com/g/ocbocc>.

As staff indicated during the public hearing, a developer has proposed a new MPD-CZ district involving 2 parcels associated with the previously approved MPD-CZ (Settlers Point). Staff has determined the remaining 8 parcels will have difficulty complying with the MPD-CZ development standards as approved in 2018 with the elimination of these 2 parcels. In order to ensure these 8 parcels have development potential, staff recommends they be rezoned as follows:

1. Rezone parcels (PINs: 9873-11-4636, 9873-11-7506, 9873-11-5415, 9873-11-9450, 9873-11-7247, and 9873-10-7937), labeled as number(s) 3, 4, 5, 6, 7 and 8 on the map above:

FROM: Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point and Major Transportation Corridor (MTC) Overlay District.

TO: Economic Development Hillsborough Limited Office (EDH-2) and Major Transportation Corridor (MTC) Overlay District.

2. Rezone parcel (PIN 9873-10-4310), labeled as number 10 on the map above:

FROM: Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point, Major Transportation Corridor (MTC) Overlay District, Rural Residential (R-1).

TO: Economic Development Hillsborough Limited Office (EDH-2), Major Transportation Corridor (MTC) Overlay District, Rural Residential (R-1).

3. Rezone parcel (PIN 9873-20-2388), labeled as number 9 on the map above:

FROM: Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point and Major Transportation Corridor (MTC) Overlay District.

TO: Economic Development Hillsborough Office/Retail (EDH-4) and Major Transportation Corridor (MTC) Overlay District.

Staff's proposal will return these 8 properties back to their original zoning designation in place prior to the approval of the MPD-CZ.

Planning Board Recommendation: At its August 5, 2020 regular meeting, the Planning Board voted unanimously to recommend **approval** of the Statement of Consistency (Attachment 3) and the proposed Zoning Atlas Amendment (Attachment 4) as proposed by staff.

Excerpts of the minutes from this meeting, as well as the Board's signed statement of consistency, are included in Attachment 2. Agenda materials from the meeting can be viewed at: <https://www.co.orange.nc.us/AgendaCenter/Planning-Board-26>.

Planning Director's Recommendation: As required under Section 2.8.5 of the Unified Development Ordinance (UDO) the Planning Director shall: '*... cause an analysis to be made of the application and, based upon that analysis, prepare a recommendation for consideration*'.

The Director has determined the proposed atlas amendments are necessary to ensure each parcel has development option(s) and that rezoning said parcels back to their original zoning designation is consistent with the goals and policies of the adopted Comprehensive Plan. As a result, the Director recommends **approval** of the Statement of Consistency, indicating the amendments are reasonable and in the public interest, contained in Attachment 3 and the proposed zoning atlas amendment ordinance contained in Attachment 4.

FINANCIAL IMPACT: This request has been reviewed by various County departments who have determined that the approval or denial of the request would not create the need for additional funding for the provision of County services. Costs associated with advertising, including the public hearing notice and mailings, are covered within the Department's budget.

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

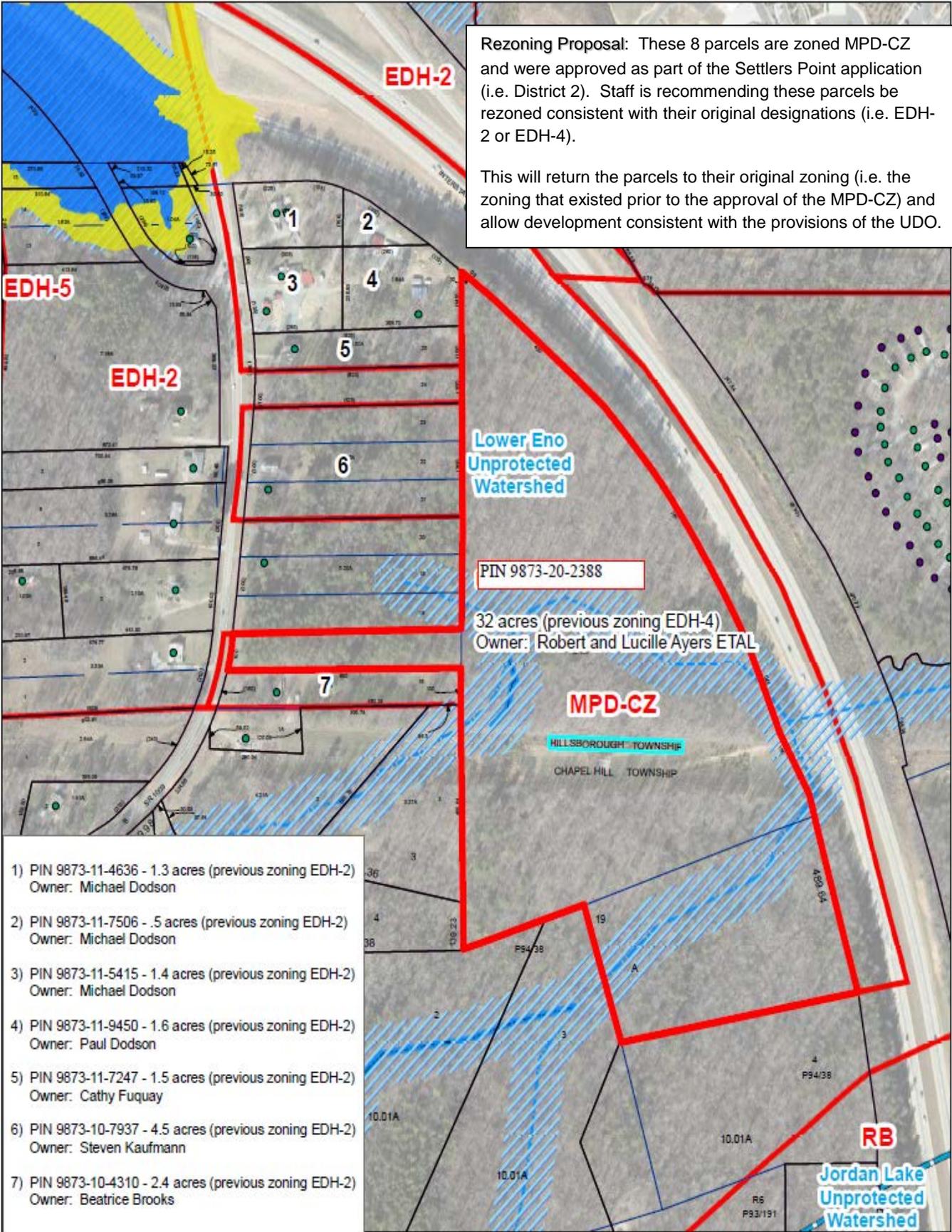
GOAL: ESTABLISH SUSTAINABLE AND EQUITABLE LAND-USE AND ENVIRONMENTAL POLICIES

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

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

RECOMMENDATION: The Manager recommends the Board approve the:

- a. Statement of Consistency (Attachment 3), and
- b. The Ordinance Amending the Zoning Atlas (Attachment 4)



Attachment 2 – Minutes

**MEETING MINUTES
ORANGE COUNTY PLANNING BOARD
AUGUST 5, 2020
REGULAR MEETING**

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

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

MEMBERS ABSENT: Gio Mollinedo, At-Large Representative; Vacant, At-Large Representative

STAFF PRESENT: Craig Benedict, Planning Director; Perdita Holtz, Planning Systems Coordinator; Tom Altieri, Comprehensive Planning Supervisor; Michael Harvey, Current Planning Supervisor; Brian Carson, GIS Tech III, Tom Ten Eyck, Transportation/Land Use Planner, Christopher Sandt, Staff Engineer; Tina Love, Administrative Support; Steve Brantley, Economic Development Director, Amanda Garner, Assistant Economic Development Director;

APPLICANT AND ASSOCIATES PRESENT: Bill Aucoin, Vice President - Avison Young; Chris Bostic, Project Manager – Kimley-Horn and Associates, Inc.; Jack Graham, Principal – Avison Young; Michael Birch, Partner – Longleaf Law Partners; Christa Greene, Senior Principal – Stantec; Frank Csapo, CEO – Barrister Commercial Group; Wes Hall, Civil Engineer Analyst – Kimley-Horn; Matt Peach, Senior Transportation Engineer – Stantec; Rick Ogburn, Director of Construction – Barrister Commercial Group; Doug Short, Partner – Manning Fulton

OTHERS PRESENT: Penny Rich (BOCC Chair); Sarah Shore; Joseph Shore; Stephen Williams; Frederick Tapp; Kaila Mitchell; Brandon Sneed; Gerald Scarlett; Leslie Robert; Ellen Mayer; Jayse Sessi; Myra Gwin-Summers; Franklin Garland; Isabel Garland; Clare Brennan; Karen Fernandez; Theresa Gilliam; Maryanne Ross; Jill Bauer; Dennis Hagerman; Ronald Sieber; Jared Jurkiewicz; Matthew Kostura; Jon Lorusso; Richard Wagoner; Ted Bryant; Bob Bundschuh; Allen Rynish; Brian Lapham; Steve Kaufmann; Gina Rhoades; Doug Short; Betty Garland; Kevin Nicholson, Jonathan Espitia, William Clayton, Beatrice Brooks, Rowdy and Kim Walker, Beth Rosenberg, Diane and Erik Dunder; Noah Chase; Cedar Eagle; Jack Rupplin; Tammy Grubb; 3 callers

AGENDA ITEM 1: BRIEF SUMMARY BY STAFF ON TECHNOLOGY PROTOCOLS FOR MEETING
PRESENTER: Perdita Holtz, Planning Systems Coordinator

Perdita reviewed the technical processes and rules

AGENDA ITEM 2: CALL TO ORDER AND ROLL CALL
Chair David Blankfard called the meeting to order.

AGENDA ITEM 3: INFORMATION ITEMS
a. Planning Calendar for August and September

AGENDA ITEM 4: APPROVAL OF MINUTES
February 5, 2020

56 MOTION by Randy Marshall to approve the February 5, 2020 Meeting Minutes. Seconded by Hunter Spitzer.

57 VOTE: Unanimous

58

59

60 AGENDA ITEM 5: CONSIDERATION OF ADDITIONS TO AGENDA.

61 There were none

62

63

64 AGENDA ITEM 6: PUBLIC CHARGE

65

66 INTRODUCTION TO THE PUBLIC CHARGE

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

75

76 PUBLIC CHARGE

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

83

84

85 AGENDA ITEM 7: CHAIR COMMENTS

86 There were none

87

88

89 AGENDA ITEM 9: ZONING ATLAS AMENDMENT (GENERAL USE REZONING) - To review and make a recommendation to
90 the BOCC on a County-initiated action to rezone 8 parcels totaling 45.96 acres from MPD-CZ
91 (Settler's Point) to EDH-4 (Economic Development Hillsborough Office/Retail) (1 parcel 32.76
92 acres in size) or EDH-2 (Economic Development Hillsborough Limited Office) (7 parcels totaling
93 13.2 acres). The parcels are located in Hillsborough Township, south of Interstate 40 and east of
94 Old Highway 86. This item is scheduled for BOCC public hearing on September 15, 2020.

95 PRESENTER: Michael Harvey, Current Planning Supervisor

96 *Michael Harvey reviewed the abstract and proposed changes to the Zoning Atlas Amendment*

97

98 David Blankfard: Anybody from the Board have any questions or comments?

99

100 Hunter Spitzer: My first question is in rezoning these parcels back to what they were prior to this, particularly on the
101 east side of 86, could I recommend or ask for consideration to rezoning to low intensity to medium intensity
102 residential in this area? It seems as though the industrial land uses are not very in line with the vision that the
103 residents have and I would add this zoning in addition to the ones that you already have recommended and in place
104 of Rural Residential this would allow for a more transition, a different opportunity for development in the area that I
105 think would be more in line with what some people have voiced.

106

107 Michael Harvey: Thank you for the question, that suggestion in my opinion is inconsistent with the Comprehensive
108 Plan, which identifies this area as Economic Development Transition. I also think that these property owners would
109 object to (their property being) the down zoning of their property and loss of potential development value. These
110 parcels have been zoned Economic Development for several decades. That it is not something that I am comfortable

111 with recommending or supporting. If you have an interest in restudying the area, that statement needs to be made to
112 the County Commissioners who would need to take it under consideration. What I will say is that, as with other
113 projects in this general area, there has been an interest in expanding our current Hillsborough Economic
114 Development District and increasing economic development opportunities in this area. I also do not think it's the best
115 planning idea to put low intensity residential right up against an Interstate. I think that the current land use categories
116 and zoning that we have recommended would allow for purposeful development and expansion consistent with
117 current County policy.

118
119 Hunter Spitzer: I have another, more of a comment and this is pertaining to the analysis section of the introduction of
120 this amendment. "It finds that this is consistent with land use goal 3, a variety of land uses that are coordinated within
121 a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts,
122 supported by an efficient and balanced transportation system." This is not mentioned again in the actual motion or I
123 believe the resolution we have to recommend to the Board. So if that will not be included over in summary words
124 those things that we've accomplished then I have no further objections but I do find that land use goal in itself a little
125 bit contradictory and not applicable to this situation.

126
127 David Blankfard: All right, anybody else have any comments? Ok, again I'd like to ask people from the community to
128 say if they received a letter from the planning department.

129
130 Stephen Williams: I did receive a letter from the County Planning Board. I just want to reiterate something that the
131 gentleman just said that was speaking. He said that he didn't think that the residents or the owners, I'm sorry, the
132 owners of the property that we are discussing now would appreciate a rezoning that would devalue their property and
133 I think that that's something that every resident here is concerned about. It's interesting that we're concerned about
134 these particular parcels and the owners of them and worried about decreasing the value they have in their property
135 but I think it should be noted that rezoning these areas and putting in this development which is the goal here, is also
136 going to devalue the properties of the residents that are around those areas. Thanks.

137
138 Bob Bundschuh: I have a question if these go back to their old zoning and they're allowed to develop independently,
139 two questions. Is water and sewer does the loop have to be supplied to them before they can do that and secondly, if
140 someone decided to develop again can you reiterate what steps they would have to take. Would it go through zoning
141 and then the County Commissioners again or since it is zoned does it just go to the zoning board?

142
143 Michael Harvey: I think I can answer that question. Any development of this property will have to be done in
144 compliance with the Orange County Unified Development Ordinance. Development would be under staff's
145 administrative review, it would not go back to the Planning Board or the County Commissioners. If these properties
146 remain Settler's Point, MPD-CZ it would also not have to go back to the County Commissioners or the Planning
147 Board it would develop under site plan review. There are standards in the Unified Development Ordinance dealing
148 with shared driveway access that any development on these properties would have to abide by, but the rezoning of
149 these parcels would mean that the concept access management strategy developed as part of the Settler's Point
150 MPD-CZ would not have to be followed and from our standpoint, it is more appropriate to give these individual
151 property owners a path forward to development of their property as compliant with the various 18 or so pages of
152 conditions associated with the Settler's Point MPD-CZ would be difficult for them to abide by.

153
154 Bob Bundschuh: And water and sewer?

155
156 Michael Harvey: I'm sorry sir; I forgot the water and sewer (question). These parcels are not intended nor are they
157 slated to be served by water and sewer. In order for any of these eight parcels to get water/sewer, it is my opinion
158 they would have to request annexation of the Town of Hillsborough. My apologies for that. This rezoning does not
159 somehow give them the ability to tap onto water/sewer inconsistent with what the Town's original reaction was back
160 when Settler's Point was being reviewed.

161
162 Franklin Garland: So, Mr. Harvey, it's my understanding with these eight parcels and pretty much everything else out
163 there that what you decide goes and even though the ethics part of our webpage out here says that you can't do that,
164 you just gonna railroad everything through no matter what as you saying this is not going to go to the Board of
165 Commissioners, what you're doing right now. That they would have no say, they can't tell you no, and hold on hold
166 on, I'm not done....

167

168 Michael Harvey: No sir, this Zoning Atlas amendment has to go to the County Commissioners for eventual approval,
169 the development of these properties, as individual parcels would be handled by the staff consistent with the
170 requirements of the Unified Development Ordinance as all permitted land uses would be handled.

171

172 Franklin Garland: Ok, so if you spending all this time and energy and all this money on it and all the people out here,
173 I can get 20 or 30 thousand people to go against what you're trying to propose, you have wasted all this money and it
174 will go to the Board of Commissioners and they gonna say, well we agree with the community, maybe they will this
175 time. Apparently, you don't. You don't live here, I don't know where you live, you know. I don't know where the
176 Commissioners live, I don't know where the rest of the Board lives but apparently they're not being affected by this
177 because they could care less, including you, ok. I would really appreciate it if actually some of the Commissioners
178 and some of these planning people came and looked at these properties. I will gladly let you on my property and
179 show you what I mean. I have a drone I can fly over so you can see it because apparently you going by maps and
180 that's good enough and that's not good enough for the people that live here by the way. You know what's good
181 enough is for you to leave us alone.

182

183 David Blankfard: Thank you Mr. Garland

184

185 Steve Kaufmann: Can I have video too. My name is Steve Kaufmann and I did receive a letter from the County for
186 this. First, let me introduce myself as a resident of Hillsborough for 25 years. I moved here to be a school teacher
187 here and I moved on Davis Road and like everyone else has spoken about Davis Road, I just love this road it's like a
188 dream come true moving here and I opened up a martial arts school here. I've been teaching martial arts in
189 Hillsborough for 25 years also. Driving on Old 86 on my way to work, I saw some land for sale on the east side right
190 near 40 and I wanted to build a martial arts school so I purchased that land that was actually zoned for schools at
191 that time. Unfortunately, there as a moratorium for six months going on while I was purchasing it and once the
192 moratorium was over I was no longer able to build a school on it. So I've been waiting for 20 years and I had the
193 opportunity to have a school on it when Settler's Point was approved because basically the codes changed a lot
194 during that time which they're present still. Because of what Michael Harvey explained, it's impossible for anyone to
195 do anything with that property given that everyone has to work together because there's traffic ordinances and lots of
196 details that take lots of money to do anything within any of that property. So, I don't want people to inflate those
197 properties on the east side with the this humongous thing that's going on with the west side. They are very very
198 different things. I purchased this property exactly 20 years ago; I'm like a newcomer there. I purchased it from a
199 family who had lived there for generations and all my neighbors have lived there for generations, I mean, I'm
200 definitely the new guy there after 20 years. All those people have had property for many years and I don't know what
201 they are planning to do with it but I don't see anyone eager to build with it, they are just sitting on it, including myself
202 at the moment. We're very very close to I-40 there's already Dodson's Construction is already a business right near
203 40 that's been a business there ever since I've been there and that's right next door to my house. Whatever is going
204 to go on there, those are like four to six acres lots. Once again, don't inflate it with the these humongous warehouses
205 that are happening on the west side an especially that 12 acre lot on Davis Road which I'm definitely against. Those
206 are very very different things that are happening on the same night tonight so I just wanted to air my concerns. It
207 would definitely be a setback to me to have that as residential only, I purchased it to build the school on and I've
208 been struggling for 20 years to try to get a school on it and I've been in conversations with Orange County for 20
209 years about how to build a school on it and believe me it's not easy to build anything in Orange County without going
210 through lots of red tape. If you are a very large building company and you have lawyers and you have architects and
211 you have designers and you have site planners and you have lots of money to work with you can get things done but
212 as a small mom and pop operation that I have it's very very very difficult to get anything done so I just want to assure
213 you that there aren't going to be all these things popping up on the east side of that street. There's no water and
214 sewer there, it's almost like it's impossible to build there the land doesn't perk well and we don't have water and
215 sewer. It's probably going to be sitting there for a good many years still. Ok, that's all I have to say, thank you very
216 much.

217

218 Craig Benedict: Michael Harvey, can you confirm that these rezonings would facilitate him being able to do
219 something on his property besides the Settler Point district two.

220

221 Michael Harvey: Yes, as I alluded, if the rezoning is approved then development of the individual parcels would have
222 to be compliant with the County Unified Development Ordinance but they would be developed and could be

223 developed independently from one another consistent with applicable standards including the Table of Permitted
 224 Land Uses contained in Section 5.2.

225

226 Perdita Holtz: Franklin Garland has put his hand up for a second time; it will be up to the Board whether you want to
 227 allow additional comments from Mr. Garland.

228

229 David Blankfard: I don't think we need to hear anything else from Mr. Garland on this agenda item.

230

231 Gerald Scarlett: I'm Gerald Scarlett again from West Scarlett Mountain Road. I just have a quick question. I think I
 232 know the answer but I want to make sure. Item 9 on the agenda, the only thing that is doing is reverting the zoning
 233 for the property on the east side of Old 86 back to its previous zoning before the development for Settler's Point, is
 234 that correct?

235

236 Michael Harvey: You are correct sir.

237

238 Gerald Scarlett: Thank you.

239

240 Randy Marshall: Ready to make a motion if that's the desire of the Planning Board.

241

242 David Blankfard: Yes

243

244 **MOTION** by Randy Marshall this would be an ordinance amending the Orange County Zoning Atlas as established in
 245 Section 1.2 of the Orange County Unified Development Ordinance and whereas the proposed rezoning consists of
 246 the eight property owners and whereas the proposal has been found to be consistent with the 2030 Orange County
 247 Comprehensive Plan and whereas the requirement of Section 2.8 of the UDO have been deemed complete and
 248 whereas the Board has found that the proposed zoning atlas amendment to be reasonably necessary to promote the
 249 public health, safety, and general welfare, we recommend that the Board of County Commissioners rezone the areas
 250 described above and depicted on the attached maps.

251

252 Michael Harvey: Chair Blankfard, this is Michael Harvey, can I ask for a clarification. Randy so your motion is that
 253 you make a recommendation to approve the Statement of Consistency as contained in attachment 3 and the
 254 proposed ordinance, which you have just summarized as contained in attachment 4 to the County Commissioners, is
 255 that correct?

256

257 Randy Marshall: My presumption was we had already approved the attachment 3 by our earlier vote and I was
 258 recommending approval of attachment 4.

259

260 Michael Harvey: No sir, this is a different item, so it's both items.

261

262 Randy well then I recommend both 3 and 4.

263

264 **MOTION** by Randy Marshall to recommend approval of the Statement of Consistency and the ordinance amending
 265 the Orange County Zoning Atlas. Seconded by Hunter Spitzer.

266

267 **ROLLCALL VOTE:**

268 Carrie Fletcher: Yes

269 Adam Beeman: Yes

270 Hunter Spitzer: Yes

271 Melissa Poole: Yes

272 Randy Marshall: Yes

273 Kim Piracci: Yes

274 Susan Hunter: Yes

275 Alexandra Allman: Yes

276 David Blankfard: Yes

277 Patricia Roberts: Yes

278

279 MOTION PASSED UNANIMOUSLY
280
281

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

An applicant initiated amendment to the Zoning Atlas to rezone 3 parcels as follows:

Parcel Identification Number (PIN)	Township	Owner of Record	Current Zoning District	Proposed Zoning District
9863-71-8857	Hillsborough	Suzanne McGrady	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District	Master Plan Development Conditional Zoning (MPD-CZ) Research Triangle Logistics Park; Major Transportation Corridor (MTC) Overlay District.
9863-91-6573	Hillsborough	Christy Bailey – ETAL John Clayton	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Economic Development Hillsborough Limited Office (EDH-2) - north of Interstate 40 Major Transportation Corridor (MTC) Overlay District	Master Plan Development Conditional Zoning (MPD-CZ) Research Triangle Logistics Park; Economic Development Hillsborough Limited Office (EDH-2) – north of Interstate 40 Major Transportation Corridor (MTC) Overlay District.
9862-99-8894	Hillsborough	Facility Care Services Inc.	Rural Residential (R-1) Rural Buffer (RB) – approximately 26,000 sq.ft. along Davis Road	Master Plan Development Conditional Zoning (MPD-CZ) Research Triangle Logistics Park; Rural Buffer (RB) – approximately 26,000 sq.ft. along Davis Road

The Planning Board finds:

- a. The requirements of Section 2.8 of the UDO have been deemed complete; and,
- b. Pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan.
 1. The amendment is consistent with applicable plans because it supports the following 2030 Comprehensive Plan goals and objectives:
 - Objective LU-1.1: Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e.,

water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available. (See also Economic Development Objectives ED-2.1, ED-2.3, ED-2.10, and Water and Wastewater Objective WW-2.)

The atlas amendment is consistent with this goal and objective with the approval of a rezoning of property creating a district allowing for the development of high density non-residential land uses in an area of the County designated for the location of adequate supporting infrastructure (i.e. water and sewer).

- c. The amendment is reasonable and in the public interest because it:
1. Expands economic development prospects within the County while continuing to protect adjacent and nearby land uses.

The atlas amendment involves the approval of a master plan establishing a detailed list of allowable non-residential land uses to aid in the marketing on an area designated within the Comprehensive Plan as being suitable for high intensity non-residential development.

The expansion is consistent with County and Town of Hillsborough plans outlining those parcels suitable for service by water/sewer that are prime for high intensity non-residential development.

Further, the approved master plan establishes mandatory land use buffers and setbacks for development within the project to ensure off-site impacts are mitigated.

The Planning Board of Orange County hereby recommends that the Board of County Commissioners consider adoption of the proposed Zoning Atlas amendments.



David Blankfard, Chair

09.09.2020

Date

Attachment 3

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

A Planning Director initiated amendment to the Zoning Atlas to rezone 8 parcels as follows:

Lot Number	Parcel Identification Number (PIN)	Township	Owner of Record	Current Zoning District	Proposed Zoning District
1	9873-11-4636	Hillsborough	Michael Dodson	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District	Economic Development Hillsborough Limited Office (EDH-2) Major Transportation Corridor (MTC) Overlay District.
2	9873-11-7506	Hillsborough	Michael Dodson	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District	Economic Development Hillsborough Limited Office (EDH-2) Major Transportation Corridor (MTC) Overlay District.
3	9873-11-5415	Hillsborough	Michael Dodson	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District	Economic Development Hillsborough Limited Office (EDH-2) Major Transportation Corridor (MTC) Overlay District.
4	9873-11-9450	Hillsborough	Paul Dodson	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District	Economic Development Hillsborough Limited Office (EDH-2) Major Transportation Corridor (MTC) Overlay District.
5	9873-11-7247	Hillsborough	Cathy Fuquay Cynthia Bessoir	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District	Economic Development Hillsborough Limited Office (EDH-2) Major Transportation Corridor (MTC) Overlay District.
6	9873-10-7937	Hillsborough	Steven and Jesse Kaufman	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District	Economic Development Hillsborough Limited Office (EDH-2) Major Transportation Corridor (MTC) Overlay District.
7	9873-10-4310	Hillsborough	Beatrice Brooks	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District Rural Residential (R-1)	Economic Development Hillsborough Limited Office (EDH-2) Major Transportation Corridor (MTC) Overlay District. Rural Residential (R-1)
8	9873-20-2388	Hillsborough	Robert and Lucille Ayers ETAL	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District	Economic Development Hillsborough Office/Retail (EDH-4) Major Transportation Corridor (MTC) Overlay District.

The BOCC finds:

- a. The requirements of Section 2.8 of the UDO have been deemed complete; and,
- b. Pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan.
 1. The amendment is consistent with applicable plans because it supports the following 2030 Comprehensive Plan goals and objectives:

Objective ED-1.5:

Identify barriers to development of desirable businesses and local businesses, and mitigate these barriers.

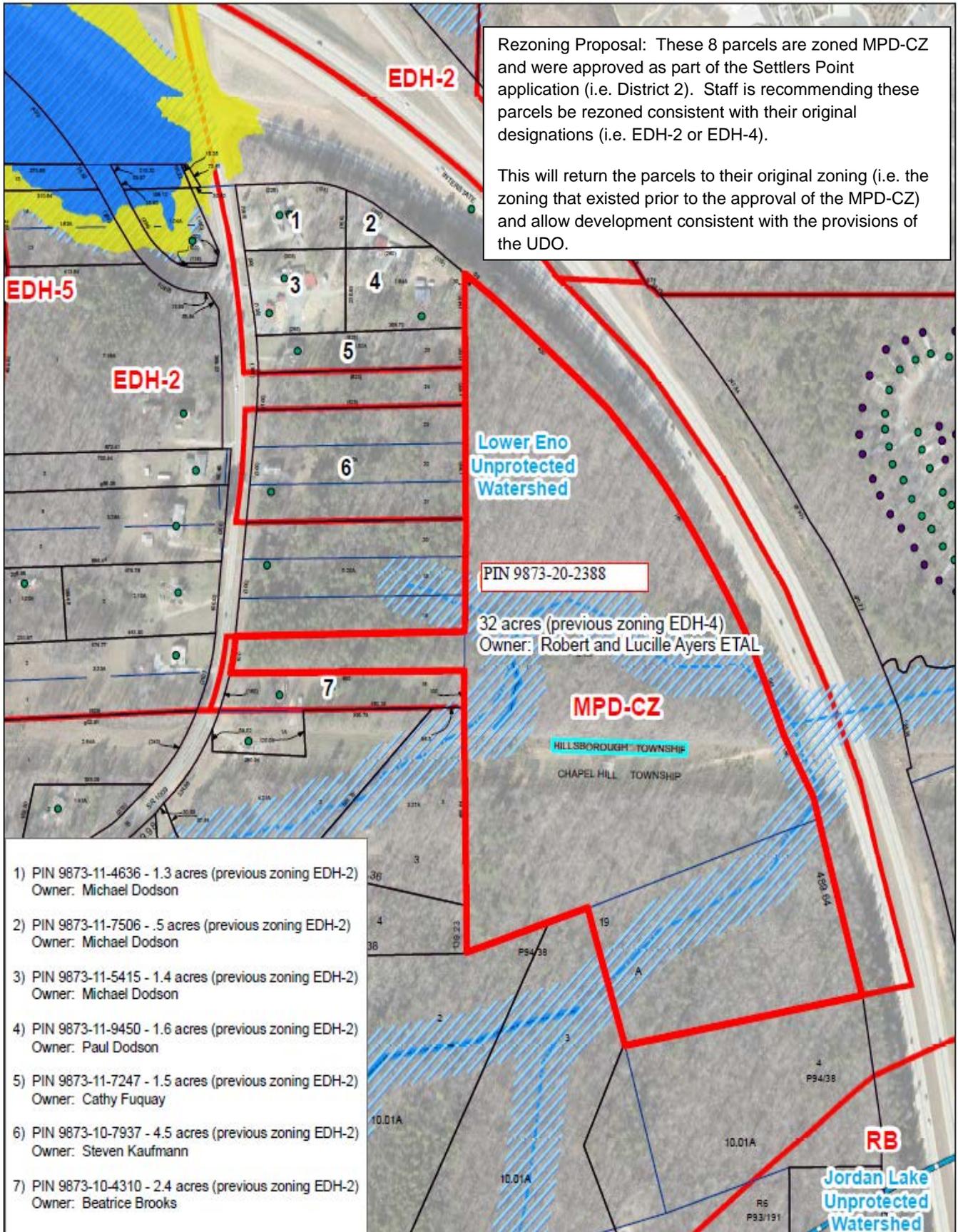
The atlas amendment is consistent with this goal and objective as it eliminates the need for the parcels to comply with development criteria associated with a previously approved Master Plan Development Conditional Zoning (MPD-CZ) district. This district, commonly referred to as Settlers Point, is being modified. These 8 parcels will have difficulty meeting established development conditions/standards due to the proposed modification. By rezoning these parcels, the County will be providing opportunities for each lot to be developed consistent with applicable County land use standards as embodied within the UDO.

- c. The amendment is reasonable and in the public interest because it:
 1. Modifies existing non-residential zoning designations in an effort to provide each property owner with an opportunity/path forward for the reasonable development of their property.

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

Penny Rich, Chair

Date



Ordinance #: ORD-2020-021

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

WHEREAS, Orange County has initiated amendments to the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, the proposed rezoning consists of the following:

Lot Number	Parcel Identification Number (PIN)	Township	Owner of Record	Current Zoning District	Proposed Zoning District
1	9873-11-4636	Hillsborough	Michael Dodson	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District	Economic Development Hillsborough Limited Office (EDH-2) Major Transportation Corridor (MTC) Overlay District.
2	9873-11-7506	Hillsborough	Michael Dodson	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District	Economic Development Hillsborough Limited Office (EDH-2) Major Transportation Corridor (MTC) Overlay District.
3	9873-11-5415	Hillsborough	Michael Dodson	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District	Economic Development Hillsborough Limited Office (EDH-2) Major Transportation Corridor (MTC) Overlay District.
4	9873-11-9450	Hillsborough	Paul Dodson	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District	Economic Development Hillsborough Limited Office (EDH-2) Major Transportation Corridor (MTC) Overlay District.
5	9873-11-7247	Hillsborough	Cathy Fuquay Cynthia Bessoir	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District	Economic Development Hillsborough Limited Office (EDH-2) Major Transportation Corridor (MTC) Overlay District.
6	9873-10-7937	Hillsborough	Steven and Jesse Kaufman	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District	Economic Development Hillsborough Limited Office (EDH-2) Major Transportation Corridor (MTC) Overlay District.
7	9873-10-4310	Hillsborough	Beatrice Brooks	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District Rural Residential (R-1)	Economic Development Hillsborough Limited Office (EDH-2) Major Transportation Corridor (MTC) Overlay District. Rural Residential (R-1)

8	9873-20-2388	Hillsborough	Robert and Lucille Ayers ETAL	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District	Economic Development Hillsborough Office/Retail (EDH-4) Major Transportation Corridor (MTC) Overlay District.
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WHEREAS, the proposal has been found to be consistent with the 2030 Orange County Comprehensive Plan, and

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

WHEREAS, the Board has found the proposed zoning atlas amendment to be reasonably necessary to promote the public health, safety, and general welfare.

BE IT ORDAINED by the Board of Commissioners of Orange County that the Orange County Zoning Atlas is hereby amended to rezone the areas described above and depicted on the attached maps.

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

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

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

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

SEAL

Interim Clerk to the Board of Commissioners

**ORANGE COUNTY
BOARD OF COUNTY COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: October 6, 2020**

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

SUBJECT: Zoning Atlas Amendment – Master Plan Development Conditional Zoning District (MPD-CZ) for the Research Triangle Logistics Park (RTLTP)

DEPARTMENT: Planning and Inspections

ATTACHMENTS:

1. Excerpt of Planning Board Minutes from August 5 and 19, 2020 and Statement of Consistency
2. Statement of Consistency
3. Draft Conditions of Approval

INFORMATION CONTACT:

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

PURPOSE: To continue review and discussion on an applicant initiated Zoning Atlas Amendments for 3 parcels west of Old NC Highway 86/south of Interstate 40 to Master Plan Development Conditional Zoning (MPD-CZ) district.

Specifically, the Board will be finalizing on an application submitted by Terra Equity Incorporated to rezone parcels within PIN numbers 9863-71-8857, 9863-91-6573, and 9862-99-8894:

FROM: MPD-CZ (Settlers Point), Major Transportation Corridor (MTC) Overlay District, Rural Residential (R-1), and Rural Buffer (RB).

TO: MPD-CZ (Research Triangle Logistics Park), Major Transportation Corridor (MTC) Overlay District, Rural Buffer (RB).

NOTE: As indicated at the public hearing, approximately 26,000 sq.ft. of property (PIN 9862-99-8894) shall remain zoned RB and will remain in open space.

As a general reminder the public comment period for this item closed at 9:00 a.m. on September 24, 2020. The BOCC will not be accepting any further public comment on this item.

As the Board is aware, staff has recommended the imposition of several conditions designed to address the impacts of the project as well as address some of the concerns expressed by the general public. These conditions must mutually be agreed to by the applicant. At the writing of this abstract, staff and the applicant are still working to finalize various conditions.

BACKGROUND: Review of this item began at the BOCC's September 15, 2020 BOCC regular meeting and concluded with the closure of the public hearing on September 22, 2020. Agenda materials from the public hearing can be accessed at:

<http://server3.co.orange.nc.us:8088/WebLink/Browse.aspx?startid=61357&row=1&dbid=0>.

Video from the September 15 and 22, 2020 meetings can be accessed at: <https://www.orangecountync.gov/967/Meeting-Videos>.

Approximately 100 people spoke on this item over the course of the two public hearing dates. In accordance with Session Law 2020-3 Section 4.31(a), regarding remote meetings during declared emergencies, written comments were allowed to be sent for 24-hours after the public hearing was closed. Interested parties were told to submit comments via e-mail, or in writing to the Planning Department office at 131 West Margaret Lane in downtown Hillsborough, by 9:00 a.m. September 24, 2020.

No written comments were received at the Planning Department office by the deadline. All comments sent to ocbocc@orangecountync.gov on this proposal are viewable at: <https://groups.google.com/g/ocbocc>.

Proposal: The applicant is proposing to rezone the 3 identified parcels to a new MPD-CZ district allowing for the development of a new master planned project, referred to as the Research Triangle Logistics Park (RTLP) summarized as follows:

1. Construction of approximately 2,400,000 sq.ft. of building area supporting non-residential development and preserve 41 acres (25%) of land as open space.
2. Permitted land uses within the new MPD-CZ district would include:
 - a. Health technology,
 - b. Information sciences and engineering,
 - c. Advanced and light manufacturing,
 - d. Scientific research and laboratories,
 - e. Logistics/supply operations,
 - f. Warehousing and supply chain fulfillment services.

The applicant has also provided a list of land uses that would be strictly prohibited within the new district;

3. Vehicular access would be through Service Road, running parallel with Interstate 40, and Davis Road;
4. Buildings would observe a 6 story height limit consistent with County regulations. Accessory structures (i.e. water tower, telecommunication tower, etc.) may be higher.
5. The applicant is proposing imposition of development and design standards (i.e. architectural design, signage, internal and external setback limits, height limits, landscaping/buffer standards, outdoor lighting standards, erosion control/stormwater, etc.) governing overall development of the project if the MPD-CZ district is approved by the County.

During the public hearing several concern(s) were expressed over the project, summarized as follows:

- a. Proposed development is too intensive for the 161 acres of land (i.e. over 2,400,00 sq.ft. of building area cannot be accommodated on the 3 parcels);
- b. Proposed land uses are not in harmony with surrounding property;

- c. The applicant has not provided sufficient details on proposed land uses. Local residents have expressed concern(s) they will not have a voice is recommending denial of specific tenants;
- d. Action on the application will result in illegal spot zoning subjecting the County to a court challenge. Specifically the parcel along Davis Road is within the Rural Residential land use category, as defined in the County's Comprehensive Plan, and was never intended to support high intensity economic development projects;
- e. The request is inconsistent with various goals and policies of the adopted 2020 Comprehensive Plan including but not limited to:
 - i. Allow for intensive non-residential development in an area of the county designated as a rural and/or protected area,
 - ii. Will not result in adequate protection of the natural environment,
 - iii. Will not be in harmony with surrounding land uses.
- f. Will negatively impact rural neighborhoods in and around Davis Road due to the proposed driveway allowing vehicular access to and from the development. The driveway will generate too much traffic on the road creating a public safety hazard. Further, commercial vehicles will make use of existing, rural roadways (i.e. Old NC Highway 86, New Hope Church Road, Orange Grove Road);
- g. The project does not provide enough protection for existing environmental features (i.e. streams, floodplains, and identified hardwood forests), will have a negative impact on Cates Creek, and will impair the health of the Eno River;
- h. Development will negatively impact and displace local wildlife;
- i. Insufficient safeguards are proposed addressing stormwater runoff and impacts on adjacent property owners;
- j. Development of buildings with a maximum height limit of 60 feet will dominate the local landscape;
- k. Truck traffic will create health hazards for residents due to increases in diesel exhaust/fumes. Further, noise created by these trucks will negatively impact local residents and will constitute violation(s) of applicable noise regulations;
- l. The applicant has been inconsistent in the number of jobs the project will generate;
- m. The submitted traffic impact analysis is contradictory with the application narrative.

As previous indicated, there are numerous recommended conditions designed to address the anticipated impacts of the project.

Planning Board Recommendation: The Planning Board reviewed this item on August 5 and 19, 2020. The Board voted 6 to 4 to recommend **approval** of the Statement of Consistency (Attachment 2) and the proposed Zoning Atlas Amendment (Attachment 3) as proposed by staff. Those voting against the project cited the following concerns:

- a. The Board wanted the applicant to provide the specific tenants (i.e. names, operational characteristics, etc.) within the project for 'review and approval' prior to action being taken on the zoning atlas amendment request;
- b. Board members expressed concern over anticipated traffic impacts on Davis Road;

- c. The project was deemed to be too intensive for the area.

Excerpts of the minutes from these meetings, as well as the Board's signed statement of consistency, are included in Attachment 1. Agenda materials from the meetings can be viewed at: <https://www.co.orange.nc.us/AgendaCenter/Planning-Board-26>.

Planning Director's Recommendation: The Planning Director recommends **approval** of the:

1. Statement of Consistency indicating the zoning atlas amendment(s) are reasonable and in the public interest as contained in Attachment 2.

STAFF COMMENT: This presumes the land use designation of the 12 acre parcel (PIN 9862-99-8894) is changed from Rural Residential to Economic Development Transition Activity Node as detailed herein. If the aforementioned FLUM is not approved, the staff recommendation will have to be revised.

2. Ordinance amending the Zoning Atlas, as well as imposing development conditions, for the identified parcels as contained in Attachment 3.

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

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

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this agenda 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: In the absence of the applicant formally accepting recommended conditions, the Manager recommends the Board continue to review/discuss the project and review imposition of additional conditions.

If the applicant accepts the imposition of recommended conditions, in writing, by the October 6, 2020 meeting the BOCC can approve the Statement of Consistency (Attachment 2), and the Ordinance Amending the Zoning Atlas (Attachment 3).

Attachment 1

**MEETING MINUTES
ORANGE COUNTY PLANNING BOARD
AUGUST 5, 2020
REGULAR MEETING**

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

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

MEMBERS ABSENT: Gio Mollinedo, At-Large Representative; Vacant, At-Large Representative

STAFF PRESENT: Craig Benedict, Planning Director; Perdita Holtz, Planning Systems Coordinator; Tom Altieri, Comprehensive Planning Supervisor; Michael Harvey, Current Planning Supervisor; Brian Carson, GIS Tech III, Tom Ten Eyck, Transportation/Land Use Planner, Christopher Sandt, Staff Engineer; Tina Love, Administrative Support; Steve Brantley, Economic Development Director, Amanda Garner, Assistant Economic Development Director;

APPLICANT AND ASSOCIATES PRESENT: Bill Aucoin, Vice President - Avison Young; Chris Bostic, Project Manager – Kimley-Horn and Associates, Inc.; Jack Graham, Principal – Avison Young; Michael Birch, Partner – Longleaf Law Partners; Christa Greene, Senior Principal – Stantec; Frank Csapo, CEO – Barrister Commercial Group; Wes Hall, Civil Engineer Analyst – Kimley-Horn; Matt Peach, Senior Transportation Engineer – Stantec; Rick Ogburn, Director of Construction – Barrister Commercial Group; Doug Short, Partner – Manning Fulton

OTHERS PRESENT: Penny Rich (BOCC Chair); Sarah Shore; Joseph Shore; Stephen Williams; Frederick Tapp; Kaila Mitchell; Brandon Sneed; Gerald Scarlett; Leslie Robert; Ellen Mayer; Jayse Sessi; Myra Gwin-Summers; Franklin Garland; Isabel Garland; Clare Brennan; Karen Fernandez; Theresa Gilliam; Maryanne Ross; Jill Bauer; Dennis Hagerman; Ronald Sieber; Jared Jurkiewicz; Matthew Kostura; Jon Lorusso; Richard Wagoner; Ted Bryant; Bob Bundschuh; Allen Rynish; Brian Lapham; Steve Kaufmann; Gina Rhoades; Doug Short; Betty Garland; Kevin Nicholson, Jonathan Espitia, William Clayton, Beatrice Brooks, Rowdy and Kim Walker, Beth Rosenberg, Diane and Erik Dunder; Noah Chase; Cedar Eagle; Jack Rupplin; Tammy Grubb; 3 callers

**AGENDA ITEM 1: BRIEF SUMMARY BY STAFF ON TECHNOLOGY PROTOCOLS FOR MEETING
 PRESENTER: Perdita Holtz, Planning Systems Coordinator**

Perdita reviewed the technical processes and rules

AGENDA ITEM 2: CALL TO ORDER AND ROLL CALL
Chair David Blankfard called the meeting to order.

AGENDA ITEM 3: INFORMATION ITEMS
a. Planning Calendar for August and September

AGENDA ITEM 4: APPROVAL OF MINUTES
February 5, 2020

56
 57 **MOTION** by Randy Marshall to approve the February 5, 2020 Meeting Minutes. Seconded by Hunter Spitzer.
 58 **VOTE:** Unanimous

59
 60
 61 **AGENDA ITEM 5: CONSIDERATION OF ADDITIONS TO AGENDA.**
 62 There were none

63
 64
 65 **AGENDA ITEM 6: PUBLIC CHARGE**

66
 67 **INTRODUCTION TO THE PUBLIC CHARGE**

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

76
 77 **PUBLIC CHARGE**

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

84
 85
 86 **AGENDA ITEM 7: CHAIR COMMENTS**
 87 There were none

88
 89
 90 **AGENDA ITEM 10: ZONING ATLAS AMENDMENT (MASTER PLAN DEVELOPMENT APPLICATION – RESEARCH TRIANGLE**
 91 **LOGISTICAL PARK)** - To review and make a recommendation to the BOCC on a developer-initiated
 92 application for an MPD-CZ (Master Plan Development Conditional Zoning). The proposed project
 93 encompasses approximately 180 acres in the Hillsborough Economic Development District (EDD)
 94 south of Interstate 40 and west of Old Highway 86, within Hillsborough Township. 168 acres are
 95 currently zoned MPD-CZ (Settler's Point) and 12 acres are currently zoned R-1 (Rural Residential).
 96 This item is scheduled for BOCC public hearing on September 15, 2020.

97 **PRESENTER:** Michael Harvey, Current Planning Supervisor

98 *Michael Harvey reviewed the abstract and proposed changes to the Zoning Atlas Amendment*
 99 *The Applicant for the RTLP proposal give a presentation*

100
 101 Randy Marshall: I read in some of the material here that you are likely going to consider putting left turn only from
 102 that service road onto Davis Drive, I didn't see it in your presentation. Is that something you're considering doing, left
 103 turn only coming out of the service drive onto Davis?

104
 105 Michael Birch: Correct, we have added a condition that is part of the case that requires the developer to install
 106 signage essentially stating 'left hand turns only' there at that access point. That is part of the conditions.

107
 108 Randy Marshall: I think that would help address some of the residents concern that there'd be a lot of increased
 109 traffic going down Davis Road or at least intending to try to control traffic and encourage them to turn left, that might
 110 allay some of their concerns.

111
112 Michael Birch: Absolutely, and that access point is approximately 1000 feet from the intersection with 86 and as I
113 mentioned, the traffic engineers have been working with the County and the State to really anticipate only about 5%
114 of the site trips to come or to go on Davis Drive to the west, or coming from the west. We think that signage will
115 assist with that.

116
117 Adam Beeman: My biggest concern is the traffic coming off of 40 or especially coming from Mebane. How do you
118 plan on solving that problem because it's only a single lane coming down the ramp and there is no lights so right now
119 anybody that comes off that ramp could sit there for minutes before they can make a left turn to go towards the
120 hospital. I only see that increasing with all those, the developments that they put in over across the street from the
121 hospital and you want to add how many tractor-trailers coming off of that ramp? So, I'm just curious to know what
122 your plan is for the light situation coming off the ramp.

123
124 Matt Peach: Hello everybody, my name is Matt Peach with Stantec Consulting Services; I'm the engineer of record
125 for the traffic impact analysis. Mr. Beeman, I did hear your question and I think your concern regarding the amount of
126 traffic coming from Mebane and using I-40, that's correct? We're currently in the process of recommending and
127 coordinating improvements with NCDOT. We know that the applicant has recommended improvements, particularly
128 installing a traffic signal at the I-40 eastbound ramps there at Old NC 86. In addition to that, we're trying to
129 coordinate with NCDOT regarding two projects they have in the area along I-40 and to the north on Churton Street
130 trying to make sure that our recommendations are in line with their future projects as well. That was the, part of the
131 information that they had requested previously, that we supplied them today.

132
133 Adam Beeman: So there's no intention to add any extra lane, widen any lanes coming off the ramp or turning that
134 corner towards your service road?

135
136 Matt Peach: That's what we're coordinating with NCDOT right now. We would definitely try our best to work within
137 the existing pavement to have turn lanes there at the service road. In terms of lanes at the ramps, we are not
138 proposing any at this moment but that's exactly what we're coordinating with NCDOT.

139
140 Adam Beeman: I come off of that ramp from Mebane, I go to the hospital, and I can sit there from minutes trying to
141 take that left. I just imagine if someone is trying to take the left and that ramp's not any wider when you start stacking
142 up trucks behind those people, you are going to be up on the highway before long so I am just curious. I know,
143 understand you're within the footprint but that right hand turning lane would be really nice so that the truck could just
144 roll off and not have to sit there and stack up.

145
146 Matt Peach: I certainly understand that and the purpose that and the purpose of putting a traffic signal in there would
147 be to allow the side street to move more efficiently. In theory, that delay would be reduced.

148
149 Adam Beeman: Well that's my biggest concern; I mean all the other stuff is secondary. My biggest concern is just
150 that whole intersection is a nightmare and I don't if it's going to be on you guys to deal with it or because the hospital
151 is expanding, they're building all those houses across the street from the hospital and all that development, that
152 intersection is going to be a nightmare before long so I was just hoping that you guys would try to address it
153 preemptively rather than reactively.

154
155 Matt Peach: Our current recommendation to NCDOT is to install a signal at that location so we are right in line with
156 you there and just to point upon the point you made regarding the hospital, we made sure to account for traffic for
157 future phases of Waterstone in our analysis.

158
159 David Blankford: I have a question, so what kind of traffic is going to be coming out from the building onto David
160 Drive? Is that going to be trucks or is it going to be automobiles or a combination?

161
162 Matt Peach: We do foresee both. Really as we had kind of been mentioning previously, the trucks would be using
163 Old NC 86 to get up to I-40 primarily. We see very little traffic going to and from the west on Davis Road. If traffic is
164 on Davis Road it's trying to get from that driveway to Old 86 for that 1000 feet and that's about it.

165

166 David Blankfard: What about when they get to Davis Road and it's backed up from 1-40? What prevents them from
167 taking a right on Old 86 going down to the stop sign and then turning onto New Hope to get onto 40?
168

169 Matt Peach: Another recommendation we made in the traffic study was to install a signal at Davis Road as well at
170 Old NC 86 so again the delay on the side street having no longer stop control will be reduced in this scenario.
171

172 David Blankfard: But there's nothing to stop them from turning right and going further into the rural....going toward
173 Carrboro.
174

175 Matt Peach: There will be no physical barrier, to answer that question specifically, but they would be losing time and
176 which I don't believe truckers, it's in their best interests.
177

178 David Blankfard: I guess, I'm just saying if it gets backed up where you're proposing, over near the service road, if it
179 gets backed up there then they would go the other way. Is there going to be a lot of stacking between the service
180 road and I-40?
181

182 Matt Peach: I don't believe that would be any longer, to answer your question. We do foresee some queues going
183 back from the ramp but that's just normal for the installation of a traffic signal and quite frankly, we need that traffic to
184 stop for brief periods so we can let the ramp move but our analysis show that the stacking would go back a couple
185 hundred feet certainly nowhere near Davis Road and certainly not long enough to really deter anybody from taking 40
186 up that way off Old 86.
187

188 David Blankfard: Ok, so what you're saying is it's faster just to go down to towards the service road as opposed to
189 taking a right?
190

191 Matt Peach: Correct sir.
192

193 David Blankfard: Now what about once they get to 40 and say they are going on 85 northbound, would it be faster to
194 for them to get on 40 west and then looping around to 85 or to keep going straight past Waterstone to get to 85.
195

196 Matt Peach: I'd imagine the faster way would be I-40 but that would be an individual decision that every individual
197 driver would have to make.
198

199 David Blankfard: Ok, so we don't know?
200

201 Matt Peach: I can't say definitively what behavior individuals will choose. It depends on time of day, depends on
202 their individual preferences. In my view, I would take I-40 to 85.
203

204 David Blankfard: Ok, my next question is what the outcome of the high electric line going over the existing or one of
205 the proposed buildings?
206

207 Chris Bostic: Good evening, I'm Chris Bostic with Kimley-Horn; I'm the civil engineer of record for his project. To
208 answer your question, Duke Energy does have regulations as to what is allowed underneath those transmission
209 lines, no buildings are allowed within the easement of those transmission line, however, they do allow parking and
210 our current conceptual plan does contemplate putting parking underneath the power lines and keeping the proposed
211 structure the required distance away from the easement.
212

213 David Blankfard: Ok, the entrance onto Davis Drive, there's a parcel of land that's very close and their house is very
214 close to where the proposed driveway is or the road access. Is there concern about, I mean you've got the 100 foot
215 setback but is it going, what kind of impact is that going to have for that property owner?
216

217 Michael Birch: (*Showed an exhibit*) So, I think you are talking about this area (*pointed out on exhibit*) down here
218 along Davis, so we really only have within that 100 foot area, really only have kind of the drive aisle and maybe a little
219 bit of parking in that area with the building setback 60 feet. Excuse me the building setback with a maximum height
220 of 60 feet but outside of that 100 foot setback line, in terms of impact, I was trying to see if there is a better image to

221 try to get a sense of it there but I think with a mix of landscaping that we anticipate in that area that is a mitigating part
222 of the transition.

223

224 David Blankfard: There is a similar part on the east side. That person's home is quite close to the property line. I
225 am just wondering is their backyard going to be your driveway and parking lot.

226

227 Michael Birch: No, there was anticipate likely having a stormwater control facility in that area and then only outside of
228 that, again, we are kind of showing a 100 foot buffer on this exhibit that the parking and drive aisle would be outside
229 of that, largely outside of that 100 feet.

230

231 David Blankfard: Is this going to be phased construction; are you starting with Building A and then going to Build B,
232 C and then finishing up with D?

233

234 Michael Birch: Likely, it will be phased. I don't know exactly if it's a Building A, B, C, D but we do anticipate that it
235 would be phased. The building likely off the service road to be part of that initial phase.

236

237 David Blankfard: Are they all one story, or are they going to be multiple stories or high bay?

238

239 Michael Birch: Anticipated to be one story.

240

241 David Blankfard: So, high bay?

242

243 Michael Birch: Yes.

244

245 David Blankfard: Are you going to put any photovoltaics on the roof?

246

247 Hunter Spitzer: I was going to ask how far away is the nearest Duke Energy substation?

248

249 Michael Birch: I want to make sure I heard the two questions to make sure we get the response for you. One, how
250 far away are we from the closest Duke Energy substation and then two, are we planning to include any photovoltaic
251 cells or panels on the roofs. Just from the developer it's likely that some will be included. We don't have the answer
252 on what the distance is to the substation.

253

254 Hunter Spitzer: Would the developer be willing to submit to a condition requiring roofs not to install solar immediately
255 but to be readily available to solar installation? If that makes sense? Designed with the intent to install solar.

256

257 Michael Birch: Yes, I think that's something that the developer would be willing to agree to.

258

259 Hunter Spitzer: Additionally, would the developer be willing to commit to electrical vehicle charging stations in
260 addition to this?

261

262 Michael Birch: Yes.

263

264 Hunter Spitzer: I know for the Settler's Point development we had, I am be confusing this with a different Special Use
265 Permit, but we had agreed to a particular number of stations per parking spaces. I am sure one of the staff can
266 remember because it was based on the parking deck for the Orange County Municipal Building downtown. What
267 would be acceptable ratio?

268

269 Michael Birch: My senses given the nature of this development and how different it is both from Settler's Point and
270 the project that was used as a reference point for that Settler's Point ratio, my sense is we would not be agree on a
271 ratio basis. I think we could discuss a flat number of station.

272

273 Hunter Spitzer: I see and are you intending to provide stations or availability to electrical fleet management
274 particularly in the context of developing the distribution center?

275

276 Michael Birch: Sorry, just to kind of answer your question, our sense is that something like that or having that
277 available will be driven by the end user, a particular end user that we don't have in mind right now or don't have at
278 the table. So I think it would be hard for us, difficult for us to commit to providing that and then there's the potential,
279 again if it's not a warehouse, distribution use. Kind of having those and nothing to use it so I think given that is
280 somewhat of a trend being driven by some of those types of users, if there is that type of use there, I would expect
281 them to be there but I think not knowing who the users are going to be or what type of user there is going to be, I
282 don't think we can commit to that as a condition.

283
284 Hunter Spitzer: Are you anticipating any fuel storage on the premises, gasoline, diesel or otherwise for backup
285 generation or vehicle fueling? I'm not sure where the nearest gas station is immediately to this but I imagine if you
286 are expecting a lot of traffic it wouldn't be unreasonable.

287
288 Michael Birch: There might be some diesel storage for backup generation but that's really all that is anticipated.

289
290 Hunter Spitzer: This is more of a question for the planning staff. There are UDO regulations to control that correct?
291 Fuel storage.

292
293 Michael Harvey: It's actually regulated by the North Carolina State Fire Code, not necessarily by zoning. In terms of
294 distance from structure, how stored, how protected, and how maintained it's actually going to be addressed through
295 compliance with the fire code and what I want to remind everybody that site plans that are submitted have to go
296 through the development review process with Orange County, which requires the fire marshal's office to sign off on
297 them. That is going to be a component of any and all review. So this will come up at the appropriate time by the
298 appropriate entity if proposed.

299
300 Hunter Spitzer: Can I simply request that the developer agree as a condition not to put fuel storage adjacent to their
301 vegetative buffer of the flood plain.

302
303 Michael Birch: Yes, we can agree to that.

304
305 David Blankfard: This is a question for Michael, is the building height determined by how tall the fire department can
306 raise their ladder?

307
308 Michael Harvey: So Mr. Blankfard let me answer that question this way, obviously there are height limits enforced
309 under Orange County General Use Zoning Districts and 60 feet is the potential building height that would be allowed
310 (for this MPD-CZ). You are correct that building height is usually determined by available ... or I should say one of
311 the factors in determining allowable building height ... is available infrastructure to fight fire. I think that without
312 putting words in the applicant's mouth or stealing their thunder, one of the reasons this site has so much traction is
313 because of the availability of water and sewer service and the potential for sprinklered buildings addressing some of
314 these concerns as well. There's also, in their narrative discussions about the potential to allow for water towers on
315 the property that might be used in addressing that very particular issue as well.

316
317 David Blankfard: Is there any requirements for high beams on the trucks and cars spilling over our property line?
318 Something similar to what happens in parking decks?

319
320 Michael Birch: I think that's likely addressed through the vegetated buffer around the perimeter. I think largely, I
321 think Michael Harvey can correct me if I'm wrong, largely the County's Lighting Ordinance with regard to site lighting
322 but again I think we anticipate that vegetated buffer around the perimeter of the site would mitigate those headlights.

323
324 Michael Harvey: Chair Blankfard, this is Michael Harvey, Mr. Birch is correct our lighting regulations particularly
325 address outdoor lighting, building security lighting and whatnot they don't address or they are not designed to
326 address lights from vehicles.

327
328 David Blankfard: Would the developer be willing to try to mitigate those high beams?

329
330 Michael Birch: I think we're trying to through the use of those perimeter buffer yards and also one, the vegetation
331 and two the distance and also the location of where our parking area are or anticipate them to be. I think it would be

332 hard for us to articulate an objective standard but just to answer your question more broadly, I think yes we will try to
333 mitigate that but it's hard for me to think of an objective standard that we could apply as a condition.

334
335 Melissa Poole: So you don't have actual companies going into this location into this space yet, is that correct?
336

337 Michael Birch: That's correct.
338

339 Melissa Poole: Ok, so if you're looking at manufacturing and possibly laboratory and research are you looking at that
340 they would have the ability to operate multiple shifts?

341
342 Michael Birch: Yes, potentially a building user could have multiple shifts that is correct?
343

344 Melissa Poole: So, back to, I want to jump back to just to a moment to David, when he talking about particularly the
345 residents most closely situated towards the lines, I mean I guess my question is how can you guarantee this will not
346 disrupt their life if you are running multiple shifts. That's 24 hours, could be 7 days a week 24 hours and you don't
347 know what kind of businesses are going in there.
348

349 Michael Birch: Right but they are indoor activity in these buildings. In terms of like the primary use is inside, again
350 building setbacks, vegetative buffers around the perimeter, and I mentioned earlier, those distances between just our
351 property line in some of the closer structure to our west from the larger parcel over 1100 feet. To our south from that
352 larger parcel over 800/900 feet so I think we are well buffered on the subject property but also a lot of the lots that
353 surround us are deep lots with the houses situated far from the common boundary line.
354

355 David Blankfard: Can you have the traffic engineer explain what is going on at Davis Drive and Old 86. Specifically,
356 what the current traffic is and then when this is functioning what happens what will the new traffic pattern be.
357

358 Matt Peach: Thank you, appreciate the question. Obviously, we recommended a traffic signal there at that location
359 and I believe was touched on previously in the presentation but what we were concerned with at the intersection of
360 Davis Road and Old NC 86, quite frankly, is sight distance. What our concern was traffic coming along Davis Road
361 coming to a stop and being able to see in both direction down Old NC 86 for a sufficient distance to allow them to
362 turn safely onto Old NC 86 to make sure there is a sufficient gap in traffic. We didn't feel that it was there in terms of
363 site distance so we had recommended a traffic signal to that end in addition to helping facilitate movement to and
364 from the site. In terms of traffic today, we had full traffic counts. Currently on Davis Road at Old NC 86 there's about
365 170 cars along Davis Road in the morning peak hour. In the evening peak hour there is roughly 91 cars coming
366 along Davis trying to turn onto Old NC 86. On Old NC 86 there's a 300 northbound cars approximately in the
367 morning and this is consistent with the evening rush hour southbound is similar about 300 in the morning and
368 evening rush hour.
369

370 David Blankfard: That's current?
371

372 Matt Peach: That's correct.
373

374 Hunter Spitzer: I have a question for the County staff; does the Town's sewer line currently follow along Cate's
375 Creek? Both sewer and water connections?
376

377 Craig Benedict: I can answer that, yes the sewer line is known as the Cate's Creek outfall and it would roughly follow
378 those elevation changes flowing to the north. The water doesn't have to follow the topography and it would be along
379 the service road and there is an existing 16 inch water main on Old 86 now at Davis Road all the way into
380 Hillsborough and there is actually an emergency interconnect all the way down Old 86 to the Orange Water and
381 Sewer Authority facility. The Old 86 line is in operation with the Town of Hillsborough now and it would be those two
382 areas, Old 86, service road and then some sort of loop through the project would be likely with the final engineering.
383

384 Hunter Spitzer: I was thinking less about water and sewer and more along the lines of co-locating some sort of
385 pedestrian trail but then I remembered that you have to build a bridge over I-40, which would probably border on
386 impossible. Maybe that should be a development If they are planning on redoing 40 in this area anyway which I
387 think is the case. Ah, maybe we should see if the developer will build us a bridge, what do you say guys?

388
389 David Blankfard: I still have a question for the traffic, what is going to be when it's build out what are the numbers
390 going to be?

391
392 Matt Peach: When we put the development in, we're looking at very little traffic coming from the south on Old NC 86.
393 We're looking at, we had estimated that being a maximum of 37 vehicle per hour. That's particularly in the morning
394 and it's similar for the southbound on Old NC 86, that is a maximum of, we had estimated that at 28 that's in the
395 evening rush hour. Along Davis Road, since we are directing trucks to turn left out of this site and onto Davis for that
396 short 1000 foot section to get to Old 86, we're seeing a little bit higher, so we're looking at staff, 62 in the morning
397 traffic, an additional 62 and up to 200 vehicles per hour in the evening.

398
399 David Blankfard: One of the comments was, did your, the traffic study was only for a.m. and p.m. was that the high
400 times? The other times were fewer these were the maximums?

401
402 Matt Peach: That's correct, the other hours of the day we're forecasting much less traffic. What NCDOT requires us
403 to do is basically run the traffic study imagining that a shift change or some other operation were to occur during the
404 rush hour on the road already. So, kind of trying to get that worst-case scenario, that's what we ended up studying.
405 We didn't study any of the off-peaks where traffic would be less both at the development and along the roads within
406 the study area.

407
408 David Blankfard: Ok, on this slide that is being shown at the service road there is a right out only so how do the
409 trucks get to I-40?

410
411 Matt Peach: That's correct. The back and forth that we are currently having with NCDOT right now is NCDOT had
412 expressed concerns over whether queues at the interchange would extend past the service road and what they had
413 requested we analyze and those are the numbers I was just quoting you, would be if left turns were prohibited out of
414 the service road and if that traffic were relocated down to Davis but to get back over to Old NC 86 for that 1000 feet.
415 That's why you see that right turn there, that was at the request of NCDOT.

416
417 David Blankfard: So the trucks leave the service road they take a right on Old 86 they go down to Old 86 and how do
418 they turn back around?

419
420 Matt Peach: So trucks would go through the site, they would exit at Davis go to Old NC 86 that way.

421
422 David Blankfard: Ok, so they would go through, ok. They wouldn't be exiting from the service road the trucks would
423 be diverted towards David Road and then they take a left on Old 86 towards I-40.

424
425 Matt Peach: That's correct.

426
427 Melissa Poole: So, with regards to manufacturing and the laboratory, I'm sorry to jump back to this, when we went
428 through the list of prohibited, and this might be a question for Craig and Michael Harvey, when we went through the
429 list of prohibited businesses, I did not see like biodefence or anything like that in that list. So, if it doesn't come back
430 to Planning Board once we go through this and it doesn't go to Board of County Commissioners everything just kind
431 of goes through. What are the protections for residents, not just nearby but Orange County in general, for things like
432 insuring biodefence manufacturing in there or biodefence research is going in there?

433
434 David Blankfard: I think the building codes, I'm not, hopefully, I'm not speaking out of turn Michael. I think the
435 building codes would limit the amount of toxic chemicals and based on what is going on there. That would be ...

436
437 Melissa Poole: It doesn't have to be chemical, it could be research on Corona, it could be research on, you know, it
438 doesn't have to emit a toxic chemical. You see what I'm saying?

439
440 David Blankfard: Then it wouldn't be lethal, right? If they're just doing research?

441
442 Melissa Poole: I have a client in Maryland who's doing the vaccine for COVID and everybody in the company's got
443 COVID. I'm just telling you.

444
445 Michael Harvey: This is Michael Harvey, let me just provide Ms. Poole an answer. The permitted uses that the
446 applicant put in their narrative are various general land use categories with sample or anticipated uses for
447 development within the project. The narrative also provides a prohibited use list as well. The direct answer to your
448 question is if a proposed activity falls into those general uses and is similar to the uses listed, much like the current
449 County's Table of Permitted Uses, it would be permitted. You could have an activity consistent with research and
450 development activities that, not to make a judgement call, you may not necessarily find viable as other similar uses
451 (other research and development activities) but it could be developed within the project because you're allowing
452 research and development. That goes directly to your example that there may be research and development
453 activities that you are not comfortable with. We wouldn't have the authority to say no you can't do that as there is no
454 specific prohibition. David is correct there would be building and other regulatory standards that the applicant would
455 have to comply with, but if they meet the standard proposed by the applicant and approved by the County
456 Commissioners staff would not have the authority to prohibit it (proposed land use) if it falls in the approved use
457 category. That would be the same answer with the enforcement of the current Table of Permitted Uses.

458
459 If you are, for example, proposing a rec amenity and while you as an adjacent property may not like the actual
460 amenity someone has chosen to develop, if the proposed use qualifies as an allowable use and meets applicable
461 development requirements and criteria then it gets developed, it's permitted as an allowable rec amenity. The
462 Planning Board and County Commissioners wouldn't have any ability to, I hate to use the word challenge but I'm
463 going to, whether or not the validity of that land use is consistent with the approval. I will also say that every decision
464 that the County makes as it relates to the enforcement of the UDO and as it relates to the enforcement of the
465 conditions imposed on this project, is subject to appeal to the Orange County Board of Adjustment. That's not a
466 great answer but that is the answer, part of the answer I'm going to give you to try to address your question.

467
468 Ronald Sieber: Hello, this is Ronald Sieber again and first of all, I'm just trying to process the change from 800 cars
469 per day traveling on our road, Davis Road, to 200 per hour. I mean that is a stunning, I repeat that is a stunning
470 change in numbers. I want the Planning Board to think about that, you work for us. This is unreal that you are
471 allowing this development to go forward. I just can't believe it so therefore, I've prepared several and a couple of
472 questions and I'd like to just run them by you and you don't need to respond, I would just like you to hear, record and
473 react to it at a later date.

474
475 David Blankfard: Ronald, before you start, can you tell us if you received a letter from the Planning ...

476
477 Ronald Sieber: No, I receive no letter because I live, as Mr. Marshall would point out, 1.7 miles away from this
478 development so therefore, I'm not relevant, so you know.

479
480 David Blankfard: I didn't say that but thank you.

481
482 ***Planning Board Member Melissa Poole left the meeting***

483
484 Ronald Sieber: Yes, ok, thank you Mr. Blankfard and I'll proceed. First of all, I just want to point out that the
485 developer does not seem to supportive of electrical charging stations. We're at a point, and I've followed the
486 automotive industry because that's what I write about, I'm a professional writer. We're at a point where fleets, I'm
487 talking about fleets of trucks are developing electrical charging stations to charge and support their electrical fleets. I
488 think it's time that developers, especially those who are putting warehouses up for such facilities to be used by fleets
489 of trucks. They need to start providing the infrastructure for these folks to attract them as businesses. I think that
490 also, I'd like to point out, that on amendment 8 and I know this goes back to 8 and we're talking about 10 but 8 is
491 involved with 10. Four members of the Planning Board voted against amendment 8 and I do appreciate their
492 support, however, I just want to put it on, put the remainder on notice that that property that you want to rezone from
493 rural to something else is along a road that is inhabited by 100s of people, some of them are legacy businesses,
494 some of them are farms, and many of them are residents who moved out here without any knowledge, like myself,
495 without any knowledge of some sort of planned economic development section that is going to change our lives
496 forever. We did not move out here to be next to an industrial park, we moved out here to be in a rural neighborhood
497 and that's what we want to preserve and I think it's high time we change that development or designation and I'm
498 going to work every way I can to change that if we can have a chance to do that but apparently it seems like the dice
499 and the deck is stacked against us. Nevertheless, we as a community are going to fight this every way we can. We

500 are opposed to this proposed change. Having said all that this community is not opposed to intelligent development.
501 That's in sync, that somehow aligns with some of the goals of this community, which is to have a nice place to live, a
502 Rural Buffer. Now Steve Kaufmann had an intention to build a school and he's going to get that zoning returned to
503 him so he can do that. That's an example of the kind of development that we can support as a community not a
504 warehouse. Come on guys think about it. In closing I would just like to say we are totally opposed to an access road,
505 as I mentioned, the number of trips on this road are going to be drastically increased. The size of the vehicles are
506 going to be on this road which is Davis Road are going to be drastically changed. Planning Board will you think
507 about what you are deciding on, you work for us. That's the end of my comments. Thank you.

508
509 Joseph Shore: Hi everyone my name is Joseph Shore, I live on Old 86 between Davis and 40 most of the
510 conversation tonight has been about the effect on 40 but this going to completely alter my life and I can't emphasize
511 that enough. If it's impossible to get out of my driveway with 300 cars during rush hour as the traffic engineer
512 mentioned and you double that it means cars are going to be coming by my driveway every 5 to 6 seconds, 18
513 wheels are going to be coming by every 5 to 6 seconds. That will literally make my property worthless because I
514 won't be able to access my own home anymore I won't be able to get to work or I'll have to stay in my travel lane for I
515 don't even know how long to try to get in and out. There's a preschool right down the road, there's a preschool by
516 the corner of Davis and Old 86. I can't imagine trying to be a parent to drop off my 3 or 4 year old there when there's
517 18-wheelers coming by every 10 seconds or 5 seconds. Just imagine the traffic trying to turn in and out of the
518 preschool in the morning. To the previous gentleman's quoting, we aren't opposed to development but this is the
519 absolutely wrong thing for this area. I can't emphasize that enough this is a residential area. In the 1980s when this
520 plan was originally developed, my house was a cow pasture so sure put a warehouse there it doesn't matter to them
521 but things have changed dramatically, it doesn't make sense to have this development here any longer so Planning
522 Board please hear me I'm begging you, oppose this. Please don't make my family collateral damage from this
523 economic development building.

524
525 Jon Lorusso: Hello, it's quite late thank you for giving me a chance to speak. I wrote down a few notes of what I'd
526 like to say before I get to them I just want to agree with previous speaker this really does come down to a 40 year old
527 plan that is no longer relevant and yet the Planning Board feels that they need to stick with it because it's on the
528 books so we might as well, I'm almost tempted to say that there is some kind of conspiracy going on some kickbacks
529 because there really, this is the Planning Board, you are supposed to plan for the communities and the people who
530 live here. Not for out of state businesses, not for lawyers in Raleigh this is for the people, you work for us the people
531 who live here. Yes, the people here need jobs but not at the expense of their fellow citizens, this is absurd. So just
532 to go through a few points. The traffic engineer mentioned that is would be up to the individual truck drivers whether
533 or not they took 40 west to get to 85 north that's absurd no one would ever do that. People who live here know that
534 you wouldn't do that, you are obviously going to take Churton to get 85 north. We've already had, the Planning
535 Board has a plan in action to extend 70 from Orange Grove because of already existing traffic issues. They already
536 exist the traffic issues this is going to make it so much worse and yet are we planning or are we reacting. We're going
537 to allow this to be built and then react later on. We'll figure it out 20 years from now when people are fed up. So, this
538 neighborhood, one if the improvement that Mr. Birch mentioned was oh we get a traffic signal at the end of Davis
539 Road and all we have to do it to get it is build a 2.1 million square foot warehouse inside of our neighborhood. Great
540 thanks a lot thank you for that wonderful improvement. The left only sign coming out of the place onto Davis Road,
541 are there any laws that, is there going to be a cop stationed there and if they make a right are they subject to a
542 summons? A ticket? No, it's really just up to the individual driver if they see that the traffic is backed up to the light
543 on Old 86 you know maybe I'll just make a right and take Orange Grove up or maybe I'll make a left on Orange
544 Grove and go down to Arthur Minnis, who cares right? Who cares about the people who live here, who cares. 200
545 vehicles per hour additional on Davis Road that is absurd an average tractor-trailer is 72 feet. How many tractor-
546 trailers can fit between Old 86 and 1000 foot entrance on Davis Road? I don't know what the math is divide 1000 by
547 72 it's somewhere around 14. If you have 200 per hour, it sounds to me like it's going to get backed up. It sounds to
548 me like there's a lot of conjecture, a lot of estimates based on businesses that we don't even know what kind of traffic
549 they'll have. I think Michael Birch again that the primary use is indoor yet he doesn't actually know what kind of
550 business is going to be there. How does he know they're going to be indoor? They're asking for approval when
551 they're still back and forth with NCDOT how can you approve something when thinks haven't even been settled? We
552 are not talking about little things; we're talking about huge changes. Oh, the traffic is backed up on 40 west, on the
553 40 east who cares if there's an ambulance that can't get to the hospital, who cares right? It's all at the expense of
554 business, who cares, who cares if people are backed up on the highway, who cares? I mean this is absurd; it's
555 absurd that our Planning Board the people who are supposed to plan this are the ones that are selling up the river.

556 It's crazy. I could expect it from the lawyers in Raleigh who don't care what happens here because they don't live
557 here. They're going to get this signed and they're done they get their check but from our own Planning Board the
558 people who are supposed to protect the citizens of this county they are the ones who are selling us up the river. It's
559 insane, it really is insane. That's all I have to say.

560
561 David Blankfard: One thing, did you receive a letter from the planning department?
562

563 Jon Lorusso: No I did not.

564
565 Perdita Holtz: David as you can see there are 12 people with their hands up and it now 11 p.m. I don't know if there
566 wants to be any discussion among the Planning Board on how to handle the rest of the meeting, what some options
567 might be.

568
569 Hunter Spitzer: I do recall that Michael had some comments that he wanted to make pertaining to us making
570 recommendation. So I would like to hear those at the very least before we move forward.

571
572 Michael Harvey: As I indicated, your abstract had suggested that the Board, if they felt comfortable, make a
573 recommendation in time for the County Commissioner's September 15th hearing. Obviously the applicant will also
574 need to weigh in on this. As I see it, there's a couple of different options and scenarios here. Through no fault of the
575 applicant, we got comments from the Department of Transportation on this project Friday, July 31st and again that is
576 not anything that staff or the applicant could control. The applicant has responded to the Department of
577 Transportation and we are waiting for a response to those comments. We've heard tonight from Planning Board
578 members related to potential conditions that you all would to see vetted before you make a final decision. We have
579 obviously heard some comments from the public and there's going to be some additional comments as we continue
580 discussion.

581
582 So as I see it the Board technically has a couple of options. The Board could table any decision providing the
583 applicant with areas of specific focus that they want answers to, I've heard loud and clear and in my note the primary
584 concerns is traffic impact and more review of the DOT comments and the applicants responses and what DOT says
585 to some of the traffic concerns I've heard. So you could certainly delay any decision til or table the item until your next
586 regular meeting, which would be September 2nd to wait for that information. Craig and I have had a texting
587 discussion about this very topic over the last hour, you could identify areas where you have less concerns or you are
588 satisfied with the conditions and the applicant's responses and identify specific conditions you'd like to see fleshed
589 out, you could adjourn this meeting to a date and time certain in a couple of weeks conceivably to revisit this
590 discussion or the Board could vote either to make a recommendation to approve or make a recommendation to deny
591 this evening.

592
593 I'm not trying to say you don't have any of those options but staff was going to recommend was that we're still waiting
594 on DOT to get us some documentation as is the applicant and hearing some of the discussion tonight, I think that
595 there is a comfort level lacking with the transportation component from staff, the applicant who is waiting on DOT and
596 you all and that might need some discussion. Whatever you all's decision is, I would like to strongly urge you to
597 identify any specific areas of concern be it traffic, be it alternative energy conditions, whatnot so that the applicant
598 and staff have a clear understanding of what we need to be working on in the interim to provide you the feedback
599 you're asking for so you can make an informed decision. If that makes sense and thank you Hunter for asking.

600
601 David Blankfard: So what does everybody have a concern with?
602

603 Adam Beeman: My biggest concern is I want to see whatever the DOT is come to them with and determine whatever
604 steps necessary to rectify, my biggest concern is coming off of the highway and right there at the highway. I am not
605 so concerned as Davis Road as much as the highway but that's all part of the study so I'd like to see what DOT's
606 response was.

607
608 Hunter Spitzer: I would like the applicant to consider removing access to Davis Road as they move forward with the
609 process cause I suspect that we will probably vote to delay at least until our Planning Board meeting and potentially
610 until we, until you end negotiations with the DOT. Conditionally, I would like a more concise proposal on electrical

611 vehicle charging. I will just put the number out there at 1 station per 100,000 square feet of space to be built. Those
612 are my largest concerns at the moment.

613

614 Michael Harvey: Chair Blankfard, if I could interject quickly. I'm sorry I know that Ms. Poole lost her internet access if
615 I recall what Perdita said. One of her concerns was more specificity in land uses. In terms of what would fall into this
616 categories and what would not. At least that's what I have in my notes.

617

618 Hunter Spitzer: If I may say one more thing, particularly to the residents that are listening. A lot of what we've been
619 doing over the past hour has been talking about conditions that we would like to request from the developer, that's
620 the nice part about this master planning conditional zoning is that we can ask for certain conditions to be met and so
621 if you all and I understand that you are all very opposed to this but in the off chance that it can't be stopped, you do
622 have the opportunity to shape this development through this process and so I encourage you to consider what you
623 might want to put in as conditions if at all possible.

624

625 David Blankfard: I have a huge concern about the traffic being dumped onto Davis Drive. Not just some of the traffic
626 but everything is going to be dumped onto Davis Drive because NCDOT does not want anybody to come out the
627 service road. So I don't know if anybody else feels that way or if we want to see if the applicant can come up with a
628 better way of getting access to the site. Are we comfortable making a decision now or wanting to wait?

629

630 Hunter Spitzer: I move that we delay a decision on our recommendation until our next meeting on September 2nd.

631

632 Michael Birch: This is Michael Birch, the applicant, I think the outstanding issues that appear to be out there are one
633 responses from DOT but I want to reiterate that whatever DOT comes back with in terms of requested improvements,
634 those will be made. So it's not really a negation in that respect. Second with regard to some of the comments about
635 Davis Drive, I just think it is not possible for us to prohibit access onto Davis Drive. Third, with regard to some of the
636 comments or requests for the conditions the design of the buildings with intent to accommodate solar, providing
637 some electric vehicle charging stations and no fuel storage adjacent to the flood plain. I am comfortable with we can
638 craft those conditions and extremely short order and so I would respectfully ask but because of the date of the next
639 Planning Board meeting being on the 2nd essentially eliminates our opportunity to get to the Board of Commissioner's
640 meeting on the 15th. I would ask that the Planning Board please consider meeting or adjourning to a date certain
641 possibly 2 weeks from today on the 19th.

642

643 David Blankfard: I think we could do the 19th to reconvene.

644

645 Adam Beeman: I was going to ask Craig or Michael Harvey, with what Mr. Birch said about whatever DOT comes
646 back and they're going to rectify whatever DOT says they need to do. Do you guys feel comfortable with moving
647 forward knowing whatever DOT may say or would it be better to meet a date later once the DOT issues have been
648 straightened out?

649

650 Craig Benedict: Let me just give a brief introduction about NCDOT is in charge of the roads within Orange County so
651 they are the ultimate authority on what improvements are made because counties in North Carolina are not in the
652 road business so they take, their recommendations are of prime importance and as the developer said they will have
653 to do whatever NCDOT says. We work with DOT and we will take the comments that we have from tonight and
654 impart them to NCDOT for any alternatives that there may be but NCDOT is also in the business to use taxpayer
655 money to use the roadways to their best ability. My opinion if you want to call it that is that we will be satisfied with
656 what NCDOT suggest as improvements for the project.

657

658 Kim Piracci: I just want to say that it seems to me that the traffic that's being talked about, even if it could be
659 arranged in such a way that the traffic only comes and goes from 40 to Old 86 and never hits Davis it just seems like
660 an enormous amount of traffic even just for Old 86. Even though I understand there'll be road expansion and
661 whatnot so I just, I feel like the scope of the project is just too big for this space in Orange County. Maybe smaller
662 warehouses or two instead of three. I don't know but in any case it just seems like too much. To me it seems all
663 that's too much.

664

665 Hunter Spitzer: Do you have an expected return date from NCDOT on those comments? An anticipated time?

666

667 Michael Harvey: Hunter, let me jump in and Mr. Birch may be able to also provide some detail. I don't know if it's fair
668 to say if we have any expectation from DOT. They obviously took a prolonged period of time to get us the comment
669 they got us on Friday and we can obviously impress to Mr. Edwards who is our district engineer the need for
670 expediency but I can't and will not tell you that I can guarantee that within two weeks we'll have an answer. I can't
671 guarantee that within two weeks we'll have an answer. But I think it's reasonable for us to try if the Board sees fit to
672 adjourn to at date and time certain in two weeks. We'll do the best we can to address this concern as best we can
673 and I know so will the applicant but I do think it's also important for me to make clear one think to the Board. It's been
674 sort of danced around but I think it's important to say it. One of the, this same issue came up with Settler's Point, the
675 Department of Transportation is not satisfied with the current condition of service road which parallels (Interstate) 40
676 and they had requested or indicated that in order for Settler's Point to be developed they had to have secondary
677 means of ingress/egress. At Settler's Point chose to try and secure access off Old NC Hwy 86 directly. That was a
678 gamble they took and unfortunately it didn't pay off at the time they had the approval they couldn't negotiate an
679 access point. I know that this applicant has looked for alternative access points and I'm not telling you this to say, it's
680 a fait accompli, but I'm telling you this that one of the reasons there's two access points is because DOT has
681 mandated it from day one. This applicant is obviously proposing Davis Road there's obviously concerns about that
682 and there's request for more information and that needs to be processed to move forward but I think the Board just
683 needs to be put back in the loop that the reason there's two is because DOT is mandating it.

684
685 Michael Birch: This is Michael Birch, the applicant just to reiterate on the timing of DOT responses. We will hound
686 them as best we can to get responses so we can this resolved in advance of a possible meeting on the 19th.

687
688 Randy Marshall: I'm not sure we are going to continue to be productive tonight so I'd like to make a recommendation
689 that we adjourn or postpone or continue the meeting until two weeks from tonight at 7 p.m.

690
691 Hunter Spitzer: Seconded.

692
693 Adam Beeman: I vote going ahead and solving the problem tonight if anybody else is ready to vote. I'm ready to
694 vote. I'm got my choices made so if everybody else wants to shelve it that's fine but I'm ready to move forward
695 tonight.

696
697 Kim Piracci: I would like to postpone voting but to me it doesn't make sense to meet in two weeks if we haven't
698 heard from the DOT though it could be a conditional two weeks from tonight sort of thing.

699
700 Michael Harvey: Kim, let me just interject that it unfortunately can't be conditional you are going to be adjourning to a
701 date and time certain so there will be a meeting if you all elect to do it this way on the 19th and if we don't have the
702 response unfortunately we don't have the response and I hate to say it that way but it's the truth. The two options
703 you have are to adjourn this meeting matter or table this matter until the September meeting which obviously the
704 applicant I know has a concern with or to say you're going to attempt to do a special meeting on the 19th. If there's
705 Board consensus to try that and we don't have answers, we don't have answers. That's the unfortunately blunt way
706 I'm going to have to put it to you.

707
708 Randy Marshall: Part of my thinking was that we still have a number of people who wanted to address this some of
709 them we may have already have heard from and understand what their positions are but there may be others that
710 we've not heard from at all and I'm not sure we want to start listening to them at this late time. The other things is
711 we've not been able to address the DOT issues and nothing may change as Michael suggests in two weeks but at
712 least in two weeks we will have a little bit more information and can get a little bit more input from the public and
713 make an informed decision at that time. I can vote tonight, I know where I stand but I just want to make sure that
714 everybody feels like they've had enough opportunity to get all the information they need or to provide all the
715 information they need.

716
717 David Blankford: I think that we should postpone it to the 19th. I guess we'll have to have a motion again. But we'll
718 wait and until the 19th we can listen to more of the constituents, the public right because they were saying they were
719 not notified this will give them more time to rally their forces and then if the DOT isn't there, we'll just listen to the
720 public and if the DOT we can finish it then and there.

721
722 Craig Benedict: Perdita how many people do you have still want to speak tonight?

723
724 Perdita Holtz: There are 14 people that have their hands raised.
725
726 Adam Beeman: I have a question if we come back on the 19th and we don't have the information from DOT are we
727 going to push it out again.
728
729 David Blankfard: We'll just listen to the public.
730
731 Adam Beeman: I understand that but are we going to push the vote out again or are we going to vote on the 19th?
732
733 Randy Marshall: I suggest that we have a vote on the 19th we'll have all the information available and I think we
734 should go ahead and vote then and I would also recommend for people who want to speak, to try not to continue to
735 repeat yourselves and to provide us with new information or insight which will help us get closer to making a decision.
736
737 Michael Harvey: Chair Blankfard, just to remind the Board that if you adjourn the meeting to a date and time certain
738 and adjourn to a specific format, we will not be resending out notifications because this is a continuation of the
739 meeting. We will not be sending out new notices, we're not obligated to send out new notices because you are
740 adjourning to a date time certain. We will post it on the website as we have done with tonight's meeting but we will
741 not be sending out notices to everyone within 1000 feet.
742
743 **MOTION** by Randy Marshall to adjourn the Planning Board meeting to August 19, 2020 at 7:00 PM via Zoom.
744 Seconded by Hunter Spitzer.
745 **VOTE:** 9-2 (Adam Beeman and Kim Piracci opposed)
746
747 Craig Benedict: Staff will be making a summary of some of the questions.
748
749
750 **AGENDA ITEM 11: ADJOURNMENT**
751 Meeting was adjourned by consensus
752
753
754
755
756

David Blankfard, Chair

1 MEETING MINUTES
 2 ORANGE COUNTY PLANNING BOARD
 3 AUGUST 19, 2020
 4 SPECIAL MEETING

5 (Due to current public health concerns, this meeting was held virtually.
 6 Members of the Planning Board, staff and public participated remotely)
 7

8 **MEMBERS PRESENT:** David Blankfard (Chair), Hillsborough Township Representative; Adam Beeman (Vice-Chair),
 9 Cedar Grove Township Representative; Kim Piracci, Eno Township Representative; Susan Hunter, Chapel Hill
 10 Township Representative; Patricia Roberts, Cheeks Township Representative; Randy Marshall, At-Large
 11 Representative; Hunter Spitzer, At-Large Representative; Alexandra Allman, At-Large Representative; Melissa
 12 Poole, Little River Township Representative; Carrie Fletcher, Bingham Township Representative
 13

14 **MEMBERS ABSENT:** Gio Mollinedo, At-Large Representative; Vacant, At-Large Representative
 15

16 **STAFF PRESENT:** Craig Benedict, Planning Director; Perdita Holtz, Planning Systems Coordinator; Tom Altieri,
 17 Comprehensive Planning Supervisor; Michael Harvey, Current Planning Supervisor; Brian Carson, GIS Tech III,
 18 Christopher Sandt, Staff Engineer; Nish Trivedi, Transportation Planner; Tyler Sliger, Planner; Molly Boyle: Planner;
 19 Tina Love, Administrative Support; Steve Brantley, Economic Development Director, Amanda Garner, Assistant
 20 Economic Development Director;
 21

22 **APPLICANT AND ASSOCIATES PRESENT:** Bill Aucoin, Vice President - Avison Young; Chris Bostic, Project Manager –
 23 Kimley-Horn and Associates, Inc.; Jack Graham, Principal – Avison Young; Michael Birch, Partner – Longleaf Law
 24 Partners; Christa Greene, Senior Principal – Stantec; Frank Csapo, CEO – Barrister Commercial Group; Rick
 25 Ogburn, Director of Construction – Barrister Commercial Group;
 26

27 **OTHERS PRESENT:** Penny Rich (BOCC Chair); Earl McKee, (BOCC); Ronald Allen; Joy Alvis; Diane Anderson; Daniel
 28 Arneman; Gina Arnone; Susan Attermeier; David B.; Jill Bauer; John Boxter; Clare Brennan; Jessie Brinson; Dana
 29 Brinson; Ronda Buchanan; Bob Bundschuh; Stephanie Caler; Jocelyn Carbonara; Samantha Carney; Stuart Carr;
 30 Christina Casa; EJ Caughlin; Annie Caulkins; Tom Caulkins; Gayane Chambless; Susan Cheek; Michael Childress;
 31 Karla Childress; John Clayton; Carolina Colbert; Karen Coulter; Linda Crabill; Kaye Crawford; Vincent Credle; Betsy
 32 Crittenden; James Curtis; Beth Daniel; Jane Davis; Mary Therese Deegan; Dennis DeJianne; John Dempsey; Nora
 33 Dennis; Anne Derby; Adam Dickens; Cindy DiLiberti; Mike Dodson; Maria Dowle; DC Dowmont; Rebecca Drapp;
 34 Diane and Erik Dunder; Cedar Eagle; Marguerite Eaton; Richard Eckberg; Jeremy Edmondson; Dale Edwards; Brika
 35 Eklund; Robb English; Williams Evans; James Farrin; Kenneth Fath; Phyllis Fath; Clairece Feagin; Joe Feagin; Karen
 36 Fernandez; Larry Fernandez; Beverly Ferreiro; Hope Folsom; Andy Freeman; Madelyn Friedman; Nan Fulcher;
 37 Florence Garland; Franklin Garland; Lisa Garland; Isabel Garland; Betty Garland; Kris Garvin; Beth Gerall; Andrew
 38 Gillespie; Aleta Gillespie; Theresa Gilliam; Tom Gilliam; Joel Gillis; Amira Glaser; Sascha Godfrey; Tammy Grubb;
 39 Dore Gruener; Myra Gwin-Summers; Barrett Hahn; J Mathew Hamlett; Parviz Hatami; Bonnie Hauser; Charles
 40 Hecht; Jeanne Hecht; Amy Henes; James Henninger; Sarah Henshaw; Michael Henson; Lauren Herman; Melissa
 41 Hinson; Tom Howe; Teresa Howell; Lucas Howerter; Janet Huebner; Matt Hughes; Mark Hulbert; Anthony Isley;
 42 Marilyn Jacobs Preyer; Chloe Johnson; Frederic Jordan; Jared Jurkiewicz; Joan Kalnitsky; Andrea Kalokitis; Gloria
 43 Kammerman; Tony and Gail Kane; Jesse Kaufmann; Jeb Kelly; Shelley Kennedy; Michael Kennedy; Jay Kennedy;
 44 Claire Kern; Stephen King; Brenda Knowles; Matthew Kostura; Brenda Kross; Ed Kushner; Pattie Kushner; Margo
 45 Lakin; Wilson Lamb; Becky Laudicina; Laura Lipps; Traci Little; Jeff Lloyd; Jon Lorusso; Ashley Lorusso; Keith Luck;
 46 Laura Maile; Bradley Manton; Andi Mariategui; Janet Marks; Jeffrey Marks; Ralph Marshall; Margaret Matheis; Nicole
 47 Mayer; Ellen Mayer; Adam McGovern; Jane McMullen; Kathryn Mentz; Karin Michel; Joelle Miller; Matt Mitchell;
 48 Justin Mitchell; Bill Mitchell; Rena Mitchell; Kaila Mitchell; Amy Morrow; Erin Mullaney; Amy Mullenix; Miguel Munoz;
 49 Alice Murdoch; Virginia Nadworny; Wanda Neville; Sandy Newton; Kevin Nicholson; Davia Nickelson; Kailey
 50 Norman; Wendy Novicenskie; Eric Nowicki; Lynn Occhiuzzo; Colin OConnor; Amira Oguntoyinbo; Kelly Owensby;
 51 Tami Pfeifer; Keith Poole; Christine Poole; Kristi Price; Marcos Prieto; Lauren Procopio; Jean-Francois Provost; Erik
 52 Reavely; Linda Reed; Kim Reiman; L.A. Renn; Victoria Reynolds; Carl Richardson; William Riedel; Leslie Roberts;
 53 Nicole Robertson; Chris Rodermond; Stephanie Rogers; Payton Rose; Beth Rosenberg; Maryanne Ross; Andrew
 54 Rouse; Victoria Roy; Korinn Saker; John Saylor; Jennifer Saylor; David Scanga; Lori Scanga; Gerald Scarlett; Tracy
 55 Schaeffer; Kathleen Schenley; Mark Schueller; Geoff Sebesta; Patricia Sena; Jayse Sessi; Amanda Shakhoulou;

56 Michael Shannon; Claudia Shapiro; Karen Shelley; Sarah Shore; Joseph Shore; Doug Short; Ronald Sieber; Stanley
57 Smith; Lily Smith; Katie Smith; Angela Sneed; Brandon Sneed; Rich Sodemann; Bruce Spencer; Kathy Stanford; Lisa
58 Sutton; Frederick Tapp; Alison Taylor; Blake Tedder; Thelma Thomas; Paul Thomas; Bernard Thomas; Chip
59 Thrasher; Lee Thurston; Jane Thurston; Merideth Tomlinson; Ashley Trahan; Edward Triplett; Elizabeth Turnbull;
60 Catharine Vaughan; Rowdy Walker; Susan Walser; Sophie Wang; Judy Weinstock; Paul Werner; Deborah White;
61 Mary Whortan; Stephan Williams; Erika Williamson; Phyllis Wright; Edward Wright; Jeffery Wysocki; Dana Xiao;
62 Jenifer Yarnelle; Kenneth Yowell; Kurt Kulberg; Declan Cambey; "jdmmc"; "homevet"; 16 callers
63
64

65 **AGENDA ITEM 1: BRIEF SUMMARY BY STAFF ON TECHNOLOGY PROTOCOLS FOR MEETING**
66 **PRESENTER: Perdita Holtz, Planning Systems Coordinator**

67 *Perdita reviewed the technical processes and rules*
68
69

70 **AGENDA ITEM 2: CALL TO ORDER AND ROLL CALL**

71 Chair David Blankfard called the meeting to order.
72
73

74 **AGENDA ITEM 3: INFORMATION ITEMS**

- 75 a. Draft Minutes for the August 5, 2020 Regular Meeting (to be approved at the next regular
76 meeting; provided here for information purposes)
77
78

79 **AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA.**

80 There were none
81
82

83 **AGENDA ITEM 5: PUBLIC CHARGE**
84

85 **INTRODUCTION TO THE PUBLIC CHARGE**

86 The Board of County Commissioners, under the authority of North Carolina General Statute,
87 appoints the Orange County Planning Board (OCPB) to uphold the written land development law of
88 the County. The general purpose of OCPB is to guide and accomplish coordinated and
89 harmonious development. OCPB shall do so in a manner, which considers the present and future
90 needs of its citizens and businesses through efficient and responsive process that contributes to
91 and promotes the health, safety, and welfare of the overall County. The OCPB will make every
92 effort to uphold a vision of responsive governance and quality public services during our
93 deliberations, decisions, and recommendations.
94

95 **PUBLIC CHARGE**

96 The Planning Board pledges to the citizens of Orange County its respect. The Board asks its
97 citizens to conduct themselves in a respectful, courteous manner, both with the Board and with
98 fellow citizens. At any time, should any member of the Board or any citizen fail to observe this
99 public charge, the Chair will ask the offending member to leave the meeting until that individual
100 regains personal control. Should decorum fail to be restored, the Chair will recess the meeting
101 until such time that a genuine commitment to this public charge is observed.
102
103

104 **AGENDA ITEM 6: CHAIR COMMENTS**
105

106 David Blankfard: Please everyone in the public please be kind to everybody else. We are all citizens of
107 Orange County. If you have any comments, please direct them to the Planning Department and they
108 will get them to us. Contacting us through Facebook, LinkedIn, telephone calls is not appropriate.
109
110

111 AGENDA ITEM 8: ZONING ATLAS AMENDMENT (MASTER PLAN DEVELOPMENT APPLICATION – RESEARCH TRIANGLE
112 LOGISTICAL PARK) - To continue review and make a recommendation to the BOCC on a developer-
113 initiated application for an MPD-CZ (Master Plan Development Conditional Zoning). The proposed
114 project encompasses approximately 180 acres in the Hillsborough Economic Development District
115 (EDD) south of Interstate 40 and west of Old Highway 86, within Hillsborough Township. 168
116 acres are currently zoned MPD-CZ (Settler's Point) and 12 acres are currently zoned R-1 (Rural
117 Residential). This item was continued from the August 5 regular meeting and is scheduled for
118 BOCC public hearing on September 15, 2020.

119 PRESENTER: Michael Harvey, Current Planning Supervisor

120 *Michael Harvey reviewed the abstract and proposed changes to the Zoning Atlas Amendment*

121

122 Craig Benedict: Good evening, just for the help for the Planning Board, when the Planning Board suggests
123 conditions, it is good to make sure there's consensus amongst the Planning Board that these are newly imposed
124 conditions that go beyond what was in the original abstract. If one of your thoughts is to vote on the three conditions
125 at are on page 17 of the abstract and those three new conditions that were suggested by the Board at the last
126 meeting, it wasn't necessarily a vote. We want to make sure that when the vote does occur that these conditions are
127 clearly included in the other 50 plus conditions that are there. Of those 3 conditions that you mentioned a couple of
128 weeks ago, as Michael said, energy for the building, fuel storage more than 30 feet away from a flood plain area and
129 EV stations at the buildings. So, at some point in your deliberations or possibly now, you could at least make a
130 motion that the Planning Board is in agreement to add these to the other 50 plus conditions we have for the project.
131 That is one topic; another topic is tonight there is a lot of people that are participating in the meeting. It is up to the
132 Board to listen to proposals, it's also up to the Board if there is some repetitiveness you can say that is clearly noted
133 in the record and we will take that under consideration. The motion that is available in the agenda package that is on
134 page 41 for this item talks about the Planning Board coming to a determination in enough time that it can reach a
135 public hearing in September. Please keep that in mind. It is not unlimited in your time to have to make decisions on
136 this item. If the Board feels like it would like another meeting to hear additional input from the public that is their
137 prerogative. It would probably be just one more opportunity to do that before we need to conclude this item, approval
138 or denial and move it on; and get the draft minutes of the meeting to move onto the formal public hearing which is
139 schedule to occur in mid-September. Those are just some additional items and we will help guide you through as
140 deliberations continue. The first item I brought up is just to get some clarity to get that behind us so that we do not
141 lose those additional conditions that were suggested by the Board on August 5th.

142

143 David Blankfard: Is everyone ok with the first condition about the fuel or chemical storage not occurring within 30 feet
144 of the floodplain?

145

146 *Planning Board Members were in consensus*

147

148 David Blankfard: The next one is at least two electrical vehicle charging stations per building.

149

150 *Planning Board Members were in consensus*

151

152 David Blankfard: Ok, Hunter what did you say about the third one?

153

154 Hunter Spitzer: I would like for it, instead of reading unnecessarily preclude, read necessarily prepare for
155 incorporation.

156

157 David Blankfard: So you want them to ...

158

159 Hunter Spitzer: Necessarily prepare for incorporation of alternative energy systems.

160

161 Adam Beeman: What does that mean?

162

163 Hunter Spitzer: Well as it stated, they could necessarily preclude incorporation of alternative energy systems and it
164 seems if they so choose they can make up any reason why they can necessarily preclude. I would like for it to be a
165 little bit more forceful than that. So necessarily prepare would mean that I would like for them to design an idea, I

166 would like for them to propose their site plan with provisions for how solar will be incorporated at such time as they're
167 prepared.

168
169 David Blankfard: So you're saying that you want them to design for it. Not necessarily install it?
170

171 Hunter Spitzer: Yes, I think that pretty much at least heavily encourages them to install at that point.
172

173 Adam Beeman: I am not understanding what you mean, during design for it? Would you like them to lay conduit and
174 put disconnects? Or are you just talking about, I'm not understand ...
175

176 Hunter Spitzer: During the architectural planning. Whether or not they lay the conduits at the time of construction or
177 after the fact it at their choice.
178

179 Adam Beeman: I still don't understand design for, any building if in the right sun location, we can put solar panels on
180 it and run conduit down the disconnects, that can all be done after the fact. I'm not sure what you mean about
181 planning for it ahead of time.
182

183 Kim Piracci: I want to back up what Hunter is saying. Building can be built in such a way that they don't have solar
184 panels today but it would be a lot cheaper to put solar panels on them tomorrow if that is desired, it just makes sense
185 to build building that way. Now, having said that I'm not an architect or an engineer or an electrician, it's just
186 something that seems to me makes sense to do in 2020. And so therefore, I feel like Hunter verbiage, his college
187 degree is in this so I feel like if he thinks that's what the verbiage should be, I kind of want to support him on that. I
188 would simply say, design would allow for future solar panel installation but the technology, the verbiage, I'm not an
189 attorney and so maybe we just need guidance on this.
190

191 Adam Beeman: I am an electrician and that is why I'm saying I'm not quite understanding what you're going after? If
192 you want to have like holes and penetration put through the roof so you can slide pipes through later, maybe I could
193 understand what you're saying.
194

195 Hunter Spitzer: That is what I'm, design and construction shall necessarily prepare for the incorporation.
196

197 David Blankfard: You could also design the roof for an extra 15 lbs. per sq. ft. to accept the panels for future loading
198 and they wouldn't even have to put in the conduit. The conduit could be put in later.
199

200 Adam Beeman: That I could understand and get behind. I just want clarification as to what we're talking about as far
201 as design. I can understand what you're talking about as far as rood load.
202

203 Kim Piracci: I just believe, you're an electrician, so you understand that part, wires going through pipes. I'm sure
204 there are other aspects of this we, Planning Board Members, don't and so if they're kind of required to be able to put
205 solar panels on in the future then that will take place at the architect level. And David came up with roof load
206 brilliantly, I didn't think of that and there are probably other considerations beyond our scope.
207

208 Randy Marshall: Can I just make a very simple rewording suggestion that says, building design/construction shall
209 allow for the incorporation of alternative energy systems such as solar panels. That gets the double negative out of it
210 and make it a positive but doesn't really change the gist of what's being said.
211

212 Michael Birch: On behalf of the applicant, we are absolutely amenable to that suggested word change.
213

214 Hunter Spitzer: I would still prefer necessarily prepare.
215

216 Randy Marshall: It shall allow for incorporation. Take out not necessarily preclude but more positively said shall allow
217 for incorporation of alternative energy systems.
218

219 Kim Piracci: I like Hunter's verbiage better. Any building could be built and allow for solar panels in the future.
220
221

222 Michael Birch: We were hoping to use Mr. Marshall's or removing the word unnecessarily from the proposed
223 language. Our concern with some of the other language that's being considered or proposed. As to structural
224 components, we don't know what the technology is going to be when this gets constructed so it's hard to talk in terms
225 of roof load, we don't necessarily know what type of alternative energy systems that we're talking about and so I think
226 what the intent of what we understood to be asked at the last meeting was that our building design was not going to
227 prohibit the building from being able to incorporate alternative energy sources in the future. With that understanding,
228 we said yes, we'll draft a condition around that. I think we're open to Mr. Marshall's language or also removing the
229 word unnecessarily from the proposed language.

230
231 Hunter Spitzer: I see, I would like you to necessarily prepare for current technology existing solar panels. I'm going
232 to leave it at that. I would like for you to prepare for existing technology. I think existing technology is effective and
233 valuable and I think preparing for that allows you to adapt further down the road as well. I would like necessarily
234 prepare. I have a secondary question, some of the comments that you've calculated that 40 EV stations would be
235 built under the proposed rule that I suggested and you can back with 2 which is fine but how did you calculate 40?

236
237 David Blankfard: So, you're going back to number 2, Hunter?

238
239 Hunter Spitzer: We don't have to talk about it. I really like to focus on the third point but I'm curious to know how
240 they calculated 40.

241
242 Michael Birch: We're proposing two per building and right now the thought is for four building so we would have eight
243 EV charging stations. I'm not clear where the estimate came from but I did want to clarify that it is two per building
244 and that would result in eight under the current plan.

245
246 David Blankfard: Back to number 3. Building design construction shall not necessarily preclude incorporation of
247 alternative energy systems such as solar panels.

248
249 Hunter Spitzer: The phrasing I was thinking was, building design and construction shall necessarily prepare for
250 incorporation of alternative energy systems specifically solar.

251
252 Randy Marshall: I think that sounds just fine, I'm not sure the word necessarily needs to be in there but otherwise I
253 think Hunter's wording is satisfactory.

254
255 David Blankfard: Would you say building design/construction shall incorporate provisions for accepting alternative
256 energy systems such as solar panels.

257
258 Craig Benedict: If I could suggest that the wording necessarily prepare for is voted on and then you would know that
259 the Board has consensus to include that. In most cases, its true building can be retrofit to include future solar panels
260 or other photovoltaic systems. It is just identification of a County goal and it could probably be accommodated within
261 the typical design of the building.

262
263 Michael Birch: I understand the Board may vote on it but just going back to something in Mr. Harvey's presentation
264 about the condition language which being something that is mutually agreed upon by the applicant and the Board.
265 We are willing to propose that condition either as drafted with the removal of unnecessarily with the Mr. Marshall's
266 original proposed language. Any of those 3 options, we're not sure on the applicant team what necessarily prepare
267 means and we don't necessarily know how to proof that up in a site plan so we would ask for the Board consideration
268 of one of those 3 options; as it stand today, removal of unnecessary, or Mr. Marshall's initial proposal.

269
270 Kim Piracci: I still keep liking Hunter's words. I've got building design and construction shall include

271
272 Hunter Spitzer: The phrasing I would like included as a condition is building design/construction shall necessarily
273 prepare for incorporation of alternative energy systems specifically solar panels. It does seem that the applicant will
274 be unwilling to agree to the condition. I don't think I would vote on it without this.

275
276 Kim Piracci: No, I think he is willing to agree on those words that you put forth just now.

277

278 Craig Benedict: No, it's my understanding that the applicant has not agreed to Hunter's verbiage but either what Mr.
 279 Marshall proposed or a version of what was proposed. Allow for incorporation was one of those alternate proposals
 280 or take the word unnecessarily out. In order to get this condition in there we have to come to an agreement with the
 281 applicant so one version is take the word unnecessarily out, shall not preclude incorporation of alternate energy
 282 systems. And the other one is Mr. Marshall's shall allow for incorporation of alternate energy systems. Those are
 283 the two that are viable that if you want to include them with the other conditions the Board could vote on one of those
 284 versions and then you would be able to attach these conditions to the other elements of the MPD-CZ.
 285

286 Adam Beeman: I propose building design/construction shall not preclude incorporation of alternative energy systems
 287 such as solar panels.
 288

289 Hunter Spitzer: Second.
 290

291 David Blankfard: All right, all in favor of that verbiage let me read it for you the way I understand it. Building
 292 design/construction shall not preclude incorporation of alternative energy systems such as solar panels.
 293

294 Alexandra Allman: Second
 295

296 **ROLLCALL VOTE:**

297 Melissa Poole: Yes
 298 Randy Marshall: Yes
 299 Patricia Roberts: Yes
 300 Carrie Fletcher: Yes
 301 Hunter Spitzer: No
 302 Kim Piracci: No
 303 Adam Beeman: Yes
 304 Susan Hunter: Yes
 305 David Blankfard: Yes

306 **MOTION PASSED 8-2**

307

308 **MOTION** by Randy Marshall the addition of the three conditions be add to the proposal. Seconded by Adam
 309 Beeman.
 310

311 **ROLLCALL VOTE:**

312 Melissa Poole: Yes
 313 Randy Marshall: Yes
 314 Patricia Roberts: Yes
 315 Carrie Fletcher: Yes
 316 Hunter Spitzer: Yes
 317 Kim Piracci: Yes
 318 Adam Beeman: Yes
 319 Susan Hunter: Yes
 320 David Blankfard: Yes

321 **MOTION PASSED UNANIMOUSLY**

322

323 *The Applicant/Associates for the RTLP proposal give a couple of presentations*
 324

325 Kim Piracci: One clarifying question, when Frank was talking about the homes, the adjacent properties are mostly
 326 vacant and there are a few that have homes on them. I think the closest he said was 100 ft. It was unclear to me did
 327 he mean 100 feet from the property edge or that home to the building.
 328

329 Michael Birch: To the building.
 330

331 Kim Piracci: Ok, then the difficulties in our current economy were very nicely explained to us and how this
 332 development will alleviate those problems but creating jobs and paying taxes and whatnot but I have to say that with
 333 developers that don't have the vision to develop buildings for the future, with clean technology, and charging stations

334 for cars, that's all just asking too much, how do we know that these things aren't going to be built and partly build and
335 then left empty. We have to vote on this and not know what your plans are and I appreciate that you don't have to
336 tell me. I guess I'm just a little irritated that you gave a pretty speech and yet so far you haven't given anything so
337 that's all I have no more.

338

339 Michael Birch: I will say, Ms. Piracci, we given over 50 conditions that are a part of the case and that will be the law
340 that governs this property regardless of who owns it or occupies it. I will say that any developer will have to go
341 through the site planning process and with regard to the EV stations, also the buildings, and their use of alternative
342 energy sources, so much of that is driven by individual tenants. The needs for their building and also the types of
343 things that can be in and around their buildings. Some of these might be manufacturing uses, there are things that
344 we aren't telling you because they are unknown in terms of who the actual end users is going to be. I think that the
345 applicant has attempted to agree to the things as conditions written as a part of the ordinance that it has certainty
346 around and knows about today and can speak with certainty and yes has been reluctant to commit to things that it
347 doesn't know or can't know at this point in time. So it's not a game of hiding the ball, or withholding information but it
348 is a matter of in this rezoning process which is really early in the stage of the development process. We are where
349 we are in terms of what we know. I did just want to make clear that it's not a matter of us knowing and not telling you.
350 It is us operating with the information that we have.

351

352 *Continued presentations from the Applicant/Associates for the RTLP proposal*

353

354 Adam Beeman: I have a quick question for you Christa, I have read a lot of responses and maybe you can put to
355 rest. Your peak traffic value is cars, trucks, and all, it's not a peak of 200 tractor-trailers an hour or am I wrong. I
356 have been reading a lot of numbers and everybody has been throwing around that there's going to be 300 tractor-
357 trailers an hour or 200 tractor-trailers an hour and we are talking about all traffic not just tractor-trailers, correct.

358

359 Christa Greene: Yes, that is all traffic. Also, that is during the one peak hour. I think there was a misconception,
360 someone asked Matt how many vehicles are coming out in an hour and when he answered, 200 some people were
361 like 200 an hour over 24 hours that's thousands and thousands of trucks. That is not how it's done. Think about
362 going in and out of your neighborhood, you've got more people going out and coming in during the morning and
363 afternoon. There's a peak time so we have taken one snapshot of the worst time to look at it. We've assumed that
364 worst time is occurring at the worst time and it may or may not be. A lot of warehousing, manufacturing work on
365 shifts that purposely don't line up with the peak hours.

366

367 David Blankfard: You said that the letter grade for Davis Drive and Old 86 was a B, what is the letter grade as it
368 currently stands.

369

370 Christa Greene: It is un-signalized. For an un-signalized intersection if you were to take an average of everything.
371 The eastbound approach today as it stands is a level of service C.

372

373 David Blankfard: So, it's safe to say that the intersection is going to get better.

374

375 Christa Greene: You're going to be able to get out easier. You also have a sight distance thing going on there.
376 When you are looking back to the right, I think a signal, even NCDOT acknowledged that when we met with them.
377 Having a signal is going to make it safer for people exiting Davis because they're going to under a controlled
378 condition.

379

380 David Blankfard: The right turn only at the service road, does that have to happen on Day 1? Under Phase 1 of the
381 buildout? Or can it operate with a left/right turn for a certain amount of time?

382

383 Christa Greene: We did not look at any phasing.

384

385 Melissa Poole: So because it is not phased then the anticipation is when these building are built the traffic light will
386 be there?

387

388 Christa Greene: Yes, that's how the traffic study was done so this would assume the offsite improvement would be
389 done before the site opens.

390
391 Adam Beeman: I went through a lot of the email that residents have sent and I picked out a few questions that
392 maybe you could answer for me that may help some of these residents get an actual answer from you. Some were
393 random that were different than most everything. One was how do you plan to mitigate the construction traffic during
394 the build out, what's the plan for that?

395
396 Michael Birch: Construction traffic will use predominately utilize the service road.

397
398 Adam Beeman: Another theme that kept popping up was how many home will be destroyed in order to put these
399 building up and how many people will be displaced from their homes?

400
401 Michael Birch: Zero.

402
403 Adam Beeman: Thank you, one of the questions was is there a plan to mitigate crime if any, some people seem to
404 think that with this project you're going to draw some questionable behavior from others.

405
406 Michael Birch: I would say, first of all the folks coming to this site are coming to work. They are coming to work just
407 like you go to work every day, like I go to work every day, with the thought that they're going to put in their time and
408 go back to their family. We're not anticipating and if you look at your typical office parks where people go to work, or
409 even similar industrial establishments, you don't see crime like you might think of with a more retail focus, shopping
410 center focus type of development. It's an internally focused site and we don't anticipate any crime issues.

411
412 Adam Beeman: The last question I have, is the developer footing the bill for the water and sewer expansion and any
413 electrical power expansions?

414
415 Craig Benedict: Let me handle one part of that question. Orange County has a capital improvement program since
416 2013 to extend the sewer underneath the interstate. That was long before this development was there and will
417 continue to provide that design to get the sewer under the interstate. That's one element but on site the County
418 would not be doing something specifically for the project just to get the sewer and water underneath the interstate
419 and up and down the service road.

420
421 Melissa Poole: To go with what Adam was speaking, a recurring theme throughout the emails and contact were, and
422 I think it's been addressed but let's touch on it again, for all of the residents with the surrounding homes, how will
423 their property values be impacted? Positively or negatively?

424
425 Michael Birch: A couple of items on that question, first many of the homes in the surrounding area, particularly those
426 that are along NC 86 are already commercially zoned and so we expect positive impact to their property values that
427 there is now a commercial development that is a going concern that creates a catalyst in the area. Second, the
428 extension of utilities to extend if there's ever a need for an emergency extension or anything else it can be a benefit
429 to the area. Third, the perimeter buffer, the height limitations, the architectural controls, the other aspects of the 50
430 plus conditions that have been agreed to as part of the project are all intended to mitigate impacts on adjoining
431 properties and that includes on the value. One of the items identified early on was in issue with the flushing of water
432 and that water line, that as a result of our loop system will be improved. That's another benefit to the area. As well
433 as improved transportation infrastructure and signals.

434
435 Kim Piracci: I may have missed something because I didn't see the emails; I appreciate Ms. Greene's efforts to
436 educate us on transportation, architecture or transportation. However, I don't know if I'm missing out or slow but I
437 feel like the little maps you showed us, which for me are like an inch big. I feel like I would like to get a big picture, the
438 85 the 40, Davis Road, the on-ramps. I would like to see the whole map what you're proposing that the
439 transportation flow would look like. I can't put it together. I get there is going to be a red light at Davis and 86.

440
441 Christa Greene: This is run through some special software but I have those if there is a certain area I can blow it up
442 bigger. We've done level of service charts that were in the traffic studies too that I would be happy to run one of
443 these models right now and blow it up bigger. The areas of concern the ramp and the residents looking at Davis
444 Road that I can blow it up for you to see.

445

446 Kim Piracci: I don't even know if that would help me. I know in other applications, models are considered even more
447 accurate than actual measurements and I don't know if that is true in this case. What I feel like is I want to see a map
448 with arrows. This is where cars and trucks would go and this is where they would continue to go. It was mentioned
449 that there's only a certain number of sq. ft. where traffic would be affected when this development is put in. Didn't
450 DOT just put out some recent information?

451
452 Christa Greene: It was a response to what we submitted 2 weeks ago. It was a memo saying we concur with this or
453 we want an extra turn lane, it wasn't any figures. All the figures were in the study. I can try to pull one up.

454
455 Craig Benedict: In your PowerPoint presentation you showed one of the maps showed how much traffic in the
456 morning and how much traffic in the evening and how much total traffic. Maybe you could pull that PowerPoint back
457 up to show those are the type of site traffic volumes that are available for the project and are part of the TIA.

458
459 Christa Greene: I pulled something up. This is showing the traffic in 2023 and this is the total traffic so it's what's out
460 there today including the site traffic.

461
462 David Blankford: Does anybody else have conditions they would like to impose or have questions? I have one, I
463 have a problem with the exit onto Davis Road. I would like to impose a condition that exiting cannot happen onto
464 Davis Road and that a secondary entrance onto Old 86 be a condition. Whether somehow you take a right off the
465 service road and make a U-turn down the road or find another piece of property as time comes along, if you don't
466 have that, you can still have a left turn right turn off of the service road during the early phases of this project.

467
468 Adam Beeman: Can I ask what your reasoning is?

469
470 David Blankford: I think there's going to be a lot of inconvenience and traffic problems on Davis Road. I think we're
471 pushing for further and further into the Rural Buffer onto the greenway that's out there by pushing this development
472 further and further out into the County.

473
474 Carrie Fletcher: I have a question, so I agree with you and my question, with property owners is this, you can't tell me
475 who it is that is going to be your tenants, you can't tell me what they're going to make, or what they're going to be
476 putting in these trucks. How do you know many trucks are going to be leaving the facility and when. How can you
477 tell DOT how many trucks are going to be leaving at specific times to do these studies? I agree then stay off Davis
478 Road, leave the residents to do when they have to leave to go to work and to take their kids to school and do these
479 things because I see that as a hardship for the residents out there if this project does go through. I don't see a win
480 for the residents out there, because there are so many unknowns right now.

481
482 David Blankford: Not to speak for the applicant but for this type of construction, there's known quantities of what the
483 services can be and averages for all this kind of work. They've got a reasonable idea of what can happen inside of
484 that warehouse based on historical data.

485
486 Carrie Fletcher: I'm sure before they build out something as large as this they have to know statically how many
487 tenants can x number of shipments in and out under a certain amount of time every day, 365 days a year to make it
488 profitable for them. So they would have some kind of idea of what would need to come in and out of that building. I
489 agree, stay off Davis Road if possible.

490
491 Adam Beeman: I don't believe staying off Davis Road is an option for this project. I personally drove down Old 86,
492 Ode Turner, Davis Road, I drove the service road, I went down and checked off everything and I understand that the
493 residents enjoy their rural setting. I personally don't see any truck drivers choosing to swing a right on Davis and go
494 through down to Orange Grove Road, that's wasting their fuel and time and they don't have it. I really believe that
495 option off Davis, 1000 ft. they already have a church there it's not like there's not business coming off of that road as
496 it is. My opinion is that Davis Road is all or nothing for this project. I'm not against using Davis Road.

497
498 Michael Birch: Mr. Chair, if I may address your proposed condition. I understand and I know the issue of a driveway
499 on Davis was discussed last time but to be clear, DOT is requiring that cut on Davis. We certainly looked at the
500 possibility of access on 86 but we don't have frontage on 86, if DOT wants to use their power of Eminent Domain to
501 condemn property and provide us access to 86, would approve a driveway permit there, that's great. Forcing a U-

502 turn for those folks that are using the service road then you'll at about 200 U-turns in a peak hours because the
503 majority of the traffic is going north. We have added the condition to do what we can on Davis to install signage
504 prohibiting right hand turns onto Davis and we are installing a signal there at Davis and 86. But we are not in a
505 position to agree to a condition that prohibits access onto Davis.

506

507 David Blankfard: That's fine that is something that the County Commissioners would have to take up. We're only
508 doing recommendations. I understand that creates a challenge for the applicant for future but I think the County
509 residents like their intersection at Davis and Old 86 even though it's dangerous. They prefer it that way. Any other
510 thoughts about my recommendation?

511

512 Melissa Poole: If David's recommendation is not viable can there not be a sign placement coming out stating truck
513 have to turn a certain way so as not to go down Davis.

514

515 David Blankfard: I don't think they would ever turn right on Davis going down Davis. My concern is at that
516 intersection of Davis and Old 86. That's the bottleneck, no truck unless lost would turn right.

517

518 Kim Piracci: I feel like there was discussion of a traffic circle with Settler's Pointe. Wasn't that offered as a solution?

519

520 Christa Greene: A traffic circle would take a tremendous amount of right-of-way that would get out of the existing
521 right-of-way when it was easily handled by a traffic signal with the existing configurations.

522

523 Craig Benedict: If I could also add the 2 roads we're talking about Old 86 is an arterial road and DOT expects a
524 certain amount of traffic on it per day and Davis Road is not a residential road it's call a collector road. DOT does not
525 restrict a collector road to residential traffic. It is allowed mixed traffic with no prohibitions so when the County and
526 NCDOT and the metropolitan planning organization put together what is known as a comprehensive transportation
527 plan, they take a look at these road networks and designate them for a certain amount of traffic to handle the traffic
528 that is on land use plans. Davis Road is designated as a collector road and the traffic studies that have been put
529 together show that there is capacity in that roadway to accommodate this project and the residential traffic that is in
530 the general area.

531

532 David Blankfard: Let's open this up to the public, as a reminder to the public you will have a 3-minute window for
533 your comments. Please remember just to add new things, if we've already heard the complaints then please don't
534 repeat them, second is the last time allowed the conversation to become a little personal and not professional so I
535 want to remind everyone to be polite to one another. If that can't happen, I will mute you.

536

537 Stephen Williams: I just want to take to thank the Planning Board members here. It's been nice to be able to see
538 you on camera and to see the ones who are paying attention to what's going on and those who are distracted by
539 other things. I really appreciate the ones who have been involved and asked questions rather than just voting.
540 Taking a vote and saying yes or no. It is nice to know that some people are concerned. I wanted to point out that I
541 didn't realize there was a sales pitch on the agenda by the Barrister Corporation. I also want to point out that I don't
542 have time to tell you my life story, education unfortunately like Ms. Greene did, I have 3 minutes. First, I wanted to
543 say something about the map that the representative from Barrister shared with the stars on it about residences.
544 One of those stars where he says no one is building or no one lives. I am currently building, I just broke ground on a
545 new house last week. The star next to me, someone else just bought that property to build a house, not a
546 corporation. I want you to consider a Walmart 100 feet from your house and tell me would you be okay with that.
547 The closest building to a residence is 100 feet. That is the distance you're supposed to stop behind a school bus,
548 legally, 100 feet. Would you want your kid in that back yard? Would you want your mom in that back yard? Your
549 elderly parent? I really want you to consider that. Also, I want to applaud Ms. Piracci. She made it pretty clear, we
550 don't know what's going in these buildings but they do. No one builds 2.5 million sq. ft. at one time without knowing
551 the tenants. That is a poor business decision so I find it very hard to believe that they don't know. They don't have to
552 tell us, no legally, they don't but they know. They absolutely know who's going in there. The other thing I want to
553 point out is that it's not the traffic I'm worried about, it's not the cars, it's not trucks, its 18 wheelers that are going in
554 and out of this business. You're not just talking about a small vehicle. You're talking about a loud, large vehicle at
555 any time of the day. I will be asleep next door to this and I beg you to consider that. Also, in one of the slide shows
556 by Ms. Greene, she talked about averages of business on what this would look like. I am a former employee of a fast
557 food corporation, every business is different. Some Kentucky Fried Chickens I worked for averaged 50,000 dollars a

558 week, others 25,000 dollars a week. There is no way to know. Ms. Fletcher you put it best, there is no way to know
559 what we're going to be up against when they start building this. I don't think that they're giving us all the facts. I'm
560 done.

561
562 Bob Bundschuh: I'm actually a vice-president of supply chain and logistics have a million sq. ft. of warehouse and six
563 manufacturing things under my control so I know a little bit about this. Let's just start with the proposal starts off 2½
564 pages talking about the project is going to offer 2¼ million sq. ft. of health and technology, info sciences, engineering,
565 advanced manufacturing, science research and labs, warehouse and logistics and up to 4500 jobs. Then you
566 actually bring COVID of all things and say the solution in your quote "to bring more manufacturing of life saving
567 products back to the U.S." quite impressive but when you get further in your proposal, it has nothing to do with
568 manufacturing. You don't even talk about it, its 100% warehouse. And we know this because when you do the traffic
569 study, you use warehouse code 150, which is just warehouse. Not 140 which can be manufacturing or 130 an
570 industrial park and additionally, in your environmental assessment on section six it says "no production will take place
571 will occur on these parcels". That's what's in there, so which one is it? Is it manufacturing and R & D or is it a
572 warehouse complex? Or is it mixed use? The Planning Board needs to decide to approve or reject the zoning
573 change and they do that from the presentation. So what you've done is you've made a very nice, call it a time-share
574 brochure, and you've cherry picked your message. When it comes to job creation type of industry and the need, you
575 talk about high end R & D, health technology, which I'm sure comes across as a great fit for the area. You're thinking
576 high paying jobs and even hints of life saving products but then when you talk about traffic and environmental, you
577 pick the least impactful. The most benign possibility, no manufacturing, as far as traffic you use code 150 is towards
578 the bottom of traffic generations. The applicant knows that if they use the land use code for manufacturing or light
579 industrial, the ITE tables that you use show that peak traffic will go up and that would require recalculating the traffic
580 and it would go to the negative. Planning for manufacturing would also alter the water and sewer requirements. It's
581 not quite a true bait and switch but its close. They noted that if this zoning, as approved, we can't go back. Anything
582 allowed under the zoning can be built on this property, anything that's within the zoning. Absolutely nothing limits it to
583 what they proposed tonight. Like several people have said, we don't know what's going in and neither do they. Now
584 both the applicant and the staff have repeatedly used the reasoning that the development is just fulfilling what was
585 laid down 40 years ago but 40 years ago, there was no Highway 40, there weren't stores open on Sunday, there was
586 no Amazon, no next day delivery, tractor trailers weren't 53 ft. long. So justify a decision on rezoning because of
587 something 40 years ago makes no sense. You can recommend this tonight on the premises in line but the question
588 is based on what we know and what we don't know, more importantly, is it the right thing? I appeal to your sense of
589 what is right for the residents, what's right for the area and what's right for the County. Reject this and then work with
590 us on a different development that works for both us and the County. Thank you.

591
592 Sarah Shore: Hi, my name is Sarah Shore and I live 250 ft. away from the proposed development. One of the
593 places the developer said was vacant land just as an FYI. My home has been here since the 1980s. This is my
594 home, this is where I brought my babies to after they were born and now where they play outside. The land use plan
595 originally said Davis Road would be a suburban office not a warehouse. Suburban office draws to mind Monday
596 through Friday 9 to 5 cars, regular traffic not semis not three shifts of work. I have many concerns about this
597 nebulous development being feet from my back door. My first question is for the developer, have you actually been
598 to the parcels. We are not off of Davis Drive but Davis Road the Beaver Creek problems that you mentioned is 40
599 minutes away from us and we are not in a Raleigh metropolitan area, we are two counties away. Please understand
600 when you are speaking to us, where we actually live. Additionally, in regards to the jobs, I'm very concerned about
601 the numbers are inflated or simply made up because tenants are not lined up or you will not say. You cannot
602 guarantee that jobs are economic boom the only thing you can guarantee is raised land and empty warehouses. My
603 final comment is for the Planning Board and the County and the follow up of what David said because the question
604 was never answered. Is there a way to say Davis Road driveway is not a viable option and they must get Old 86
605 access instead? Because I would truly love an answer to that question. Thank you.

606
607 Ashley Trahan: Hi, my name is Ashley Trahan and I live with my family off Davis Road when we relocated from
608 Boulder Colorado in 2013. We chose Hillsborough as the best place to establish our life here in North Carolina even
609 though it meant one hour each day commuting to RTP where I work because its delineative native, quality of life
610 afforded by this small town and its rural surroundings. I must voice opposition to the zoning amendment being
611 considered which will support the development of RTLP. Please give priority consideration to the local, rural and
612 small town community and to the public interest at large over that of investors and developers. I now feel compelled
613 to echo concerns expressed regarding the traffic impact analysis, conceptually I cannot understand how anticipated

614 volume of traffic assessments matched the reality of how these roads are utilized or how the capacity and road
615 designs regardless of designation allow for safety and driver comfort which is crucial to residents day to day. I cannot
616 reconcile in my mind why a new analysis is not required prior to any recommendation of adopting the zoning
617 amendments initiated by the applicant. Specifically due to the use of 2016 data exclusion of the impact from the
618 Collins Ridge development and applicant's July request for an increase for area ratio it would allow, if I read this
619 correctly in the agenda package, 4,586,868 sq. ft. of building square footage area. The TIA I read looked to be
620 based on 2,400,000 sq. ft. of development so I can't reconcile in my mind why a new one is not required and
621 clarification would be appreciated. Having reviewed the available online Comprehensive Plan, I'd argue that the
622 presented industrial development supported by this rezoning is not fundamentally aligned with the current goals of
623 Hillsborough and Orange County. The Statement of Consistency highlights the zoning amendment is consistent with
624 selects goals but no available data has convinced me that this type of development is the best path forward for the
625 area. Consider these objectives not mentioned in the consistency statement, community sustainability, how would
626 this rezoning support a commitment to sustainability? How much water will be needed from the Town? Are we going
627 to build something and not a have a water system to accommodate it, not based on the current plans I found
628 Strategic Growth Plan. Preservation of natural and cultural resources, how does this support protecting our Rural
629 Buffer? It's too late to assess environmental impact on our natural settings after the fact. Economic growth over
630 investor wealth, data showing specific economic benefits to our community is warranted. Increasing global jobs is
631 not demonstrated value to the local residents. Since you're charged with advising on these strategies, shouldn't you
632 be using all the relevant data to ensure compliance? I'm asking you to recommend failing this application fast.
633 There's too many knowledge gaps, many inconsistencies and I hope upcoming meetings with the Commissioners
634 can instead be about the community sharing our many ideas, establishing a task force and developing a relevant
635 action plan for progress with other than having to oppose this one. Thank you for your time.

636
637 Jon Lorusso: I wanted to point out before I begin, I started a petition and I have collected three, 873 signatures from
638 local residents. Hopefully, that has some impact, some bearing on your opinion. My name is Jon Lorusso and I live
639 off Davis Road. The intersection of Old 86 and Davis Road is very important to me, I use it to get to work, I use it to
640 get food for my family to eat, I use it to access I-40, I use it go see friends and family, I use it to get to the hospital. In
641 fact, I have had to do that on several occasions with my children so it's pretty important intersection to my life, in fact
642 it's my entire connection to the world. At the July 2th neighborhood information meeting someone asked what steps
643 are being taken to preserve our safely from additional traffic on Davis Road, the applicant replied, very minimal traffic
644 on Davis Road given that they have access to the service road. Another person asked why is this being used that it
645 provides another point of access. County staff clarified that a secondary driveway access would require, quote
646 "require secondary access point". In a letter to Chuck Edwards on August 5th, this was sent prior to the meeting on
647 August 5th so Matt Peach already knew about this when he presented it to us, "all traffic exiting the site headed north
648 will have to turn left out of David Road" so to just go to what Mr. Blankfard said, the issue is not that traffic will be
649 making a right onto Davis Road. We know that it won't happen, very little, what the issue is, is that Davis Road will
650 become a driveway for this facility, it will no longer be a public road, it will be an actual driveway for the facility. The
651 website for this developer makes it clear they want access to I-40 so all the traffic coming out, 90% of the vehicle
652 exiting will exit via Davis Road. They won't exit via service road they'll exit on their personal driveway which is not
653 Davis Road. Mr. Peach said that acceptable levels of service on all approaches and note this 23.3 second delaying
654 second per vehicle on Old 86 and Davis Road. 206 vehicles plus the existing 94 vehicles for a total of 300 vehicles
655 will be headed east on Davis Road. That's five vehicles per minute, 1 vehicle every 12 seconds. If you have a 23.3
656 second delay that means you can only clear 2.58 vehicle per minute from that intersection or 155 vehicles per hour.
657 That means at the end of that hour, 145 vehicles will be queued at that intersection. Even if it's only, my estimate is it
658 will be 960 trucks per day that means at the peak hour there will be 40 trucks, 1 truck every 1.5 minutes. That means
659 20 trucks will be queued in the peak hour west of Old 86 on Davis Road, 20 trucks, if they are 72 feet long trucks,
660 only 14 can fit if they are back to back on Davis Road. That means at least six trucks are going to back up into the
661 facility.

662
663 Ron Sieber: This is Ron Sieber, I live on New Hope Springs Drive which is right off of Davis Road. I wanted to say
664 just to begin that the RTLP anticipated traffic data is undercounted because it's based on the Settler's Point traffic as
665 previously mentioned and that project is distinctly smaller in scale to RTLP. Therefore, RTLP's data is deficient.
666 RTLP has based their traffic data using minimal traffic specs for a largely unspecified end user but we already know
667 that their touting having a warehouse when actually there might be more, we just don't know at this point. The State
668 Department of Transportation registered its concerns about traffic congestion in the general area of I-40 where it
669 crosses over NC 86 and the questions that they had were about the westbound ramp, the eastbound ramp, traveling

670 north onto Churton Street and onto 85 and maybe even into the town itself. These things have not really been
671 addressed carefully because we really don't know how many large trucks are going to be exiting this development.
672 Now if Davis Road were to be co-opted for this project this would present huge traffic and safety problems for this
673 area. The approach to the Davis Road intersection at Old NC 86 itself has four blind curves and two significant
674 upgrades on the approaches to this intersection. No traffic light is going to make this any safer for cars, large trucks
675 and school buses to be places together on any part of this road. The RTLP as proposed is too big of a project for
676 where it currently seeks to be placed. Two comparisons come to mind when I think about this, the UNC Hospital
677 which is big, it's 342,000 sq. ft. the RTLP project would be 6.5 times larger. The RTLP warehouse square footage of
678 55 acres would equal 92% of combined parking and building space of the Walmart/Hope Depot complex in
679 Hillsborough. Their total footprint is 60 acres. Now in concluding, many of the residents that surround the EDD that
680 is being discussed are in support of sensible development of this area. As we stand ready to work with the Planning
681 Department and the County Board of Commissioners to make this happen. However, the RTLP project is too big and
682 too overwhelming of a project to consider. We as a community urge the Orange County Planning Board to deny this
683 project's approval in its current state. We are opposed to its size and to its proposed use of Davis Road as an
684 entrance or exit for the development. Thank you.

685
686 Angela Sneed: Good evening, my name is Angela, I live out on West Scarlett Mountain Road. For reference, that
687 driveway is directly across from David Road and it will be right there where the proposed light is. It currently can
688 difficult to enter and exit with the blind curve and the hill coming from Old 86 south so a stop light will essentially
689 block that driveway and many others down Old 86 preventing residents from entering or exiting their homes safely
690 and consequently it can cause traffic backup in the opposite direction while they have to wait. My concern is traffic in
691 a different flow, the report and numbers provided don't seem accurate in that they don't currently include the projects
692 that are already approved and happening in Hillsborough right now. Collins Ridge for example, that project is around
693 1200 units and will have anywhere from 1200 to 2400 additional resident commuting through the Hillsborough area
694 many of which will head to Chapel Hill for work and the best route to get there in the morning is Old 86. This will add
695 to the number that will have to go through the I-40 intersection and the Davis/86 intersection along with the proposed
696 trucks and employees that will be getting there. Having the accurate traffic information and numbers is pertinent
697 because otherwise you're just pulling random numbers out of a hat from years ago and hoping that they stick. My
698 next concern is the I-40 intersection, I understand that the proposal was to have a light at the 40 eastbound ramps;
699 however, the 40 westbound intersection is dangerous as it is with existing traffic numbers. Adding the Collins Ridge,
700 increase and then potentially 100s of additional cars and trucks from this proposal make the area a death trap.
701 Existing 40 west, exiting there and trying to make a left onto Old 86 in the evening and you've got the sun in your
702 face, it's nearly impossible and then you add oncoming trucks and increased traffic from both directions and you're
703 never going to make that. The lane to enter 40 westbound right now, that turn lane is 280 long from start to the end
704 of the medium with and additional maybe 31 feet to the middle of the intersection. A truck and trailer on average is
705 70 to 78 feet. That means three trucks can be lined up waiting to make that left from Old 86 South, it's going to
706 bottleneck and eventually stop traffic. Cars aren't going to be able to more around because there's a bridge, traffic
707 exiting 30 East are going to have to wait through light cycles and the road is going to become a constant cycle of
708 traffic jams and increase the number of accidents for the residents, the truckers and even potential visitors so and
709 there's not currently a light proposed there so aside from the inconvenience that many residents will face due to the
710 increase of traffic, ultimately it safety risk on the road in this area. The intersections aren't designed for this type of
711 development, the proposal does not address the issues and numbers, and the tax dollars are going to be spent for
712 years to come attempting to fix this disaster.

713
714 James Henninger: My name is Jim Henninger, I live south of Davis just off Old 86 on Currie Hill Lane, I've lived there
715 for about 25 years. I've been proud to call Hillsborough home all this time but I'm not really in Hillsborough and I want
716 to point out that there's more people affected than just those that are in 1000 feet area that were notified. I like to
717 shop local, Weaver Street, Hillsborough Barbeque, Radius Pizza, Wooden Nickle, Paws at the Corner, Food Lion,
718 Steve's Market, Saratoga Grill, Hillsborough Wine, Hillsborough Yarn these are places off the top of my head. These
719 are the places where I spend my money in Hillsborough. These are the merchants that will be affected by any
720 impotence on the artery which is 86, 86 is the southern part of the County's way to get into Hillsborough. There isn't
721 any other practical way from the south to go into Hillsborough, it's 86 for us. For me to go into town, if I'm impeded
722 by going up 86, I basically have to go Chapel Hill and back to Hillsborough and in a practical matter, people don't do
723 that. Realistically, what would happen for me is that I would be shopping at Harris Teeter on MLK instead of Weaver
724 Street or Food Lion or Hillsborough Wine. I'd be hitting The Pig on Weaver Dairy Road instead of Hillsborough
725 Barbeque; I'd be shopping at Clifton Hills or Left Bank Butchery in Saxaphaw instead of Steve's Market. I sat down

726 and figured it out and I figured out that for every \$100 I spend in Hillsborough currently, on my daily shopping, that
727 would drop to \$20 and the other \$80 would be spread out between Chapel Hill, Carrboro and Durham and for me Old
728 86 which is Hillsborough Road to me, would become Carrboro Road. I'm not against developing that area because
729 it's inevitable but anything that's going to cut me off from what I consider to be my town, I have a problem with and
730 it's concerning to be that we can't really get a definitive answer on what exactly is going to be developed. I don't see
731 how the traffic plan is legitimate if we don't even know what is going to be developed. I understand the averages
732 thing but there's a lot of leeway going on in there. I agree with Ms. Fletcher, on her comments on that and that's all I
733 have, thank you.

734

735 Kaila Mitchell: My Kaila Mitchell I live on Jedi Way off Davis Road. I would like to speak about the impact to air
736 quality and potential health risk that RTLP poses to our neighborhood. We know that this project will significantly
737 increase the amount of big trucks, tractor-trailers on Old 86 and Davis Road. As many as 950 trucks per day. It is
738 also reasonable to think truck will increase on other roads nearby as they attempt to use alternate routes as Old 86
739 and Davis Road become clogged. A lot of these trucks will emit diesel exhaust that contains more than 40 toxic air
740 contaminants including cancer causing substances such as benzene, arsenic, formaldehyde. According to California
741 EPA's office of Environmental Health Hazard Assessment, long-term exposure to diesel exhaust poses the highest
742 cancer risk of any toxic air contaminant evaluated by their office. To the Planning Board, as you are considering this
743 project, I urge you to keep in mind some of our most vulnerable residents when we think of air quality such as
744 children, the elderly and those with chronic health conditions and think about the locations where these vulnerable
745 individuals are most likely to spend time. For distribution centers that accommodate more than 100 trucks per day or
746 more than 40 trucks with operating transport refrigeration units per day or where transport refrigeration unit exceed
747 300 hours per week the California EPA Air Resources Board recommends in their air quality and land use handbook,
748 that these distribution centers be farther than 1000 feet from sensitive locations such as residences, school, day care
749 centers, playgrounds and medical facilities. They also recommended that entry and exit points not be located near
750 these sensitive locations as well. We have a preschool, Sounds and Colors, right at the corner of Old 86 and Davis
751 Road and we have dozens of families living all around the proposed industrial park within 1000 feet many within 300
752 feet. California EPA Air Resources Board also showed the key findings from a number of studies which included
753 reduced lung function in children associated with traffic density especially trucks within 1000 feet and that association
754 was strongest within 300 feet. Also increased asthma, hospitalizations associated when living within 650 feet of
755 heavy traffic and heavy truck volume. Exposure to diesel exhaust can also have immediate health effects, it can
756 irritate the eyes, nose, throat and lungs and it can cause cough, headaches, light-headedness and nausea. In
757 studies with volunteers, diesel exhaust particles made people with allergies more susceptible to the things they were
758 already allergic to such as dust and pollen. Exposure to diesel exhaust also causes inflammation in the lungs which
759 may aggravate respiratory symptoms and increase the frequency or intensity of asthma attacks. I have a family
760 member who lives right here on Davis within 1000 of this as well who has chronic lung disease. He already suffers
761 enough on a daily basis, I urge the Planning Board to recommend that a risk assessment and a thorough
762 environmental analysis be performed before RTLP can move forward. Thank you.

763

764 Matt Mitchell: My name is Matt Mitchell and I'm an audio engineer living off of Davis Road less than 1000 from the
765 proposed development. I am going to talk about noise pollution and the impact on the residents and the preschool.
766 Orange County Noise Ordinances state it shall be unlawful for any person to make create permit or to continue any
767 source of a unreasonably loud and disturbing noise in Orange County and further any sound which is substantially
768 incompatible with the time and location where created and which is perceived by a person of ordinary sensibilities as
769 interrupting the normal peace and calm of the receiving land. The receiving land being all of the residential
770 properties surrounding this proposed development. Orange County does not allow noises above 60 decibels during
771 the day and 50 decibels in the evenings at the residential properties surrounding the proposed development. The
772 noise generated from a diesel truck is between 96 and 104 decibels. This is 60 times louder than the 50 decibels
773 that the evening ordinance permits. There are residences as close as 30 feet to the proposed driveway that will be
774 carrying as many as 950 trucks per day, house #1 is 30 feet away from this driveway that is being put in where these
775 diesel trucks will be queuing up. These distances are taken from the Orange County GIS and they reflect the true
776 impact to residences. Please don't be fooled into thinking that most residences are more than 1000 feet away. I'd
777 also like to add that none of these properties depicted are commercially zoned. Focusing on the resident
778 immediately beside the access point on Davis Road is only 5 trucks in the queue on this road, this resident will
779 experience 81 decibels of sustained noise, the equivalent of standing next to a lawnmower 24/7 and also loud
780 enough to cause hearing damage at 2 hours of exposure per the CDC. It doesn't seem possible that the developer
781 could possibly reduce noise to acceptable levels at the surrounding properties and the preschool. The preschool is

782 only 60 feet from where the trucks will be queuing up and their playground is 100 feet from where the trucks will be
783 queuing up on David Road. There was a similar development that was a third the size of this development and the
784 closest resident as 550 feet from the nearest loading dock. The noise impact analysis that was done still required
785 reduced traffic even at the greatly reduced numbers and distances compared to the proposed development. I'd like
786 to add that diesel trucks typically use engine breaking that create an extremely loud machine gun like noise as much
787 as 105 decibels. These noises are only regulated during the day in Orange County and stand to create massive
788 disruptions to the preschool and the residents especially on David Road.

789
790 Myra Gwin-Summers: I am Myra Gwin-Summers, we live two doors down from the proposed property on the corner
791 of Davis Road. We've been here for about 35 years and I see that I was down to speak on property values which
792 was not what I intended to speak on but would quickly say I cannot imagine that this project would enhance anyone's
793 property values. I have a questions and comments for Mr. Birch and I don't know if he's still present but I am going to
794 show this (visual of a mailing's return address). Why did we receive a letter regarding this project that says it is from
795 the City of Raleigh Planning Department? Who paid for the postage and does the City of Raleigh Planning
796 Department know that he has represented this project to us as if it were from them? I received an answer to that
797 today, the City of Raleigh Planning Department has no connection with the project and were very interested in the
798 fact that Michael Birch is sending out letters to residents in our county using their return address. I would like to be
799 sure and highlight that Mr. Birch has misrepresented himself here and possibly used their taxpayer money for a
800 private investment project without the knowledge or consent of the City of Raleigh. It shows poor judgement at best
801 and lack of integrity. Moreover, it's deceptive and it does beg the questions what else is deceptive about this project.
802 The next thing I wanted to address to Michael Birch, I'd like from you regarding your use of the City of Raleigh
803 Planning Department on your return mail address. I wanted to speak specifically to comment that you made that can
804 be found on page 25 of the draft minutes, lines 1226 thru 1230 when Mr. Birch was questioned about the buffers and
805 the encroachment of noise and vehicle lights due to the 24 hours 7 days a week activity. He responded that a lot of
806 the lots that surround us are deep lots with the houses situated far from the common boundary line. This is
807 completely false and the as speaker just pointed out, the driveway exit onto Davis Road runs right next to the
808 Barlow's house and will run right next to the house that will be built behind us. Next, I'd like to say that I spoke to a
809 senior engineer at Summit Engineering today who clarified for me that Summit has completely withdrawn their
810 project. They withdrew because the topography did not lend itself to large buildings it was going to be cost
811 prohibitive and they thought they would not actually be able to build the buildings. My final comment would be that
812 this is being addressed as if it is on zero grade, that's not true the corner of Davis Road is a steep hill and I wanted to
813 make the Planning Board aware in case you're not aware that Davis Road is closed for over 6 months last year due
814 to a sinkhole that is due to runoff on Davis Road. Once the corner of Davis Road is turned into an impervious
815 surface, the runoff is going to be more severe and could create more problems.

816
817 Michael Birch: I think there were two things to address, primarily about the return addresses. Let me be clear that
818 we paid, our firm paid for the postage, the City of Raleigh return address stamp was on those envelopes related to a
819 similar or prior projects that we were doing in Raleigh and was inadvertently used for the mailing for the notices for
820 this project. I will note that the letterhead, the letter the notice that was included in the envelope very clearly stated
821 that it was from Longleaf and didn't have any reference to the City of Raleigh. I apologize for the confusion that it
822 may have caused to have the return address say City of Raleigh but we did pay for the postage and I have reached
823 out to the City of Raleigh to their Planning Director to let them know. We didn't obtain any of their envelopes or
824 anything like that they have asked us in the past to put their return address on there for other mailings. The question
825 on the buffers, I want to be clear that when I was speaking to those in the last meeting we had the exhibit up showing
826 the buffers and the transition areas and again was very clear that the majority of our property does not abut parcels
827 with homes on it. The one that are nearby are deep lots but we did recognize that there is one existing home again
828 within 100 ft. of a proposed building and we did not shy away from stating that.

829
830 Joan Kalnitsky: My name is Joan Kalnitsky, I'd like to thank the Planning Board for listening to all of us this evening.
831 I doubt there're are too many of us who really don't believe the property in question will be developed but developing
832 it in the manner that has beneficial to the County and the Town of Hillsborough and the residents of Orange County is
833 really important. As almost immediate access to the highways and all four directions, with seemingly little impact to
834 the local area, with that said, I am seriously urging the Planning Commission to not support rezoning of this property.
835 I am asking this for safety reasons, people on the Board of the Planning Commission and the applicant want us to
836 believe that the traffic is going to go left onto Davis Road and left onto Old 86 and not impact the area but truth is
837 traffic is also going to right down Old 86 and right down Davis Road. The roads we're talking about are part of the

838 largest recreational area in Orange County. If you don't believe me go to the Tarwheels website and try to find a
839 suggested bike ride that does not include at least two or three of these roads. The safety of all the residents and of
840 Orange County and all those who come from the Triad and the Triangle to ride these roads is going to be severely
841 impacted. If you're a doubter, drive by Mapleview Dairy any time any day and count the number of cars with bike
842 racks on it parked there. If that's not enough of a safety concern let's just consider Davis Road itself. We've heard a
843 lot about it tonight but for those of us who live off it, we know there are cyclists, walkers, joggers every day. You're
844 going to have vehicles turning out of this development in front of people trying to get in and out of the daycare center.
845 It's a recipe for disaster. What I'd like to urge each and every one of the Planning Board to do is to drive the 3 miles
846 of Davis Road, count the cyclists, count the joggers, and the walkers and then realize there's shoulder and there's no
847 sidewalk on Davis, Ode Turner, Old 86 none of them. When you get to the church, try to imagine a semi-truck in
848 front of it and when you (bad connection/lost audio) 40, that's what rezoning is offering to do. Our safety in this
849 corner of Orange County. Thank you all for your considerations.

850

851 Janet Marks: I'm Janet Marks, I live in New Hope Springs right off Davis Road. Many of you that have traveled on
852 Old 86 off I-40 know the beauty of the thick forest and the rolling hills along this road. You may have also notice the
853 scenic by-way sign as you left the freeway traffic behind. What you may not know, is that starting at the exit from 40
854 you are now on a historic road dating back at least to the 1700s. Prior to it being mentioned in historic records this
855 was a Native American trail and was also used by early settlers. You are on the beginning of 10-mile stretch called
856 the Scots/Welsh Heritage Byway. I'm going to take this from NCDOT description of this road, this byway travels
857 through Orange County along trade roads used by American Indians and early backcountry pioneers. The King of
858 England gave much of this land along this byway to the 18th Century Scots/Welsh settlers. Generation after
859 Generation has lived and farmed this land, each leaving its own mark making this byway a unique journey through
860 American history. Old NC 86 appears on Colonial maps dating back to 1770. Per NCDOT description of scenic
861 byways, motorist will see little or no development along the routes enhancing the natural character and quality of the
862 byways. They will experience North Carolina history, geography and culture while also raising awareness for the
863 protection and preservation of these treasures. Limit the traffic using this historical route, reserve important
864 landmark. Any development near this area should mindful of that is harmonious with the surrounding land and the
865 rural neighborhoods and I want to make a note of an African American cemetery dating to at least 1900 at the corner
866 of Davis Road and Old 86. When people drive on I-40 east from Alamance County, this exit is the first impression
867 they get of Hillsborough. Do we want the gateway to Orange County and Hillsborough to be represented by vast
868 warehouses, is this the Orange County that any of us know or can envision for the future. Thank you so much.

869

870 Christine Poole: I'd like to start by reminding you that I'm Christine Poole and I live off Davis Road. I want to thank
871 the Board of County Commissioners and the Planning Board for having developed many wonderful projects over the
872 past several decades. Let's start with the creation of an attractive retail and residential zone on the east edge of
873 Hillsborough, the Super Walmart and Home Depot along with all the other small business that surround this
874 economic zone have definitely benefitted our community as we no longer have to travel to Durham or Chapel Hill.
875 Then you added the Riverwalk and Weaver Street which merged the neighborhood goals of an open-air community-
876 gathering place with retail while also providing a space for government offices then you created Gold Park with
877 connects with the Riverwalk and then developed the historic industrial space in West Hillsborough on Nash Street
878 that was brilliant. You added Hillsborough Barbeque and these other non-franchised eateries along with a beautiful
879 events venue, the Cloth Mill at Eno River. Then north of Hillsborough on Hwy 70, you approved the Gatewood
880 project which created a beautiful restaurant and evidentially retail, brewing and distilling and another event center
881 that merges architecturally and culturally with historic Hillsborough. Even the Waterstone community and hospital
882 improve the ugly eatery franchise oasis around the I-85 and Old NC 86 interchange. I understand the interest in
883 developing an economic zone off of I-40 and 85 but Old NC 86 is the worst choice, as those of us who travel this
884 road every day know. It's called old for a reason. Where in the County have we competed a successful industrial
885 project? Let's consider Moninaga America. In 2013, the BOCC unanimously agreed to offer state and local
886 economic incentives to encourage this company to build a new candy factory off of I-40 and 85 in Mebane. It was
887 built on a 400 acre Buckhorn Economic Development District which leaves me wondering, if there is an economic
888 zone where 2 interstates merge without significant residential development which is already invested in water and
889 sewer why are we even considering this project where there is significant residential development on land that would
890 be incorporated into the historic Town of Hillsborough and is across the street from a church, daycare center and a
891 cemetery? Why are we considering a project that consist of four six-story buildings? What are the advantages?
892 Why is this location better than the Buckhorn Economic Development District? Lastly, I would remind everyone that
893 when go fishing for bass you don't settle for carp, you should wisely choose a development project that matches our

894 needs and our values. I would also remind everyone not to put the cart before the horse, until the issue of
895 improvements on Churton Street and Old NC 86 are addressed, further development around this outdated artery
896 should not be approved. I want to thank you for your time and the consideration of all the points we are making here
897 tonight.

898

899 Matthew Kostura: I just want to sum up a little bit what has been said so far. I also want to start at the top with jobs.
900 We had a really nice pitch at the beginning of there, it was a pitch, it was designed to be a pitch, its marketing. The
901 number thrown out for you guys to consider is 4500 jobs. Seriously, you guys just approved, recently a development
902 on West Ten Road that is very similar to this one. That's for the medical device distribution center. 150 jobs for 1.5
903 million sq. ft. that's about what you're going to be getting here x 2 ½ maybe so figure 450 so what this is all about
904 really is tax revenue, you know that, I think everybody else does. So, as the last speaker said there's other ways to
905 skin this cat and you can get your tax revenue with better development. Something that is more compatible with this
906 area. As far as the kind of development going in, again, as has been mentioned, they are using the code, they're
907 telling you what's going to go in here and it's LUC150. That's a warehouse; it's not going to be an office. It's
908 warehouse so your impact is traffic, it's trucks and you have to worry about trucks. How many trucks in and out?
909 Bob Bundschuh has basically said about 1000 minimum per day. That's a lot of trucks and they all come out on
910 Davis Road by the way every last one. Thirdly is I want to bring up something about Christa Greene, she made a
911 comment about the traffic impact on Davis is going to be minimal. Certainly, at the head that's going to be true.
912 When they did their traffic modeling what they did not do was include the biggest driver of traffic gain on that road in
913 the last 10 years or so and that's the school complex over on Grady Brown. All that traffic is being built up there is
914 going to school. It was not modeled, at all, into their models so that's not included, it's a lot of traffic. Finally, I want
915 to point out that Davis Road has been mentioned, Craig Benedict called it a collector road. That's what it's viewed as
916 by NCDOT. But basically, past Ode Turner where they have another counting station, it's about an annual average
917 1000 daily trips. You count the number of houses on Davis Road, the ones that access it from Tree Farm, that's
918 roughly 200 homes by 2 cars by 2 trips a day. Virtually every trip on Davis Road comes out of these development
919 and these homes. There is no through traffic here, it's very minimal. So, what you're asking now is to put a lot of
920 through traffic on it. Adam Beeman is going to sit there and say no, no, no; no truck driver is going to make a right
921 hand turn, fine. We had Michael Birch say they'd be willing to put a sign up that say no right turn for trucks out of the
922 development. Take him up on the offer, put that sign up and while you're at it put a sign up that says no right turn on
923 Old 86 either. You guys are pitching this all about 3000 linear feet of road, well keep the trucks there. Thank you
924 very much.

925

926 Gerald Scarlett: This is Gerald Scarlett, I'll make this as brief as possible. I live on West Scarlett Mountain, which is
927 30 feet south of the Davis Road intersection. I have been here for 65 years, which is my entire life. I'd like to make 2
928 points as quickly as possible, although I have 100s. Number one is the Rural Buffer, it makes no sense to be able to
929 stand in a Rural Buffer and move 6 inches north and now I'm in an industrial park. In most places there's a physical
930 soft approach to these types of divides and not just a line on a map. There is none of that here. If you approve this
931 then you should change the name of the Rural Buffer to just Buffer because that's what it is. It is nothing more than a
932 compression point between Chapel Hill, Carrboro, Hillsborough and 2 interstate systems. We have been involuntarily
933 drafted into perpetual service to provide guard duty to for the rest of the County and yet we still pay the same tax
934 rates as other outside the buffer who actually get to enjoy some of the rural setting that we no longer have. Point
935 number 2, we're talking about potentially 100s of trucks that have to drive through part of the Rural Buffer and each
936 one of those has got to stop and start somewhere between 6 and 24 times to enter and leave the Hillsborough area
937 leaving a trail of exhaust each time. I believe in a recent past budget cycle Orange County set aside half a million
938 dollars of taxpayer money to "fight climate change and global warming" this proposal seems counterproductive to the
939 stated goals bordering on being hypocritical. I've always found the easiest and cheapest solution to a problem is just
940 don't create it to start with. Also understand, as previously stated there is a daycare within 100 yards of 4 to 6 of
941 those stop and starts in addition to all the kids living in the immediate vicinity. On a personal note, I'll tell you that my
942 38-year-old son who lives here is right in intensive care in Chapel Hill. He had surgery yesterday to remove infection
943 from in and around his lungs, likely caused by aspergillus and other unknown environmental factors. You should
944 google aspergillus or look it up on the CDC website. In the next couple of days they'll likely operate again to remove
945 2/3rd of one of his lungs because it's been damaged by the infection. There are a lot of factors in his current
946 condition but I will for the rest of my life wonder what part interstate 40 has played in this. Interstate 40 is on my
947 property or what used to be my property, I hear the roar of traffic spewing exhaust 24/7 so the question is, are you
948 willing to gamble with the futures of these kids to attain an increased tax base and jobs neither of which do I ever
949 believe will every come to fruition in the levels that you're being led to believe. In closing, I'll say this, in the course of

950 my 40-year career at UNC and Duke, I've reviewed 100s of presentations and proposals, many worth 100s of
951 millions of dollars per year and I can tell you this proposal contains a lot of smoke and mirrors. There's a lot of
952 meaningless rhetoric in the narrative, if you remove the rhetoric and look at the details, that are available you'll see
953 the County will spend more money than will be recouped in taxes and you'll also find that the jobs that we all seek
954 don't actually exist and likely never will. No matter your perspective or goal, whether you're a community member or
955 a county official, if you look at it closely, it's easy to see no one's goals are met. Nobody win with this proposal, no
956 matter how you slice it, dice it, look closely, this proposal is nothing more than lipstick on a pig. If you take the lipstick
957 off and look at it, it's still a pig. Thank you.

958
959 Franklin Garland: The reason (bad connection/unintelligible) it doesn't fit, it's not (bad connection/unintelligible). I've
960 been here since 1973 from Pittsburg and previously (bad connection/unintelligible), settled here bought some land,
961 bought a car. In 1981, I understand now was the first go round of establishing the EDD, I never knew about it. In fact
962 (bad connection/unintelligible) I didn't know about it until maybe 2 weeks ago, I can't be sure I was ever notified. If
963 that's a valid point about knowing, everything that has happened, (bad connection/unintelligible) I've never received
964 any notice. At the time, I'd probably said sure let's put a waste, let's put a dump out there that was 40 years ago.
965 Things have changed and I know I am repeating myself a little bit but me just thank the residents of the area that has
966 spoken so far and given you guys on the Board, we don't want this. Most of those numbers came off your literature
967 or the state's literature not ours, okay. Observation or different things, we know how many cars are on Davis, I live
968 on Ode Turner. I know how many cars are on Ode Turner. I really think that the guys that have presented for
969 residents out here, the numbers and have said so (bad connection/unintelligible). Also, I want to thank the people
970 from (bad connection/unintelligible) that gave us the projected numbers and models and let me put it even more
971 simple, simulations that's what they are simulations, they not real. We know what's real over here, we sent out a
972 petition it's called save Hillsborough.com out there. Everybody's welcome to go on there, we have people from
973 Hillsborough signing we have close to 4000 or so by now these are our neighbors. This is actually getting effective
974 by putting this (bad connection/unintelligible) not Chapel Hill. Chapel Hill is going collect money from that. We could
975 have some other alternatives, let me suggest something, we could put a visitor's center out there. Not a rest area,
976 not a place to go to the restroom and gas up but a visitor's center that has that presents for example, the artisans and
977 farmers that have goat cheese that sell here. Jewelers, we have marvelous that could sell the wares at a visitor's
978 center of an on/off ramp (bad connection/ unintelligible) and they could sell local wines in there, have a wine tasting
979 and that would bring revenue not only for the people that live here in this community (bad connection/unintelligible)
980 you could have people providing ...

981
982 Ellen Mayer: I live off David Road and I don't have anything original after what everybody's talking about. I'd like to
983 thank the Mitchells for their talking about air quality air pollution and also noise pollution, which is very important. I'm
984 one of the elderly, in my 70s, I'm also a bit upset that I believe his name was Frank, not knowing the difference
985 between Raleigh and Hillsborough where they built things in Raleigh, I didn't buy a house in Raleigh, I don't want to
986 live there. I want to live in rural community, I worry about my grandkids visiting and living here and breathing in this
987 air from all these trucks that are polluting and also the safety. I'll never get out as those trucks on Davis to Old 86,
988 they're 72 feet. There's not going to be a light where they're coming out and turning. They're going to come out and
989 I'm going to try to get in between them and sometimes winter comes to North Carolina and the roads are icy. We're
990 just asking for a disaster. Any where near the preschool with cars turning with little kids and trucks coming out, good
991 luck. I appreciate you staying up this late, listening to us; I really hope you're listening. This does not belong in this
992 area or I don't know where in Orange County for something this big belongs but certainly not a that intersection and
993 on Davis Road which is a country road, I don't care what officially it's called. It's a winding country beautiful road.
994 Okay, thank you and have a good night.

995
996 Joseph Shore: So my name is Joseph Shore and I live on Old 86 between Davis Road and interstate 40. The 3500
997 linear feet that the gentleman quoted earlier, the developer said it wouldn't affect anyone but this is literally in front of
998 my house so I'll be directly impacted by this. I believe something like 16 or 17 homes on this little stretch of road that
999 will be directly impacted by that so 16 families, once again he acted like it won't affect anyone but obviously that just
1000 wildly incorrect. My biggest concern is with our home value. Someone mentioned this earlier but I have a proposal.
1001 Like many people in the middle class, my home is my (inaudible) and I greatly fear that this development will make
1002 my home significantly worth less than it is today. You would want to buy a home where there's 18-wheelers on both
1003 sides of my house. They'll be behind my house and in front of my house, the noise traffic, the light pollution; it can
1004 literally make my home worthless. So, my proposal is this, I think, and this is directly to you Michael Birch, if you're
1005 still on. The developers should create a 1 million dollar fund, it should be held in escrow for at least the next 5 years

1006 and it should be there to compensate we homeowners for a likely decrease in our home values. For example, I think
1007 my home's probably worth around 275,000 dollars now, let's say 3 years from now I try to sell my home and I'm only
1008 able to sell it 150,000 dollars, I think that the developer should pay 125,000 dollars, they should pay the difference in
1009 the decreased value of my home. I think that's a very reasonable request, 1 million dollars held in escrow as a 150
1010 million dollar project, they should be required to compensate those of us that will be negatively impacted by this.
1011 Thank you.

1012
1013 Leslie Roberts: Thank you for taking my comments. I have two points that have not yet been brought up. These go
1014 back to the August 5th meeting. I was not able to speak at the end there, on the agenda notes from August 5th on
1015 page 258 there was an assessment from Christian Hirni and Peter Sandbeck from the DEAPR and they did a land
1016 conservation and cultural resource assessment but I noticed that was only done on parcel 1 and 2 and the Davis
1017 Road parcel is considered parcel 3. I have concerns about that not being done and if that can be done before this is
1018 moved forward with. There was identified to be part of a hard wood forest there that will be impacted and I think it's
1019 important to know what else will be impacted in that third parcel. The 2nd point is where I live on Old 86 I can't
1020 actually see light pollution on building that I cannot see at night and I think it would be nice to have that the lights that
1021 are put in both internally and externally at the site, if this goes through, be motion sensor lights. This is already in
1022 practice in perimeter parking Morrisville and I think it would be something that could really help reduce the light
1023 pollution for those of us that would have to see this at night. Thank you for your time.

1024
1025 Payton Rose: I appreciate your time, my husband and I own the historic Davis Farm just a mile down Davis Road.
1026 The heritage that Davis Road was named after. I'm sure you are all aware that this area is surrounded by historic
1027 farms well over 200 and 300 years old as others have brought up. Our main concern has not been brought up yet is
1028 the allowable use of light manufacturing; I've spent the last 10 years in global apparel development from private
1029 companies to a multibillion-dollar corporation. I know what apparel manufacturing looks like and its potential hazards
1030 to our environment. I appreciate that the applicant has provided a list for light manufacturing that will not be allowed
1031 however, the space for allowable businesses is wide. There are no protections in place, I urge you to consider that
1032 many of us in the Rural Buffer have private wells that we water our crops with, that we feed our families with, that we
1033 drink. I do not see any protections in place that protect us against any non-recycling of water, wastewater treatment
1034 or closed loop pollution systems. It's nothing that any of us could protect without knowing the specific tenants going
1035 into these spaces and exactly what they will be manufacturing. If the County votes to go ahead with this then we
1036 propose that light manufacturing is prohibited all together or that strict rules are put into place to make sure that our
1037 land, that our water aquifers will not be polluted. Thanks for your time.

1038
1039 Margo Lakin: Hello, thank you to the Board, I'm Margo Lakin and I am 100% for intelligent sustainable economic
1040 development that truly helps the people of Hillsborough. RTLP is a boondoggle with a dangling carrot of job creation
1041 to grease the wheels. With 250 parking spaces in the proposal, I'm going to be generous and assume that all 250
1042 represent jobs. If the facility runs 24/7 that's 250 times three shifts for a grand total of 750. 750 jobs for a 2.5 million
1043 sq. ft. facility that doesn't add up. Logistics in the title, I'm also assuming the purpose will also be a warehousing
1044 supply chain fulfillment center on a massive scale. Jobs in this sector are moving toward automation which would
1045 explain the low number of humans in relation to the square footage. These position tend to be low paying, lackluster
1046 benefits, little career advancement and high turnover. With at least ten empty warehouses totaling over 1.1 million sq.
1047 ft. laying empty just 13 miles west, why is this being built on speculation. I question if it is speculation, in the minutes
1048 from August 5th, Michael Birch, when responding to a question of electrical fleet management on the site said "our
1049 sense is that something like that or having that available will be driven by the end user, a particular end user that we
1050 don't have in mind right now or don't have at the table" so who do you have at the table? I find it hard to believe that
1051 Barrister is investing over 150 million dollars to build a 2.5 million sq. ft. industrial park with no client interest. Is there
1052 a client and Barrister isn't being transparent? Or is this site being prepped to be sold as a shovel ready package to a
1053 bigger entity like Amazon? High profile logistic centers like Amazon and UPS typically come with the demand on the
1054 local government for massive incentive packages that equate to years of tax breaks on the backs of the taxpayers
1055 like us with minimum job growth. I see no evidence of RTLP improving Hillsborough's job market or tax base in direct
1056 relation to the square footage it will occupy and the negative impact it will bring to Hillsborough once those 180 acres
1057 are destroyed to build this, we're stuck with it, we can't easily repurpose or reconfigure that footprint for businesses
1058 that are sustainable, that are better suited for the area, that are more in line with Hillsborough's values. There are
1059 better ways to develop that land for economic growth. Please let's investigate them together. Do not recommend
1060 that this project move forward. Thank you for your time.

1061

1062 Geoff Sebesta: My name is Geoff Sebesta, I'll be very brief. The first is the NTSBNHTSB released a study long ago
1063 that showed that the damage to a road increases by the fourth power of the size of the vehicles. That's the square of
1064 the square. These vehicles which will be on historical road will destroy your road. You'll pay a lot of money fixing
1065 and upgrading your road. This is completely unavoidable, there is absolutely nothing you can do about it, if you put
1066 this traffic on this road, you will be paying a lot to fix this road. Now the second thing I have to say is that in 2008, I
1067 had the pleasure and privilege of being involved with the city councils of both San Diego California and Lexington
1068 Kentucky as they both considered proposals from businesses that did not want to reveal the sources of their funding
1069 or their eventual tenants. San Diego took one look at the proposals, said if you're not revealing your tenants this is a
1070 joke. Lexington was not so wise, they got involved in something called the Center Point fiasco, you can look it up.
1071 It's destroyed the downtown of Lexington Kentucky to this day. If they're not willing to reveal who the tenants are, it
1072 is not a serious proposal, it should not be seriously considered. Finally, I will say that although I thank everyone for
1073 staying up so late, it's 10:40 at night and there's not been one single resident yet who has spoken in favor of this
1074 proposal. The Planning Commission is there as the representative of the people of Hillsborough, many people have
1075 mentioned that they don't have enough time to speak, I think it's odd that the Planning Commission is limiting the
1076 time of people to respond when they are not limiting their time after all you there, are you not, to represent these
1077 people? You should take this seriously, you should look at the fact that absolutely no resident appear to be in favor
1078 of this at all. You should consider that, thank you very much for your time.

1079
1080 Jean-Francois Provost: My name is Jean-Francois Provost and we just moved in last July on Old 86, we are south of
1081 Davis Road. I have several things to say, first we have {inaudible} of trucks coming into our driveway and a truck
1082 coming right angle you have to go in other lane so we had to stop the traffic on Old 86 to have some trucks on our
1083 property, that's the first thing. When we bought the land a few months after we got invited to a public hearing
1084 because there was already a project, that actual project is bigger than the previous one but it was just one project out
1085 of three projects so there was commercial zone on Old 86 near the exit of I-40 and there was a third one very close
1086 {inaudible}, so the traffic, the lady who explains that the traffic is going to be ok, she doesn't take account the next
1087 project which is coming maybe. If there is three projects, the traffic impact created by this project, why we came
1088 tonight, is also two other projects so increase the traffic significantly. So we have to take account not only this project
1089 but the whole amount around the perimeter. Thank you for listening to me.

1090
1091 Jon Boxtor: Good evening, thank you for your time, we really do appreciate you giving each of us an opportunity to
1092 share our feelings. I'm a middle school teacher and my wife, Shannon, is an ICU nurse, we live on Old 86 3 houses
1093 from Davis Road with our 3 year old son, we're one of the handful of houses in 1000 feet of the development that
1094 received the original notification letter. We live along the 3500 feet of linear road that has been quoted, the back of
1095 Building C as currently planned, would be highly visible from the Duke Utility road that runs beside our property
1096 where we watch our son and our neighbors children play every single night. The staggering amount of 200 vehicles
1097 that would be routed onto Davis Road during peak hours as has been quoted, would then pass directly in front of our
1098 home. So that's effecting, at least surrounding us on three sides. My family and I unequivocally disapprove of the
1099 actions being proposed, our opinion has been shaped not out of a hard line "NIMBY" attitude towards development of
1100 the area as many other people have pointed out, we bought our home with the understanding and tacit expectation
1101 that the area north of us would inevitably be developed as zoned. However, this sheer lack of adequate
1102 infrastructure surrounding this particular project make is impossible to support. The addition of Davis Road as a
1103 second access point has been admitted to be done after the fact in order to satisfy NCDOT. Anyone who lives near
1104 Old 86 has noticed the increase in traffic over the past few years. That road along with those that feed into it despite
1105 what cherry picked traffic study suggest about specific intersections we'll have trouble handling the number of cars
1106 and trucks that are being estimated. From a safety standpoint, it will be disastrous for those of us living along the
1107 route. After crossing under I-40 you pass that service road that's been repeatedly mentioned by a number of houses
1108 on both sides, you come a slight hill and there is essentially a blind curve that the utility line overpass, my home as
1109 well as two are located right after the Duke utility road. I find myself looking multiple times in each direction and
1110 saying literally a prayer before pulling in and out of my driveway. I signal a ¼ mile before I even turn so that cars
1111 don't rear-end me or side swipe my vehicle as I exit. Almost daily, horns honk, cars lock up their brakes as they
1112 speed south on Old 86 before coming upon a car turning past the blind curve in a driveway or onto Davis Road. It's
1113 incredible that more accidents don't already occur here and adding further traffic and stopped cars is a literal disaster
1114 waiting to happen if this plan goes forth as presently constructed. A red light is going to do little more than to cause
1115 those cars to slam on their brakes and cause bigger issues. I say all this to reaffirm my opposition to this plan as
1116 currently proposed. It makes no sense from an infrastructure standpoint to utilize Davis Road purely more that out of
1117 necessity or that portion of Old 86 for heavy truck traffic. Unless this can be remedied and a more logical solution

1118 can be found, I urge the member of the Planning Commission to deny this proposal. Please help to protect my family
1119 and my neighbors. Thank you.

1120

1121 Beth Rosenberg: Thank you for taking the time to listen to all of us. I know it gets old for you after a while but I think
1122 listening to our concerns and some of our suggestions should prove valuable. I just have a few points to make, first
1123 is that although the Rural Buffer portion of that Davis Road property is supposedly going to be left to be wild land or
1124 whatever, all the traffic from this development now will be exiting onto Davis Road and going through a Rural Buffer
1125 area which seems counter to the purpose of that zoning designation. Another point I want to make is that Mr.
1126 Beeman mentioned that he drove Davis Road and Old 86 and the service road, if that was any time after February or
1127 March of this year, it was during the pandemic and the traffic has admittedly been much less during that time even
1128 through this current period of time because there's no school traffic currently. Next point is that reading through the
1129 UDO, the purpose of the MPD-CZ zoning is to provide economical and efficient use of land, efficient land use,
1130 improve level of amenities, appropriate and harmonious variety, creative design and a better environment and I don't
1131 see where this project is likely to provide any of that for us. I, like everybody else tonight, urge you to not approve
1132 this plan and not sent it forward to the Board of Commissioners. Thank you for your time.

1133

1134 Declan Cambey: My name is Declan Cambey, I'm 18 years old and I've lived in Hillsborough my whole life. I've
1135 grown to know all my neighbors, have usual and local restaurants and I've walked down the Riverwalk with friends or
1136 into the new Orange County library to check out a new book probably 100s of times. Now both the Riverwalk and the
1137 new library and the development with Paw at the Corner and Whit's Frozen Custard, these have all greatly improved
1138 my quality of life so I'm all for development that can benefits the members of this community of this town. But from
1139 what I've read and what I've heard today this proposal for Research Triangle Logistics Park will actively hinder the
1140 quality of life for Hillsborough natives by increasing traffic, noise and pollution while simultaneously destroying
1141 precious green space along Davis Road and along Old NC Hwy. 86 which is a designated scenic byway and houses
1142 many cyclists as has been mentioned. Now I know the applicant team has brought many experts to try to address all
1143 of our concerns but that doesn't change the fact that this is not what our community wants. I found out about this
1144 meeting on Instagram and this account has 50 followers mostly young folks like myself that I went to school with at
1145 Cedar Ridge. The Facebook group against this industrial park has 386 members and there have been thousands of
1146 signatures on the petition that has been mentioned earlier. On another note, the possibility of jobs is not the promise
1147 of jobs. As has been mentioned, these developers have not shared any companies or agencies that will set up shop
1148 in this research park. Also, when many traditional jobs are transitioning online why are we investing in warehouse
1149 space that could just be bought over by large companies like UPS and Amazon, this is not a necessary project right
1150 now and I call on the Planning Board to reject its proposal. As a young person, I speak for all future generations that
1151 will suffer if this project is approved. Thank you.

1152

1153 Rebecca Drapp: I live off NC Hwy 86. I moved to Hillsborough like others have said for the community aspect of it. I
1154 feel like this is going to destroy our community for all the reasons other people have said, decreasing property values
1155 even when they were given that presentation they couldn't guarantee that this would raise the property values. I
1156 worry about the quality of life for everyone with the trucks with the big industry. I think the charm of Hillsborough is
1157 the very rural, local businesses that is how we make our community better. That's according to local businesses and
1158 reinvesting in small places and it sounds like this is just going to be a big warehouse where, I don't even know if it's
1159 going to have good quality jobs. I'll cede because it's late, thank you for listening. I just wanted to voice my dissent to
1160 this project.

1161

1162 Jeb Kelly: I live off Davis Drive, a couple things I wanted to point out that haven't been mentioned, the developer in
1163 their pitch tonight referenced the 40-year history of planned development here. I don't think that 40 years included
1164 routing 90% of the traffic onto Davis Drive. In Ms. Greene's presentation, she referenced the amount of traffic
1165 coming onto Davis Drive as approximately 1600 vehicles a day, I went back and reviewed the TIA from the DOT and
1166 they estimated over 3600 vehicles a day, 90% of that would be about 3100. I think we deserve a little more of an
1167 explanation on the discrepancy there. Ms. Greene also in her own words, mentioned that people will tend to find a
1168 different route of willing to drive further when traffic backs up and that's exactly our concern. When traffic backs up at
1169 that exchange of 86 and 40, regardless of the signage, they're going to be looking for other routes, they're going to
1170 come down Davis, Ode Turner they're going to head to that 4-way stop at New Hope. They're going look for other
1171 ways. On top of that there's a reason that they're looking at the 40 exchange here, a lot of people are skeptical of the
1172 jobs being created, I think we have a right to be skeptical, I think there's a lot of jobs would go to Mebane, Burlington,
1173 Durham. I think we've be compromising our community here for commuters and I think Orange County Planning

1174 Board should be looking out for Orange County residents, number one and that's why I'd like to echo the concerns of
1175 others and urge you to consider a plan that would limit the size and scope of this to what fits on the current acreage
1176 available for economic development access via the service road. Thank you.

1177

1178 Justin Mitchell: My name is Justin Mitchell, I own several acres of land on Davis Road adjacent to my brother's
1179 property and I've dreamed of one day living there near my family. The appeal of that dream would certainly be gone
1180 if there were huge warehouses peeking through the woods just a few hundred feet from my property. That said, one
1181 thing that we're concerned about is the runoff that will be generated due to the massive amounts of impervious
1182 surface that would be created by the project. The excess runoff would flow down Davis Road where we had a
1183 sinkhole last year where you can see the floodplain crossing Davis Road. That's due to the currently excessive
1184 amounts of water that flows down there. I think it's important that an analysis be done to assess the impact of the
1185 impervious surface. One other quick thing that I would like to add is about noise because I think it's serious, let me
1186 just point out Orange County specifically prohibits the use of lawn equipment after 9 p.m., if that's the case how can
1187 we possibly allow diesel trucks operating overnight creating noise that is up to 26 times louder than gas powered
1188 lawn equipment. I think it's imperative that a noise impact analysis the development is approved we need to protect
1189 the hearing of our residents and prevent the potentially massive disruption to the children at the preschool and of
1190 sleep, peace and the calm of the residents in the area. That's all thank you.

1191

1192 Nan Fulcher: My name is Nan Fulcher and I'm a resident of Cornwallis Hills that's on the north side of I-40 but
1193 according to the traffic predictions, there is an impact going up the corridor here of NC 86 about 20% of the traffic
1194 looked like on the traffic reports. Thank you for hearing everyone out tonight, as you, members of the Planning
1195 Board consider the project and make your recommendations to the Commissioners, please consider that the
1196 rezoning proposal at hand, or any proposal for that matter, please consider it from the standpoint of whether it can
1197 withstand legal challenge. The few things in this arena to think about are that rezoning is supposed to be based on
1198 the needs of the neighborhood and community not just secure special benefits for a single property owner. How can
1199 the County assure citizens this is not the case since the rezoning was requested by the applicant rather than being
1200 initiated by the County. Second consideration is whether there are other legitimate ways in which the property owner
1201 could develop the area for economic benefit without requiring rezoning. Third is that the rezoning must still maintain
1202 a harmonious land use pattern that is the juxtapositions still need to make sense. Does shoeorning a 300,000 sq. ft.
1203 warehouse and truck driveway next to private homes make sense? Also, ask whether the zoning change is in
1204 harmony with the legitimate expectations of the neighbors who live in a residential area next to Rural Buffer and part
1205 of the NC Scenic Byway. Lastly, in rezoning, the substantial benefit for one party cannot offset the substantial harm
1206 to neighbors. Even if you believe that a warehouse complex benefits the community, via job creation, or shoring up
1207 the tax base, the rights of the adjacent landowners cannot be ignored. As one Davis Road resident said, the County
1208 only gets one chance to zone this area appropriately so please consider carefully your guidance on this issue. Thank
1209 you.

1210

1211 Sascha Godfrey: My name is Sascha, I'm 16 years old, a student at Orange High and I grew up in New Hope
1212 Springs, a neighborhood off Davis Road. I first want to thank the Planning Board for allowing us to speak and
1213 secondly, I want to plead the Planning Board to really pay attention especially given that we have listened to 2 hours
1214 for our 3 minutes of time to bottle together all of our concerns. With my 3 minutes, I could speak about the for my
1215 safety as a probable collegiate runner training on Davis Road or I could speak about my concern as a new driver and
1216 for the safety of my younger sister who will be driving soon on a road with an influx of trucks at the upper end given
1217 that young drivers have a much higher rate of accidents. However, I have one main probably more practical point to
1218 make in the development presentation earlier, it was mentioned that the development will be 2.25 million sq. ft. of
1219 building area. In parentheses, it was listed initially and that the current traffic analysis that is being used for the
1220 approval of this project is based only on the 2.25 million sq. ft. In the News of Orange article posted today, Michael
1221 Harvey mentioned that this space could occupy up to 4 million sq. ft. The applicant refused to comment. So what is
1222 actually being approved here? Along with the proposed uses how can you be sure that we have control over the
1223 tenants and the size of this development once it's built? I am very concerned by the precedent this sets for rezoning
1224 a residential neighborhood into an industrial area. The developer seemed to try to slide through the idea that the
1225 closest home will be 1000 feet away, however, that will actually be walls of the warehouse 100 feet from the person's
1226 property. I cannot see a place for a 60-foot warehouse next to 10 to 20 foot one and two story homes. Harvey
1227 mentioned at the August 5th meeting that buildings must be kept in harmonious style with the surrounding residential
1228 areas. I'm asking that we flesh out the development ordinances so it's in cooperation with the surrounding residential
1229 area. Thank you.

1230
1231 Dana Brinson: My name is Dana Brinson and I live in rural Hillsborough off of Dodson's Crossroads. I'm about 10
1232 minutes' drive from the proposed development. I wanted to thank the residents on Davis and Old 86 for their
1233 thorough questioning of this project. An analysis of the concerns related to potential noise, air and water pollutions,
1234 traffic concerns and protecting the Rural Buffer. I wanted to share my voice and that of many of my neighbors here in
1235 Rider's Trail who stand with all who have spoken tonight about these serious concerns. I want to state clearly that
1236 this is not just a not in my back yard issue but a serious concern for all of Hillsborough and greater Orange County.
1237 Thank you.

1238
1239 Ashley Lorusso: My name is Ashley Lorusso, I live on Davis Road about two miles west of the proposed
1240 development. I am just calling in tonight to voice my opposition to the development. This is going a severe impact,
1241 not only on Davis Road, but on the surrounding community well beyond Davis Road, well beyond surrounding
1242 community, well beyond the intersection of Davis Road and Old 86, into Hillsborough and Chapel Hill. It has not
1243 been thoroughly vetted there are plenty of options that would explore further for development in this area and come
1244 to a conclusion that is much more suitable and harmonious for this area and the community. Thank you for your
1245 time.

1246
1247 Jesse Kaufmann: I agree with everyone who has spoke against this tonight. I want to add on to what they've said, I
1248 want to throw in small remark because I heard Adam say that he came down on Davis Road and checked it out and
1249 also, said he couldn't see why a truck would want to take a right on Davis Road because they want to get on 40 as
1250 quick as possible which would make sense unless he lived on Davis Road which makes no sense to me because I
1251 actually go the back way if I want to go to the Tanger Outlets for example, I don't go to Davis Road to Old 86 to 40, I
1252 go what I call the back way which I consider quicker through all these country roads and especially Davis to Orange
1253 Grove to Dimmicks Mill to then Ben Johnson Road gets you right to 40 and 85 very fast all through these beautiful
1254 country roads. I just wanted to throw that out to you. Thank you very much.

1255
1256 Amanda Shakhoul: I want to give my mom permission to speak for me, I agree with whatever my Mom's going to
1257 say. My mom lives in this area too. Yes, my name is Vicky Riley Berry, I'm 65 just like Gerald Scarlett we all grew
1258 up together here on Old 86. I'm a Hillsborough native and I just retired from Duke North University Hospital as an
1259 RN, BSN and I have several issues. I am heavily, heavily concerned with my husband, Ricky Berry and my
1260 daughter, Amanda Berry Shakhoul and her daughter and she's going to have a baby in a month. I am concerned
1261 about the destruction of life and many people may end up suffering with a lot of unnecessary cancerous diseases.
1262 We do want to preserve our very quiet, peaceful and clean living here. We do have a spring {inaudible} that is joining
1263 about 100 feet from the service road right here at I-40 and on up we have our own well and this was my childhood
1264 farmhouse that I grew up and lived. I know every inch and every piece of the woods here on Old 86 being a child
1265 here. I am concerned about noise pollution, the high decibel pitch sounds that can cause severe deafness and air
1266 pollution is not going to help the global warming situation either. All these warehouses that heaven knows there
1267 could 1000s of chemicals stored in them or nothing at all and because of the industry proposal, soil and water
1268 contamination, increased toxic, all kinds of horrible things that are in the soils that can cause a destruction and even
1269 animals, cats, dogs, lowercase animals, insects everything that's necessary to the ecology of life too. All these
1270 diverse cultural residents that are my friends that I went to school with, I work with for many years, everyone all of us
1271 can be {inaudible} affected because of this noise, air, the large trucks carrying all this horrible toxic products that in
1272 their trucks through the Town of Hillsborough.

1273
1274 David Blankford: All right, are there any questions or comments or further from the Board?

1275
1276 Randy Marshall: I'll make some comments, first I'd like to say we've heard from about 60 folks over 2 different nights
1277 of hearing testimony and I want to tell people we appreciate them sharing the information with us and certainly
1278 understand and appreciate them sharing their concerns. Just a personal note, I've been in Orange County as a
1279 resident for about 50 years and in the time, I've been in Orange County there have been pressing concerns that have
1280 continually come before the governments in Orange County. One is that taxes are too high and the other is we don't
1281 have enough money for the schools. The Economic Development Districts have created, decades ago, to encourage
1282 commercial development in Orange County away from Chapel Hill and Carrboro who seem to take and send any
1283 proposal for economic development to Durham or Chatham County. Walmart went to Chatham County, Lowes went
1284 to Durham and there are numerous others that were not able to get a foot in the door in Orange County. These
1285 Economic Development Districts were created to provide commercial tax base, provide jobs and they were set up

1286 close to the interstates in areas that at the time they were established didn't have many residents. We understand
 1287 that many of the people who have spoken, 2 weeks ago and tonight, have been recent residents moving into those
 1288 areas and so we understand their concerns. On the other hand, there's been very little interest in developing these
 1289 Economic Development Districts in the last 30 or 40 years and now we have a proposal which offers the opportunity
 1290 to increase our tax base, take some other pressure off property taxes, increase the possibility of additional sales
 1291 taxes even if it doesn't create 4500 jobs, the jobs that it does create will be beneficial. So, I would like to cast my
 1292 views on what's going on and those terms that we serve all of the residents of the County and we'd like to be able to
 1293 just serve a couple of neighborhoods at a time but the residents of all of Orange County those concerns of more
 1294 money for the schools, more taxes and more job opportunities hopefully will serve the entire community. At some
 1295 point I'm willing to introduce a proposal for us to vote upon when other people have spoken.

1296
 1297 Kim Piracci: Nobody's going to be surprised when I disagree a little bit with Randy. Unlike Randy, I've only lived in
 1298 Orange County 24 years and my husband moved us around a lot of places in the Country before we settled here. I
 1299 never heard of a place that had enough tax base or small enough taxes. People's taxes can never be small enough,
 1300 trust me it's a financial truth. So, although I know that is a persuasive argument, for many if not most people. For me
 1301 it falls on deaf ears, what concerns me, actually a little more is there's a lot of things about this development that
 1302 concerns me but I think the biggest one came very early in the comments when one of the residents said that they
 1303 assured us that he lived on a property that the developer thought there was no house on. In fact, it seems that a lot
 1304 of people live on properties that the developer thought there were no home on and so what it says to me is that either
 1305 the developer is misinformed or disingenuous. In either case, I feel like we need to give them an opportunity to go
 1306 back and maybe come to us with more correct facts. Also, the transportation continues to disturb me. I apologize to
 1307 you all, I did not get the updated information, I don't know if it's the post office but I feel like I need to examine that
 1308 better than on an inch of screen and like one of the homeowners said, that was very extremely cherry picked
 1309 information that was provided. So, again, I just feel that to make a good decision, we all want what's best for Orange
 1310 County, I feel like to make the best decision I can make, I need a little bit more time and I need them to provide a little
 1311 bit more accurate information before I can comfortably vote to promote the project.

1312
 1313 Adam Beeman: I want to state that for 13 years of my life, I lived less than 200 ft. from an industrial park. It wasn't
 1314 the end of the world, the traffic wasn't the end of the world, the noise wasn't the end of the world and as a matter of
 1315 fact, that was where I go my first job in high school. I would leave high school on work study and I would go work in
 1316 one of those businesses in that industrial park that was right behind my house so for me I've lived there, I've dealt
 1317 with it and dealt with the traffic, we dealt with diesel exhaust before they even came up with the DEF for the trucks.
 1318 It's not as bad as people are making it out to believe. I believe we need the tax revenue in this county and I am for it
 1319 all the way. That's the end of my pitch. Thank you.

1320
 1321 Carrie Fletcher: My 2 cents is very simply that I have a hard time buying into it when I don't know what they're doing.
 1322 I know Orange County needs the revenue, I know all counties in North Carolina, I know all counties everywhere
 1323 needs the revenue but to say, here you go and we're going to offer this package to them and say go for it. I don't
 1324 know what you're doing there and here's carte blanc to go for it. I don't know what they're going to manufacture
 1325 there. I don't know what they're going to put in those trucks. I don't know what they're going to do a year from now
 1326 once they open their doors. I don't know, I mean other than what the County say they can and can't do in that
 1327 building, whether they tan hides or they... I think they know what tenants they have coming in there and I think they
 1328 have a good idea. But, I just don't feel comfortable saying go for it guys and make it work. So be it, it's a huge
 1329 project to put out there and I've seen, where I came from, in South Florida what happens when projects don't work
 1330 and you end up with a very big, ugly, empty building that is good for nothing and nobody. I would hate to see that
 1331 happen out there, five years from now and so I really need more information to really help to make me be persuaded
 1332 to just say thumbs up and tally ho but I want to support it, I want to make sure that it's a good thing for Orange
 1333 County. It's a hard thing environmentally for me to say that I'm behind it because it's a big decision to say that I'm
 1334 going to tear down 50 acres of beautiful land out in Hillsborough to build a giant warehouse. It's a big decision. I
 1335 want to make sure that it's right.

1336
 1337 **MOTION** by Randy Marshall to recommend approval of the Statement of Consistency indicating the Zoning Atlas
 1338 Amendments are reasonable and in the public interest as contained in Attachment 5. Seconded by Adam Beeman.

1339
 1340 **ROLLCALL VOTE:**

1341 Randy Marshall: Yes

- 1342 Hunter Spitzer: No
- 1343 Melissa Poole: No
- 1344 Kim Piracci: No
- 1345 Susan Hunter: Yes
- 1346 Carrie Fletcher: No
- 1347 Adam Beeman: Yes
- 1348 Alexandra Allman: Yes
- 1349 Patricia Roberts: Yes
- 1350 David Blankfard: Yes

1351 **MOTION PASSED 6-4**

1352

1353 Craig Benedict: You also would need to vote on the proposed ordinance Attachment 6.

1354

1355 **MOTION** by Randy Marshall for approval of the Ordinance amending the Zoning Atlas as well as imposing
 1356 development conditions as well as the ones we approved today for the identified parcels as contained in Attachment
 1357 6. Seconded by Adam Beeman.

1358

1359 **ROLLCALL VOTE:**

- 1360 Randy Marshall: Yes
- 1361 Patricia Roberts: Yes
- 1362 Hunter Spitzer: No
- 1363 Melissa Poole: No
- 1364 Kim Piracci: No
- 1365 Susan Hunter: Yes
- 1366 Carrie Fletcher: No
- 1367 Adam Beeman: Yes
- 1368 Alexandra Allman: Yes
- 1369 David Blankfard: Yes

1370 **MOTION PASSED 6-4**

1371

1372 Randy Marshall: I was particularly persuaded by a couple of the things the Mitchell spoke to tonight and I
 1373 would encourage the developer to get more information environmental assessment such as air quality,
 1374 noise pollution and stormwater control. The three of those presentations that were presented to us tonight
 1375 seem particularly important and well thought out. I don't know if they were included in the 100s of pages,
 1376 we received but this has not been completely and fully addressed. I would hope that the developer would
 1377 consider getting that information before the public hearing and the presentation to the Board of County
 1378 Commissioners.

1379

1380 Craig Benedict: For the purpose of the Board, we've taken notes and minutes for the first meeting as we
 1381 have with this meeting and we will be putting together a frequently asked questions document that will try to
 1382 answer objectively the comments that have come up from both the Board and the public. September 15,
 1383 2020 is the scheduled virtual meeting for the formal public hearing for the Board of County Commissioners.

1384

1385

1386 **AGENDA ITEM 11: ADJOURNMENT**

1387 Meeting was adjourned by consensus

1388

1389

1390

David Blankfard, Chair

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

A Planning Director initiated amendment to the Zoning Atlas to rezone 8 parcels as follows:

Lot Number	Parcel Identification Number (PIN)	Township	Owner of Record	Current Zoning District	Proposed Zoning District
1	9873-11-4636	Hillsborough	Michael Dodson	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District	Economic Development Hillsborough Limited Office (EDH-2) Major Transportation Corridor (MTC) Overlay District.
2	9873-11-7506	Hillsborough	Michael Dodson	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District	Economic Development Hillsborough Limited Office (EDH-2) Major Transportation Corridor (MTC) Overlay District.
3	9873-11-5415	Hillsborough	Michael Dodson	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District	Economic Development Hillsborough Limited Office (EDH-2) Major Transportation Corridor (MTC) Overlay District.
4	9873-11-9450	Hillsborough	Paul Dodson	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District	Economic Development Hillsborough Limited Office (EDH-2) Major Transportation Corridor (MTC) Overlay District.
5	9873-11-7247	Hillsborough	Cathy Fuquay Cynthia Bessoir	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District	Economic Development Hillsborough Limited Office (EDH-2) Major Transportation Corridor (MTC) Overlay District.
6	9873-10-7937	Hillsborough	Steven and Jesse Kaufman	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District	Economic Development Hillsborough Limited Office (EDH-2) Major Transportation Corridor (MTC) Overlay District.
7	9873-10-4310	Hillsborough	Beatrice Brooks	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District Rural Residential (R-1)	Economic Development Hillsborough Limited Office (EDH-2) Major Transportation Corridor (MTC) Overlay District. Rural Residential (R-1)
8	9873-20-2388	Hillsborough	Robert and Lucille Ayers ETAL	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District	Economic Development Hillsborough Office/Retail (EDH-4) Major Transportation Corridor (MTC) Overlay District.

The Planning Board finds:

- a. The requirements of Section 2.8 of the UDO have been deemed complete; and,
- b. Pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan.
 1. The amendment is consistent with applicable plans because it supports the following 2030 Comprehensive Plan goals and objectives:

Objective ED-1.5:

Identify barriers to development of desirable businesses and local businesses, and mitigate these barriers.

The atlas amendment is consistent with this goal and objective as it eliminates the need for the parcels to comply with development criteria associated with a previously approved Master Plan Development Conditional Zoning (MPD-CZ) district. This district, commonly referred to as Settlers Point, is being modified. These 8 parcels will have difficulty meeting established development conditions/standards due to the proposed modification. By rezoning these parcels, the County will be providing opportunities for each lot to be developed consistent with applicable County land use standards as embodied within the UDO.

- c. The amendment is reasonable and in the public interest because it:
 1. Modifies existing non-residential zoning designations in an effort to provide each property owner with an opportunity/path forward for the reasonable development of their property.

The Planning Board of Orange County hereby recommends that the Board of County Commissioners consider adoption of the proposed Zoning Atlas amendments.



David Blankfard, Chair

09.09.2020

Date

Attachment 2

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

An applicant initiated amendment to the Zoning Atlas to rezone 3 parcels as follows:

Parcel Identification Number (PIN)	Township	Owner of Record	Current Zoning District	Proposed Zoning District
9863-71-8857	Hillsborough	Suzanne McGrady	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District	Master Plan Development Conditional Zoning (MPD-CZ) Research Triangle Logistics Park; Major Transportation Corridor (MTC) Overlay District.
9863-91-6573	Hillsborough	Christy Bailey – ETAL John Clayton	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Economic Development Hillsborough Limited Office (EDH-2) - north of Interstate 40 Major Transportation Corridor (MTC) Overlay District	Master Plan Development Conditional Zoning (MPD-CZ) Research Triangle Logistics Park; Economic Development Hillsborough Limited Office (EDH-2) – north of Interstate 40 Major Transportation Corridor (MTC) Overlay District.
9862-99-8894	Hillsborough	Facility Care Services Inc.	Rural Residential (R-1) Rural Buffer (RB) – approximately 26,000 sq.ft. along Davis Road	Master Plan Development Conditional Zoning (MPD-CZ) Research Triangle Logistics Park; Rural Buffer (RB) – approximately 26,000 sq.ft. along Davis Road

The BOCC finds:

- a. The requirements of Section 2.8 of the UDO have been deemed complete; and,
- b. Pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan.
 1. The amendment is consistent with applicable plans because it supports the following 2030 Comprehensive Plan goals and objectives:
 - Land Use Overarching Goal: Coordination of the amount, location, pattern and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of

Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.

The County and Town of Hillsborough have engaged in numerous studies/joint planning efforts over the last 20 years identifying area viable for the extension of utilities (i.e. water and sewer) in support of high intensity residential and non-residential land uses.

In 2017, these efforts led to the adoption of the *Town of Hillsborough and Orange County Central Orange Coordinated Area (COCA) Land Use Plan*.

This plan indicates the area in question is intended to support 'Employment' and 'Suburban Office Complex' land use categories, specifically areas that are best suited to allow for the development of light industrial/manufacturing, office, research/development, and service/warehousing operations.

The requested rezoning will allow development consistent with the overall spirit and intent of the adopted Comprehensive Plan as well as applicable joint planning efforts completed by the County and the Town.

- Objective LU-1.1: Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available. (See also Economic Development Objectives ED-2.1, ED-2.3, ED-2.10, and Water and Wastewater Objective WW-2.)

The atlas amendment is consistent with this goal and objective with the approval of a rezoning of property creating a district allowing for the development of high density non-residential land uses in an area of the County designated for the location of adequate supporting infrastructure (i.e. water and sewer).

- c. The amendment is reasonable and in the public interest because it:
1. Expands economic development prospects within the County while continuing to protect adjacent and nearby land uses.

The atlas amendment involves the approval of a master plan establishing a detailed list of allowable non-residential land uses to aid in the marketing on an area designated within the Comprehensive Plan as being suitable for high intensity non-residential development.

The expansion is consistent with County and Town of Hillsborough plans outlining those parcels suitable for service by water/sewer that are prime for high intensity non-residential development.

Further, the approved master plan establishes mandatory land use buffers and setbacks for development within the project to ensure off-site impacts are mitigated.

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

Penny Rich, Chair

Date

Ordinance #: ORD-2020-022

Attachment 3

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

WHEREAS, Orange County has received and processed a petition submitted by Terra Equity Incorporated (hereafter 'the Applicant') seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO); and

WHEREAS, This petition seeks to rezone 3 parcels totaling approximately 161 acres of property to Master Plan Development Conditional Zoning District (MPD-CZD) for the purpose of developing the Research Triangle Logistics park (RTLP) development (hereafter 'the Project'); and

WHEREAS, The properties subject to this rezoning are identified, utilizing Orange County Parcel Identification Numbers (PIN), as:

- i. A 90.37 acre tract of land PIN# 9863-71-8857,
- ii. Approximately 60 acres of land PIN# 9863-91-6573, and
- iii. A 12 acre parcel of land PIN 9862-99-8894,

hereafter 'the Property'; and

WHEREAS, The applicant has voluntarily chosen to establish development and land use limitations on the Project to address potential conflicts with surrounding properties; and

WHEREAS, This petition has been submitted in concert with a formal master plan in accordance with the provisions of Section 2.9.2 (C) of the UDO; and

WHEREAS, the requirements of Section 2.8 and 2.9.2 of the UDO have been deemed complete; and

WHEREAS, the Board has found the proposed zoning atlas amendment to be reasonably necessary to promote the public health, safety, and general welfare.

BE IT ORDAINED by the Board of Commissioners of Orange County that the Orange County Zoning Atlas is hereby amended to rezone aforementioned 3 parcels of property to Master Plan Development Conditional Zoning (MPD-CZ) and allow development of the Project as detailed within the submitted application.

BE IT FURTHER ORDAINED THAT The terms and conditions contained herein shall encumber the Property and bind the owners and lessees thereof, their successors

in title and interest. The development of the Project as well as all necessary site improvements, both internal and external to the Project, shall be reviewed, approved, and developed in accordance with:

- a. The applicable provisions of the Orange County Unified Development Ordinance (UDO),
- b. Any and all applicable Federal, State, and local regulations, and
- c. The application package as submitted by the Applicant and as approved by the Orange County Board of Commissioners on October 6, 2020.

BE IT FURTHER ORDAINED THAT in accordance with Section 2.9.2 (F) of the UDO the approval of this Conditional Zoning applicant is subject to the following mutually agreed to conditions:

I. GENERAL:

- a. Approval of the Project does not constitute an explicit guarantee for utility services (i.e. water and sewer) by the Town of Hillsborough. Provision of services shall be consistent with applicable Town utility connection policies and the utility agreement between the Town and Orange County;
- b. The Project shall be composed of 3 individual properties totaling approximately 161 acres of land area further defined as follows:

- i. PIN 9863-71-8857: An approximately 90 acre parcel currently zoned MPD-CZ (Settlers Point) and Major Transportation Corridor (MTC) Overlay District;

NOTE: MTC Overlay district boundaries not impacted by this approval.

- ii. PIN 9863-91-6573: An 80 acre parcel currently zoned:

1. Approximately 60 acres (south of Interstate 40) zoned MPD-CZ (Settlers Point);
2. Approximately 20 acres (north of Interstate 40) zoned Economic Development Hillsborough Limited Officer (EDH-2). This portion of the property will remain zoned EDH-2 and shall be developed consistent with that general use zoning designation.
3. Major Transportation Corridor (MTC) Overlay District.

NOTE: MTC Overlay district boundaries not impacted by this approval. EDH-2 zoned portion of property, north of Interstate 40, is not impacted by this approval and will remain zoned EDH-2.

- iii. PIN 9862-99-8894: An approximately 12 acre parcel currently split zoned Rural Residential (R-1) and Rural Buffer (RB).

NOTE: The RB zoned portion of property, along Davis Road, is not impacted by this approval and will remain zoned RB. This area shall remain either in undisturbed open space, used to support required utility improvements consistent with Town of Hillsborough or County requirements, or to support external roadway improvement(s) consistent with County and NC Department of Transportation requirement(s).

- c. The Zoning Atlas for Orange County shall be designated MPD-CZ. Development shall be in accordance with the approved application packet, master concept plan, and the conditions detailed herein.

II. SITE PLAN:

- a. All site plans proposing development within the Project shall be reviewed by Town of Hillsborough staff as part of existing courtesy review agreements;
- b. All site plans shall provide detail denoting the anticipated daily water and sewer needs for proposed land use(s);
- c. Consistent with existing inter-local utility agreements between Orange County and the Town of Hillsborough, the Project has a utility allotment of 108,000 gallons a day of water/sewer service. Site plans proposing development/land uses exceeding this daily allotment shall be required to provide documentation from the Town of Hillsborough indicating there is sufficient water and sewer capacity to serve the proposed development. A lack of water and/or sewer capacity shall result in the denial of the site plan;
- d. Prior to the approval of a site plan allowing development within the Project, the County will need documentation from the Town of Hillsborough indicating there is sufficient water and sewer capacity to serve the project. A lack of water and/or sewer capacity for a proposed use shall result in the denial of the site plan;
- e. The Orange County and Town of Hillsborough Fire Marshal(s), in consultation with the Town of Hillsborough Utility Director, shall review and approve location(s) of proposed water and sewer lines prior to the initiation of land disturbing activity;
- f. The Orange County and Town of Hillsborough Fire Marshal(s) shall review and offer comment on:
 - i. Road layout and construction methodology,
 - ii. Location of fire lanes,
 - iii. Location of fire hydrants, and
 - iv. Location of the proposed stand-pipe(s).

as part of all site plan review.

- g. Each site plan shall be required to demonstrate compliance with Section 6.16 *Environmental Assessment* of the UDO. In those cases where development exceeds established thresholds, a formal Environmental Impact Statement (EIS) may be required allowing for site plan approval;
- h. In addition to the standards detailed in Section 2.5 of the UDO, all landscaping plans shall include information denoting the proposed method of care (i.e. underground sprinklers, maintenance personnel, etc.) for the development.
- i. Identified conflicts associated with landscaping shall be resolved prior to the approval of the site plan for a given project;
- j. For all site plans submitted for the Project the Orange Rural Volunteer Fire Department shall be considered a member of the County Development Advisory Committee (DAC) as outlined in Section 1.9 of the UDO to review a projects compliance with applicable development standards including, but not necessarily limited to: land use regulations, conditions of MPD-CZ approval, applicable State fire/building codes.
- k. Site plans shall contain documentation outlining proposed and/or existing cumulative impervious surface area as well as building/open space ratios within the Project.

III. DIMENSIONAL STANDARDS:

- a. The Project shall observe a floor area ratio (FAR) limit of 0.32 or a building square footage limit of 2,400,000 sq.ft. consistent with the submitted Traffic Impact Analysis (TIA) approved as part of this master concept plan. Additional floor area may be developed with the submittal of a revised, updated, TIA in accordance with the provisions of the UDO.¹
- b. Height:
 - i. Principal structures shall abide by a height limit of 60 ft., measured from the top of the floor/slab to the roof deck of a structure.
No structure shall be erected on the Davis Road parcel exceeding 40 ft. in height, as measured to the roof deck from the highest elevation of Davis Road where said building has frontage.²
 - ii. Accessory Structures:
 - 1. Water tower

¹ Yellow highlight denotes modification to proposed condition(s) consistent with the applicant's presentation at the September 15 and 22 public hearing limiting the allowable building square footage for the Project.

² Yellow highlight denotes a modification to a proposed condition is an attempt to address concerns expressed during the public hearing over anticipated development of the Davis Road property as part of the Project. The applicant and staff are still reviewing proposed language.

STAFF COMMENT: The narrative makes references to 'accessory structures' exceeding the 60 ft. height limit.

At this time there is no specific explanation of the anticipated accessory structures that will exceed 60 ft. in height or what the ultimate height limit for said structures will be.

The applicant will need to specify an overall height limit for those specific land uses, which shall then be incorporated into the conditions of approval.

Staff requests review of the item/concern with the applicant and BOCC members in order to fashion final condition language that is mutually agreeable to all parties.

c. Setbacks:

i. Structures shall observe:

1. 100 ft. setback from property lines abutting residentially zoned property and the Davis Road right-of-way;
2. 50 ft. setback from property lines abutting non-residentially zoned property and the Service Road right-of-way.

STAFF COMMENT: Staff had recommended a 100 ft. setback from all external property lines abutting residentially zoned property, as well as the right-of-way of Davis Road, for structures and vehicular use areas. Staff requests review of the item/concern with the applicant and BOCC members in order to fashion final condition language that is mutually agreeable to all parties.

Staff requests review of the item/concern with the applicant and BOCC members in order to fashion final condition language that is mutually agreeable to all parties.

ii. Vehicular use areas shall observe:

1. 50 ft. setback from property lines abutting residentially zoned property and the Davis Road right-of-way;
2. 25 ft. setback from property lines abutting non-residentially zoned property and the Service Road right-of-way.

STAFF COMMENT: Staff had recommended a 30 ft. setback for vehicular areas be observed from Service Road. This was consistent with a recommendation for a 30 ft. land use buffer along the roadway as well.

Staff requests review of the item/concern with the applicant and BOCC members in order to fashion final condition language that is mutually agreeable to all parties.

- d. Open Space: 41 acres (25%) of land within the Project shall be preserved as open space area.

STAFF COMMENT: Staff had recommended an open space requirement of 49 acres or 30% for the Project.

IV. ACCESS AND TRANSPORTATION:

- a. Internal roadways shall be developed in accordance with Section 6.10 (A) of the UDO. Internal streets shall be privately maintained;
- b. External roadway construction/improvements shall be completed or appropriately bonded prior to the issuance of a Certificate of Compliance (C of C) allowing the occupancy of a structure triggering completion of same;
- c. External roadway improvements shall be constructed in accordance with NC Department of Transportation requirements and guidelines, approved Traffic Impact Analysis (TIA), and the standards outlined herein;
- d. The right-of-way for Service Road shall be extended to the western edge of the PIN 9863-71-8857 to serve as a future access point for adjacent land area to the west;
- e. Final roadway layout, including pavement widths and driveways, shall be approved by the Town of Hillsborough and Orange County Fire Marshal's office as part of the final site plan review process;
- f. Signage shall be placed directing vehicles to turn left onto Davis Road in order to access Interstate 40/85;
- g. Site plan submittals shall be required to demonstrate internal/external traffic improvements necessary to address development impacts consistent with the submitted Transportation Impact Analysis (TIA);
- h. Any and all internal streets, sidewalks, bicycle lanes, etc. shall be designated for public access/use for employees/customers/visitors to the site;

STAFF COMMENT: Highlighted text added to address applicant concern over 'the general public' access on-site amenities intended to serve clients/customers.

- i. Driveway permits, when required, shall be applied for and issued by the North Carolina Department of Transportation;
- j. Orange County and North Carolina Department of Transportation shall approve the location of all proposed external utility poles housing street signals prior to installation;
- k. Segregated entrances and exists for pedestrian, construction vehicle, and non-construction vehicular traffic shall be developed to avoid conflict during construction activities;

- I. Any required or requested bus pullouts and/or transit shelters shall be constructed to serve the Project consistent with transit plans adopted by Orange County and shall be developed in accordance with the following:
 - i. Each transit stop shall be a covered and enclosed on 3 sides to shield users from the elements,
 - ii. Kiosks shall be developed to provide transit information, including schedule and route information, and shall be illuminated to five (5) average maintained foot-candles.
- m. No tractor trailer traffic, or other similar vehicle exceeding 35,000 pounds, shall access Davis Road. Such traffic shall utilize Service Road to obtain access to Old NC Highway 86.
- n. Driveway access onto Davis Road shall be designed to limit traffic existing the project to only a left turn thereby directing traffic towards Old NC Highway 86.
- o. At the time development within the Project exceeds allowable traffic trips for the preservation of the left turn movement from Service Road onto Old NC Highway 86, as detailed in the Projects traffic impact analysis and/or as determined by the NC Department of Transportation consistent with external roadway improvements, an alternative traffic alignment/improvement shall be required to serve the Project allowing for both left and right turn access onto Old NC Highway 86.

This alternative shall be reviewed and approved by Orange County and the NC Department of Transportation and shall be installed in conjunction with the proposed development project generating the need for said alternative traffic alignment/improvement.

This shall be reviewed as a modification to the Project requiring the public hearing approval process detailed within the County Unified Development Ordinance (UDO).³

V. PERFORMANCE STANDARDS:

- a. The Project shall comply with Section(s) 6.4.2 through 6.4.7 of the UDO inclusive;
- b. **Solid Waste Management:** The following specific standards shall apply:
 - i. External space for collection of solid waste and recyclable materials. Materials collected shall be consistent with the County's Solid Waste Management ordinance.

³ Yellow highlight denotes modifications adding 3 new conditions designed to address concerns expressed during the public hearing over anticipated development of the Davis Road property as part of the Project. The applicant and staff are still reviewing proposed language associated with these conditions.

- ii. Waste collection areas shall be located in such a manner as to provide convenient access for users of the facility and safe passage for service vehicles.
- iii. The following additional notes shall be provided on any submitted site plan:

- 1. Gate design will include gate retainers.
- 2. If any vehicles are parked in the refuse or recyclables collection vehicle access area, the containers will not receive service until the next scheduled collection day.

STAFF COMMENT: Staff recommends vehicles not be parked in areas blocking/prohibiting access to waste receptacles.

- 3. Orange County will not be responsible for any pavement damage that may result from service vehicles.
- 4. In cases where waste collection areas are located across property lines or district lines for shared areas, the developer shall prepare and record a joint access agreement (and a shared dumpster agreement) to assure that (both parties may use) the proposed trash/recycling area and that it can be serviced across property lines.
- 5. The developer shall reserve space within all solid waste collection areas for segregated grease rendering/recycling collection facilities and shall provide space for segregated food waste collection near the delivery entrance for any building that houses, proposes to include, or may at some future date incorporate a restaurant, cafeteria, bar, or other food service facility at any time.
- 6. All solid waste containers, dumpsters, recycling bins, etc. shall be located within an enclosure, buffered in accordance with the standards contained herein, and meeting the following criteria:
 - a. Loading areas shall be designed and situated not to negatively affect adjacent properties.
 - b. Solid waste enclosures shall be so located as to not impact internal traffic flow,
 - c. Loading zones shall not be located within areas designated as housing for solid waste facilities.

c. **Architectural Design:** The following specific standards shall apply:

- i. Finished building materials shall be applied to all sides of a building;

- ii. Exterior wall materials shall include, but not be limited to:
 - 1. Stucco,
 - 2. Concrete,
 - 3. Textured concrete,
 - 4. Wood,
 - 5. Glass,
 - 6. Steel,
 - 7. Brick,
 - 8. Stone, and
 - 9. Masonry.
- iii. Prohibited design elements include:
 - 1. Highly reflective surfaces,
 - 2. Exposed, untreated precision block walls;
 - 3. Barbed wire;
 - 4. “Stuck on” mansard roofs;
 - 5. Materials with high maintenance such as stained wood shingles.
- iv. An internal architectural review committee shall be established to ensure proposed building colors strive to be harmonious and compatible with the natural surroundings and the general overall palette shall be earth tones; consistent with the standards detailed within the approved application;

STAFF COMMENT: It is unclear how this condition will be enforced.
- v. Single, dominant, monolithic building mass is not acceptable. Visual breaks shall be used to provide ‘visual relief’ for long building facades. Acceptable techniques to provide visual breaks include, but are not limited to:
 - 1. Changes in height and the horizontal plane,
 - 2. Changes in Materials,
 - 3. Changes in Textures,
 - 4. Changes in Color,
 - 5. Reveals and/or Jogs,
 - 6. Utilization of other architectural enhancements.

STAFF COMMENT: It is unclear how this condition will be enforced. There is no definitive, proposed, method of determining when visual relief will be required.

- vi. Primary building entries shall be readily identifiable and well defined through the use of projections, recesses, columns, roof structures, or other design elements.
- vii. Expansions to an existing buildings shall provide for continuity between the existing building and the proposed addition. The addition need not strictly match the existing building, but shall include prominent design elements of the old building to provide architectural compatibility between old and new.

STAFF COMMENT: It is unclear how this condition will be enforced. Staff is concerned over the lack of measurable standard.

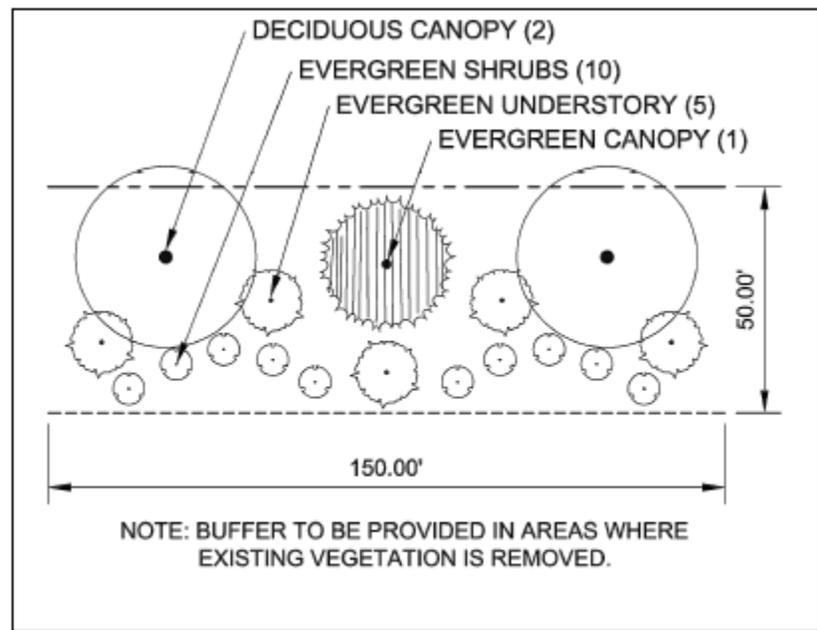
- viii. Building design/construction shall not preclude incorporation of alternative energy systems such as solar panels.⁴
- ix. Equipment (i.e. HVAC, elevator overrides, etc.) shall be screened utilizing 1 of the following methods:
 - 1. Clad in exterior materials that are non-reflective or illuminated, OR
 - 2. Designed as an architectural feature of the proposed structure, OR
 - 3. Screened through some vegetative buffer or fencing.
- x. All buildings constructed within the Project shall utilize equipment/appliances/etc. be energy star rated;
- xi. Development within the Project shall utilize LED lighting for interior and exterior lights;
- xii. Development within the Project shall utilize rain reclamation devices collecting rainwater for irrigation purposes;
- xiii. Development within the Project shall incorporate 'cool roof' systems into their design. The cool roof system is designed to deliver higher solar reflectance (i.e. the ability to reflect the visible, infrared and ultraviolet wavelengths of the sun, reducing heat transfer to the building, etc.) and higher thermal emittance (the ability to radiate absorbed, or non-reflected solar energy) than standard designed roofing products.
- xiv. Motion control activated lighting shall be used for all internal building lighting to prevent internal lights being left on indefinitely;

⁴ Condition added to address Planning Board concern(s) identified during the August 5 and 19, 2020 regular meeting. The applicant agreed during the meeting to the proposed language.

- xv. Bio retention basins (i.e. rain gardens) shall be incorporated into the Project to capture and treat runoff from truck wells within proposed loading docks;
- xvi. No barbed wire products shall be used/incorporated on the 12 acre parcel along Davis Road;
- xvii. Low flow toilets and water fixtures shall be used within the development for all restroom or general use facilities not associated with a manufacturing or research process.⁵

d. **Landscaping/Buffering:**

- i. All required landscaping shall be installed and maintained by the developer or their successor in perpetuity;
- ii. Existing vegetation shall be preserved in identified buffer areas as indicated on the approved master concept plan. In those instances where foliage is disturbed or non-existent, landscaping shall be installed consistent with the following schematic:



STAFF COMMENT: Staff recommends the minimum linear foot of planting be reduced to 100 ft. (i.e. the number of trees for every 100 ft. of required buffer area versus 150 ft. as proposed by the applicant) consistent with Section 6.8.6 (F) of the UDO.

⁵ Yellow highlight denotes new conditions recently proposed by the applicant during the public hearing in an attempt to address BOCC and adjacent property owner concerns over the incorporation of 'green building standards' for the Project. The applicant and staff are still reviewing proposed language.

Further, staff recommended a 100 ft. perimeter buffer be observed for portions of the Project abutting residentially zoned property and Davis Road. The applicant has expressed concern over this suggestion, but indicated a willingness to discuss options. Part of this discussion includes a request to modify required stream/floodplain buffer requirements (discussed below).

Staff requests review of the item/concern with the applicant and BOCC members in order to fashion final condition language that is mutually agreeable to all parties.

iii. Interior landscaping shall be consistent with the following:

1. Parking lot:

- a. A ten-foot vegetated buffer shall be provided between vehicular use areas and internal access roads.

STAFF COMMENT: It is recommended there be additional language specifying the type of foliage required (i.e. shrubs, flowering plants, etc.)

Staff requests review of the item/concern with the applicant and BOCC members in order to fashion final condition language that is mutually agreeable to all parties.

- b. Shade trees shall be provided at a ratio of one (1), one and one half-inch (1.5") minimum caliper tree for every ten (10) car parking spaces; Caliper size is measured at the time of planting.
- c. All site plans shall demonstrate a minimum of sixty percent (60%) of passenger parking spaces are within seventy-five (75) feet of the center of a shade tree. If not, additional landscaping shall be required.
- d. The minimum tree planting area shall be 200 square feet except where tree grates are provided.
- e. Where trees are planted within tree grates, and surface paving encroaches into the planting area, then the minimum planting area shall be sixteen (16) square feet in area by two (2) feet in depth.
- f. Screening of parking areas along the perimeter boundary of the project shall maintain a minimum tree spacing of sixty (60) feet.

2. Building foundation:

- a. Twenty percent (20%) of a building's perimeter shall be landscaped while maintaining the necessary sidewalk area.
 - b. These areas may consist of lawn, planters, or shrub areas so long as the shrub areas, that have to be twenty-four inches (24") minimum in width, comprise a minimum of twenty percent (20%) of the total linear dimension along the building's perimeter
3. With respect to internal street landscaping, there shall be one (1) tree at a one-inch (1") caliper provided every one hundred (100) feet;
 4. All ground level HVAC, mechanical equipment cabinets, solid waste containers, dumpsters, recycling bins, etc. shall be screened from view through the use of landscaping, walls, and or fencing in accordance with Section 6.8.9 of the UDO.
- iv. The Project shall comply with the provisions of Section 6.6.4 of the UDO related to preservation of required buffers within the Major Transportation Corridor (MTC) overlay district. This includes the ability to create visual breaks in the buffer in accordance with Section 6.6.4 (A) (5).

e. Parking:

- i. Parking lot design and layout shall be in accordance with Section 6.9 of the UDO;
- ii. 1 space shall be required for every 750 sq.ft. of office space;
- iii. 1 space per 3,000 sq.ft. of additional indoor area (exclusive of office area).

STAFF COMMENT: The proposed standard does not address all anticipated land uses for the Project. Staff has recommended the applicant comply with the provisions of Section 6.9.7 of the UDO, specifically:

- General Office and Service Uses: 1 space for every 300 sq.ft. of gross floor area.
- Medical Office: 1 space for every 300 sq.ft. of gross floor area.
- Manufacturing: 1 space per employee on the shift of maximum employment.
- Retail: 1 space for every 300 sq.ft. of 300 sq.ft. of gross floor area.

- Wholesale Trade: 1 space per employee on maximum shift plus 12 spaces.
- Research: 1 space per employee.
- Distribution/Fulfillment Operations: 1 space per employee on the shift of maximum employment.

Ultimately, required parking standards needs to reflect allowable land uses within the project (i.e. there needs to be a parking standard addressing all anticipated land uses to be developed within the Project).

Staff requests review of the item/concern with the applicant and BOCC members in order to fashion final condition language that is mutually agreeable to all parties.

f. Signage:

- i. Signs shall be permitted consistent with the approved sign master plan for the project;
- ii. Final location/size shall be reviewed/approved by staff as part of a site plan submitted in accordance with Section 2.5 of the UDO and the conditions contained herein.

g. Lighting:

- i. Lighting plans shall be prepared in accordance with Section 6.11 of the UDO;
- ii. All lighting shall be full-cut off fixtures;
- iii. Lighting in parking areas shall observe a height limit of 45 ft.;
- iv. All lighting shall comply with maximum foot-candle limits at property lines as noted in Section 6.11.6.A of the UDO;
- v. Lighting within the Project shall abide by the standards detailed in Section 6.11.8 of the UDO.

h. Stream Buffers: The Project shall comply with the provisions of Section 6.13 of the UDO.

STAFF COMMENT: The applicant had inquired about reducing required stream/floodplain buffers to a minimum standard of 50 ft.. This was suggested as a way of allowing for a perimeter buffer of 100 ft. as requested by staff.

At this time, staff has not made a determination on this request but believes it warrants discussion.

Staff requests review of the item/concern with the applicant and BOCC members in order to fashion final condition language that is mutually agreeable to all parties.

- i. **Stormwater regulations:** The Project shall comply with the provisions of Section 6.14 of the UDO.
- j. **Erosion Control regulations.** The Project shall comply with the provisions of Section 6.15 of the UDO
- k. **Flood regulations:** The Project shall comply with the provisions of Section 6.21 of the UDO.

VI. PERMITTED AND PROHIBITED LAND USES:

STAFF COMMENT: There is no concern over the proposed land uses, most of which would be permitted under the County's general use zoning designation for the property (i.e. EDH-4 or EDH-5) and were permitted under the current MPD-CZ (Settlers Point).

Staff has expressed reservations with respect to the format of how permitted/prohibited land uses are listed.

- a. **Manufacturing:** Land uses category associated with assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site.

Permitted uses, by way of example and not limitation, include the following:

- i. Bottling.
- ii. Brewery, winery, distillery, cidery with tasting/sampling facilities and associated retail sales.
- iii. Bus or rail transit vehicle maintenance or storage facility.
- iv. Contractors storage including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site.
- v. Food and beverage products.
- vi. Lawn, tree or garden service.
- vii. Laundry, dry-cleaning, and carpet cleaning plants.
- viii. Leather and leather products except tanning.
- ix. Sheet metal, welding, machine, tool repair shop or studio.
- x. Stone, clay, glass, and concrete products.
- xi. Woodworking, including cabinet makers and furniture manufacturing.

- xii. Fabricated metal products and machinery.
- xiii. Industrial sign-making.
- xiv. Manufactured or modular housing sales.
- xv. Primary metal manufacturing.

- b. **Light Manufacturing:** Land use category associated with facilities conducting light manufacturing operations within a fully-enclosed building.

Permitted uses include by way of example and no limitation, the following:

- i. Clothing, textile apparel manufacturing.
- ii. Facilities engaged in the assembly, design, repair or testing of: analyzing or scientific measuring instruments; semiconductor and related solid state devices, including but not limited to clocks, integrated microcircuits; jewelry, medical, musical instruments, photographic or optical instruments; and timing instruments.
- iii. Office showroom/warehouse.
- iv. Printing, publishing, and lithography.
- v. Production of artwork and toys, graphic design sign-making, movie production facility, photofinishing laboratory.
- vi. Repair of scientific or professional instruments and electric motors.

- c. **Research and Development:** Land use category associated with facilities focused primarily on the research and development of new products. This includes associated manufacturing operation(s) for said products.

Permitted uses include by way of example and not limitation the following:

- i. Laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private.
- ii. Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product.
- iii. Pilot plants used to test manufacturing processes planned for use in production elsewhere.

- d. **Warehousing/Storage:** Land use category associated with facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

Permitted uses include by way of example and not limitation the following:

- i. Warehouse, self-service.
- ii. Fully enclosed indoor multi-story storage.

iii. Mini-warehouse.

- e. **Warehousing/Distribution Services:** Land use category associated with facilities involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.

Permitted uses include by way of example and not limitation the following:

- i. Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store.
 - ii. Commercial packing for fruits and vegetables.
 - iii. Distribution facility, central postal facility.
 - iv. Freight, service facility.
 - v. Parcel services.
 - vi. Transfer and storage business where there are no individual storage areas or where employees or automation are the primary movers of the goods to be stored or transferred.
 - vii. Trailer storage, drop off lot.
 - viii. Truck or motor freight terminal, cross-docking or service facility.
 - ix. Trucking operation.
 - x. Warehouse.
- f. **Wholesale Trade:** Land use category associated with facilities involved in the sale, lease, or rent of products to industrial, institutional or commercial businesses. The use emphasizes on-site sales or order-taking and often includes display areas. Businesses may or may not be open to the general public. Products may be picked up on-site or delivered to the customer.

Permitted uses include by way of example and not limitation the following:

- i. Mail-order house.
 - ii. Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, plumbing supplies, janitorial supplies, restaurant equipment and store fixtures.
 - iii. Wholesale sales of food, clothing, auto parts, building hardware and similar products.
- g. **Other Facilities:** including by way of example and not limitation, the following:
- i. Customary Accessory Uses to Principal land uses developed on-site

- ii. Government Facilities and Office Buildings
 - iii. Government Protective Services
 - iv. Bus Passenger Shelter,
 - v. Surface and structure parking as principal use
 - vi. Mail kiosks for central mail pick-up,
 - vii. Elevated Water Storage Tanks.
 - viii. Public open space for use of on-site businesses, employees of same, and customers rather than the general public.
 - ix. Natural and man-made pedestrian/bicycle paths
- h. **Prohibited Land Uses:** The following land use categories and/or specific land uses are expressly prohibited from developing within the Project:
- i. Animal Slaughtering and Processing;
 - ii. Vegetable Fats/Oil Manufacturing and Processing;
 - iii. Concrete Batching Plant;
 - iv. Leather and Hide Tanning;
 - v. Petroleum and Coal Processing, Preparation, and Distribution including but not limited to Asphalt Plants;
 - vi. Pulp, Paper, and Paperboard Mills;
 - vii. Sawmills;
 - viii. Mining;
 - ix. Landfills;
 - x. Body alteration (i.e. tattoo artist, body piercing, etc.);
 - xi. Cemetery;
 - xii. Crematoria;
 - xiii. Funeral Home;
 - xiv. Pawnshop/Payday Loan.
 - xv. Junk/Salvage yard;
 - xvi. Massage Business;
 - xvii. Sexually Oriented Business;

VII. UTILITIES:

- a. Development within the Project shall be served by public water and sewer services as provided and maintained by the Town of Hillsborough; additional and/or alternative water and/or wastewater systems shall not be permitted.
- b. A written, signed agreement between a developer, Orange County, and the Town of Hillsborough shall be executed describing the timing, phasing, design, and financing of public water distribution and public sanitary sewer collection mains;
- c. Water systems and water pressure shall comply with all applicable Town of Hillsborough utility standards, building, and fire codes based on the proposed land use;
- d. Sizing/looping of utility lines shall be based on the proposed development, including water flow test data and shall be reviewed and approved by County staff, Town of Hillsborough Planning Director, and the Town of Hillsborough Utility Director;
- e. Fire-flow test(s) of all installed hydrants shall be conducted, in coordination with the Town of Hillsborough and Orange County Emergency Services, to ensure compliance with applicable State Fire Code standards.

VIII OTHER: ⁶

- a. No permanent fuel or chemical storage shall occur within 30 ft. of a floodplain/stream buffer established consistent with the provisions of Section 6.13 of the County UDO.
- b. A minimum of 2 electrical vehicle charging stations shall be installed for every building constructed on-site. Additional stations may be proposed as part of the site plan review process.

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

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

I, Greg Wilder, Interim Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2020 as relates in _____

⁶ These 2 conditions were added to address Planning Board comments from the August 5 and 19, 2020 meeting. The applicant agreed to the imposition of these conditions.

any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

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

SEAL

Clerk to the Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: October 6, 2020

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

SUBJECT: Minutes

DEPARTMENT: Board of County Commissioners

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

INFORMATION CONTACT:
Greg Wilder, Interim Clerk to the
Board 919-245-2130

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

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

September 1, 2020 Virtual Business Meeting

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

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

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

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

ATTACHMENT1

**MINUTES
ORANGE COUNTY
BOARD OF COMMISSIONERS
VIRTUAL BUSINESS MEETING
SEPTEMBER 1, 2020
7:00 p.m.**

The Orange County Board of Commissioners met for a Virtual Business Meeting on Tuesday, September 1, 2020 at 7:00 p.m.

COUNTY COMMISSIONERS PRESENT: Chair Penny Rich and Commissioners Jamezetta Bedford, Mark Dorosin, Sally Greene, Mark Marcoplos, Earl McKee, and Renee Price

COUNTY COMMISSIONERS ABSENT:

COUNTY ATTORNEYS PRESENT: John Roberts

COUNTY STAFF PRESENT: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren, Deputy Clerk to the Board David Hunt, and Assistant Deputy Clerk Allen Coleman (All other staff members will be identified appropriately below)

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

Due to current public health concerns, the Board of Commissioners conducted a Virtual Business Meeting on September 1, 2020. Members of the Board of Commissioners participated in the meeting remotely. As in prior meetings, members of the public were able to view and listen to the meeting via live streaming video at orangecountync.gov/967/Meeting-Videos and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

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

- Written submittals by email
- Speaking during the virtual meeting

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

Chair Rich asked if Board members would spend a moment observing happy memories of Donna Baker, Clerk to the Board, who passed away over the summer.

1. Additions or Changes to the Agenda

Chair Rich asked if the Board would agree to a roll call format for votes, which is a new requirement of North Carolina General Statutes for virtual meetings. She said she will say the Commissioner's last name, in alphabetical order, and the Commissioner can respond yea or nay to the vote in question.

The Board of County Commissioners (BOCC) agreed by consensus.

Chair Rich read the public charge.

Arts Moment – No Arts Moment was available for this meeting.

2. Public Comments (Limited to One Hour)

1 **a. Matters not on the Printed Agenda**
2

3 Chair Rich asked if Board members wanted to hear from all speakers, or from only the
4 first 20 speakers, due to the hour time constraint.

5 The Board unanimously signaled to allow all 29 speakers the time to speak, regardless
6 of the time overage.

7 Jessica Sheffield thanked the BOCC for allowing her to speak. She said she is the Eno
8 River Association (ERA) Executive Director, and thanked the Board for its capital investment.
9 She asked if the Board would continue to maintain funds for ERA in the future years of the
10 Capital Investment Plan (CIP). She said the ERA works to protect good environmental
11 stewardship in the Eno River watershed. She said ERA has great concerns about the proposed
12 Research Triangle Logistics Park, as it will not protect water quality, and quantity, of Cates
13 Creek and the Eno River. She said 6 acres of the 161-acre proposed project have been
14 designated by the State as Natural Heritage Natural area, and the current plan goes over this
15 land.

16 Chair Rich said the Commissioners have not received this project yet, and it is set to
17 come before the Board of County Commissioners on September 15th from the Planning
18 Department.
19

20 Ronald Sieber read the following comments:

21 My name is Ronald Sieber, and I live in the New Hope Springs neighborhood off of Davis Road.
22 I live approximately 1 3/4 miles away from the proposed RTLP project, about which I am
23 addressing you tonight. I mention this mileage figure because that cited distance triggered an
24 offhand comment from a Planning Board member at their August 5th meeting which implied that
25 the citizen who was speaking at that time lived too far away from the project to be affected by it.
26 I am here to assert that ALL of the people who live along Ode Turner Rd. and Davis Rd. use
27 Davis at its intersection with Old NC Hwy. 86 as an entrance/exit to our homes. We will ALL be
28 affected by this project that threatens our rural neighborhoods.

29 I've written several letters about this and other matters related to the process by which decisions
30 so far have been made and how those decisions will affect both the community of which I
31 speak, as well as the surrounding communities all along Old NC Hwy. 86, because all
32 communities will likely be affected.

33 Although I write as an individual, I am a member of my local neighborhood as well as the larger
34 community of Hillsborough and Orange County. I have listened to what others have said about
35 this issue, and therefore, many of my concerns reflect what others have also voiced. Therefore,
36 in this manner I am speaking for a much larger group than myself alone. And we are all of one
37 mind on this issue: the proposed project is too oversized in its present state and amendments to
38 land use should not be approved that would allow it go forward as proposed.

39 I ask that the Board of County Commissioners read the concerns expressed in the letters that I
40 have written, and I implore each commissioner to consider the ramifications of their decisions
41 yet to be made.

42 Thank you for your time. I look forward to the public hearing on September 15th.

43 Joan Kalnitsky thanked the BOCC for taking the time to hear from the public. She said
44 she is opposed to the research triangle park redistrict. She said she has written to the BOCC
45 and will do so again prior to the September 15 meeting. She said Davis Road was not built to
46 hand the RTLP, as there are no shoulders and no sidewalks. She said the County allowed
47 Davis Road to be developed as a quiet neighborhood road. She said it is really difficult to wrap
48 her head around the proposed building capacity of 950,000 square feet on an immediate access

1 to Interstate 40. She said the project is not significant enough to provide a strong benefit to
2 Orange County. She asked the Board to please leave the zoning as it is, and work within
3 existing parameters, which the applicant should be willing to do if he serious. She asked the
4 BOCC to please not bulldoze the community's way of life.

5
6 Sarah Shore stood in her back yard to show the land, which is under discussion. She
7 welcomed the BOCC to visit her property. She said this land is residential, with little road traffic.
8 She said she finds it very upsetting to hear an out of state developer is trying to change the land
9 use. She asked the County to consider sensible development. She said she and her neighbors
10 are not against development, but would like the reasons behind development to be seriously
11 considered. She thanked the BOCC for listening.

12
13 Jon Lorusso read the following comments:

14 I am part of Save Hillsborough, a community organized effort in favor of harmonious
15 development that benefits the community. Our group represents most of 1000 residences in the
16 area whose homes are on either side of the following roads: Orange Grove Road on the west,
17 Interstate 40 on the north, Arthur Minnis Road and New Home Church Road on the south, and
18 Old 86 on the east. We are in favor of increasing local quality jobs and understand the need for
19 increasing Orange County tax revenue. Tonight you will hear an overview of why we think the
20 Research Triangle Logistics Park, as it's currently proposed, will be a detriment to the
21 community. We ask that the commissioners please consider our concerns in making any
22 decisions regarding the permitting and rezoning of the affected parcels.

23 Orange County is known for its high standards, and when someone moves here, there's
24 an expectation that they'll be afforded some level of protection from unsightly and disturbing
25 developments. We expect that the strict county ordinances will shield us from excessive noise,
26 pollution, and aesthetic aberrations. We ask that these strict ordinances be upheld without
27 exception, and that the burden of proof should be placed upon the developers to ensure,
28 beyond a shadow of a doubt, that these ordinances are strictly adhered to. Thus far, the
29 developer has not done their due diligence in any of these matters -- far from it! We urge the
30 commissioners to postpone a vote on rezoning until the developers have proven that they will
31 not be in violation of any Orange County ordinances. Furthermore, since a conditional zoning
32 permit will allow for a wide range of development types, we request that the developer is
33 required to prove that these standards will be met, not just for the lowest impact developments,
34 but also for the highest impact developments that are permitted under the conditional zoning.

35
36 Kaila Mitchell read the following comments:

37 I am part of Save Hillsborough. I have serious concerns about RTLP. After successfully
38 recruiting Medline to invest in a distribution center in the Buckhorn Economic Development
39 District last year, it is probably tempting to build on that success by approving what sounds like
40 a similar project. RTLP is proposed as a distribution center in the Hillsborough EDD, so what's
41 the big deal?

42
43 Unfortunately, the two projects couldn't be more different, and I want to quickly outline just a few
44 of the differences between Medline's "Project Tomorrow" and Barrister's RTLP.

45
46 **Density** - Medline is building a 1.2 million square foot distribution center on 172 acres. RTLP
47 would pack 2-4 times more building area into a smaller parcel (166 acres).

48 **Zoning** - Medline optioned land in the existing EDD. RTLP requires rezoning of a rural
49 residential tract.

1 **Neighbors** - Medline occupies land that is sparsely populated, and builds at a density that
 2 allows buffers. RTLP will build and pave within 250 feet of existing homes, and send all of its
 3 tractor trailers down a driveway within 100 feet of those homes.

4 **Uses** - Medline will do light assembly and distribution of medical products and lab supplies.
 5 Barrister either will not name the tenants of RTLP, or does not have them.

6 **Economy** - Medline's build-out plan will generate a guaranteed capital investment of \$65 million
 7 over 5 years. RTLP guarantees nothing.

8 **Jobs** - Medline is required to create 250 jobs within 5 years. RTLP claims it will create 18 times
 9 that many jobs, even though it is also a distribution center.

10 **Traffic** - Medline's placement allows vehicles to make right turns to access the interstate. RTLP
 11 requires every vehicle to take two left-turns onto rural roads not built for tractor trailers.

12 **Experience** - Medline operates 43 distribution centers across 20 countries. Barrister has a
 13 history of stalled projects and speculative development.

14 **Environment** - Medline's distribution center will be LEED certified and generate up to half of its
 15 energy with solar panels. Barrister had to be pushed by the planning board before agreeing to
 16 install a handful of EV chargers.

17 **Public Perception** - When the Board opened the Medline project for public comment, not a
 18 single voice rose against it. RTLP, on the other hand, has inspired a community to organize and
 19 speak out, with letters, road signs, and hashtags. We are here tonight, not because this is fun,
 20 but because we are passionate about finding a project for this site that will allow us all to say, as
 21 Commissioner Rich did about Medline in a Daily Tar Heel interview, "It's such a positive
 22 company, that fact that we were able to land it here is just amazing,"
 23

24 I ask you to consider the very real differences between these two projects, and to help us find
 25 another success worth celebrating.
 26

27 Joseph Shore said he lives on Old 86, and his family will be hugely impacted by this
 28 proposed development. He said RTL is the wrong thing for this area, and he has literally been
 29 losing sleep over this. He said he is very concerned that the Planning Board members do not
 30 care about the community, and he is worried about he will get into his driveway. He said he is
 31 also concerned about potential ground water contamination, as he cannot dig a new well if there
 32 is ground water contamination. He said this proposed project violates the Unified Development
 33 Ordinance, and it is wrong for this area.
 34

35 Franklin Garland said he has been a farmer since 1977, prior to the area becoming an
 36 Economic Development District (EDD). He said several projects have been proposed, and
 37 none have been right for the area, and the current proposed project is the same. He invited the
 38 Commissioners to visit his property, as he has done so over the decades. He said to date, only
 39 one person has accepted his invitation, and told him he had beautiful land that was going to be
 40 ruined. He said he is against this proposed development.
 41

42 Jo Massey said she has lived in Hillsborough for 30 years in Cornwallis Hills. She said
 43 everyone wants to help with the tax base, but this applicant has shown no proof of expected
 44 success. She asked the Board to build on the charm of the Town of Hillsborough, which has a
 45 great deal to offer. She said flooding and run off water will be a huge issue, and will be
 46 dangerous for residents. She said there are many children in this area who will be adversely
 47 affected. She is against this development, and thanked the BOCC for its time.
 48

49 Myra Gwin-Summers said she lives on Davis Road, two doors down from where the
 50 traffic would enter. She said pollution would adversely affect the church and childcare center
 51 that are located here, and the childcare center would no longer be able to operate. She said the

1 Church has built this childcare center to help with the church's finances. She said she has
2 grave concerns, and this proposed project is not environmentally just.

3
4 Jeremy Edmondson read the following comments:

5 I am part of Save Hillsborough. I have serious concerns about RTLP.

6
7 On Jan 25, 2017, the 12-acre parcel connecting the 2 large economic development lots to Davis
8 Road, PIN 9862998894, was sold by court order to a local resident for \$185,000. From what we
9 understand, the buyer intended to build several houses on this beautiful wooded lot. However,
10 the buyer was unable to obtain county approval for that purpose, one reason being that the land
11 did not "perk" and so would require city water and sewer. The buyer is directly connected to the
12 current owner and has not been able to develop this land.

13
14 We understand also that the RTLP developer has obtained an option agreement for the right to
15 purchase the Davis Road parcel. The property is currently zoned R-1 with a pending request for
16 rezoning to support RTLP requirements.

17
18 For now, use of this Davis Road property as an "access point" is viewed as critical to the viability
19 of the RTLP development--because, according to the NCDOT, the existing Service Road is
20 unsuitable for use by vehicles that would turn left to exit the development toward I-40. Instead,
21 the developers would force virtually all RTLP traffic to exit the development onto a small rural
22 road close to an intersection. Due to the elevation of the land, it is a substantial climb up to
23 Davis Road from the proposed location of the main warehouses, and the uphill grade will
24 increase the noise and emissions from 18-wheelers and heavy-duty trucks. Once at the top of
25 the hill, the same trucks need to run back down the grade to enter the I-40 on-ramps, creating
26 additional noise due to engine-braking by the trucks' drivers.

27
28 This Davis Road parcel should not be part of the development! Either the usage of the
29 development needs to be adapted to the available traffic connections to I-40 or better access
30 points need to be found to make the economic area viable. Spilling over into a rural residential
31 area to solve a site traffic problem needlessly pushes the burden to the local residents. Once
32 city water and sewer are brought to this land on Davis Road it will make a wonderful site for a
33 business more suited to the area that can bring tax revenue rather than as a traffic corridor for
34 the current warehouse proposal. The local residents fully support smart development of the
35 economic development area without using the Davis road lot to push the traffic problems to the
36 local residents.

37
38 *Commissioner McKee joined the meeting at 7:37 p.m.*

39
40 Daniel Arneman read the following comments:

41 I am part of Save Hillsborough. I have serious questions concerning RTLP. The Environmental
42 Committee of Save Hillsborough, has identified several environmental impact issues for
43 consideration by our County Commissioners. While economic development is important to our
44 region and our communities, it must be done in a way that fits with existing uses and preserves
45 our natural assets. The 2019 State of the Environment report produced by the Orange County
46 Commission for the Environment highlights Orange County's ongoing commitment to a healthy
47 environment, including: a transition to 100% renewable energy county-wide by 2050;
48 maintaining a Rural Buffer planning zone to limit urban sprawl for over 30 years; actively
49 supporting local, sustainable agriculture; and reaching the goal of conserving 10% of the
50 County's land. We do not think this proposed development helps to meet those County goals.
51 Furthermore,

1
2 1. We would like to start by pointing out that the roadway perpendicular to the proposed
3 development is a designated NC Scenic Byway and that the proposed development
4 encompasses 6 acres of Natural Heritage Natural Area, which the design proposes to entirely
5 cover over.

6 2. Our next concern is the impact of noise--on the residents, the preschool, and the church, all
7 located within 50 to 1,000 feet of the proposed warehouse complex. According to the developer,
8 the warehouse complex will potentially host between 150 and 200 trucks and cars per hour
9 exiting onto Davis Road and Old NC Highway 86, with the ability for a 3-shift work schedule
10 producing diesel tractor trailer noise at high decibels 24/7. The noise-related long-term health
11 impacts of this proposed activity will be substantial and clearly bear additional study.
12

13 3. Next, the diesel exhaust from these vehicles (mainly trucks), again in close proximity to adults
14 and children of all ages, deserves additional attention due to the potential for serious long-term
15 health impacts, especially for our oldest and youngest citizens. Such emissions-related health
16 impacts clearly bear additional study too.
17

18 4. Next, the vegetative buffers and open space offered by the proposal are not adequate to
19 provide wildlife corridors, nor to decrease the negative visual and auditory impacts on residents
20 in the surrounding area.
21

22 5. Finally, this development proposal does not yet offer appropriate protections for the natural
23 community or for Orange County residents. We stand with the Eno River Association in our
24 concern that a structure built on the headwaters of the Eno River, adjacent to a floodplain, with
25 substantial clear cutting will not protect the water quality and quantity along the 2,500 feet of
26 Cates Creek encompassed within the development that connect watersheds of the Eno River
27 and New Hope Creek. There is of course more to say on this issue--and on stormwater
28 management and mitigation- -but again: further study of the impacts is warranted. The Eno-New
29 Hope Landscape Conservation Plan focuses on the critical importance of habitat connectivity for
30 wildlife in the Eno River and New Hope Creek watersheds that this development encompasses.
31 Please consider this in your questions and considerations of the RTLP proposal.
32

33 Janet Marks read the following comments:

34 I am part of Save Hillsborough. I have serious concerns about RTLP Traffic is an issue you will
35 hear and read a lot about, and there are two main reasons:

36 1. Added traffic from the RTLP warehouse complex will have a major negative impact, and
37 traffic is what will affect the area and the county as a whole the most. As you review the
38 applicant's proposal, pay close attention to how traffic exists today and what it is proposed to
39 look like. According to the Traffic Impact Summary presented on Aug 19, the RTLP
40 development will generate 3,648 vehicle trips per day.

- 41 • The existing traffic volume on Old NC86 between Davis Rd. and I-40 is 6,600 vehicles
42 per day. It is projected that 95% of all inbound and outbound trips will utilize Old NC86 –
43 it would now become 10,065, a 53% increase over the current volume.
- 44 • For Davis Rd. near its intersection with Old NC86, the developer's summary shows an
45 existing traffic volume of 2,100 vehicles per day. Add 15% of all inbound and 90% of all
46 outbound traffic or 1,915 RTLP-added trips -- that is an astonishing increase of 91% of
47 vehicles using this twolane, mainly residential and rural area road. Yet in the words of
48 the developer, Impact will be "Minimal". Doubling the current traffic on a narrow road
49 abutted by homes, a church, a preschool --and yet the developer represents this as
50 "minimal"? When you read into the proposal, please ask yourself: Is even a 91%

1 increase in traffic on any road minimal? Not to mention that a large portion of these will
 2 be large trucks!

3
 4 2. As I'm sure you are aware by now. The applicant's proposal talks at length about
 5 manufacturing, R&D, etc., in addition to warehousing, when referring to the scope of the RTLP
 6 project, but then it states in the environmental assessment that "no production will take place on
 7 these parcels." Further, the Traffic Impact Analysis calculates added traffic based on a land use
 8 code of LUC 150, specific to warehousing. Keep in mind, this code results in one of the lowest
 9 rates of estimated traffic for this type of development. So the numbers I stated before and those
 10 which are listed in the application are the MINIMUM. Any business use that actually is in line
 11 with manufacturing, mixed use, etc. will greatly increase the amount of traffic this site would
 12 create. The Staff's response to the developer of June 30th even states: "As there will be a
 13 myriad of other development occurring within the Project - staff is concerned the Traffic analysis
 14 does not adequately anticipate and define impacts." One cannot 'cherry pick' the data they use.
 15 You have to be consistent. This area will be developed in some way – we understand that – it is
 16 a highway intersection. The question is, why do we keep trying to ram a square peg into a round
 17 hole? Why do we try and change the whole area to accommodate a plan? Why don't we work
 18 within the parameters of this area and find the right fit--one that generates tax dollars, creates
 19 jobs AND fits in with the landscape? We know there are traffic concerns around what the
 20 Service Road can handle, and we know this plot of land backs up to residential and rural areas--
 21 but that doesn't mean it can't be developed in an appropriate way. The highway interchange at
 22 I-40 and "new 86" (Exit 266) is the same layout, but the distance there between I-40 and
 23 Eubanks Rd. is actually LESS than the distance at Exit 261 from I-40 to the Service Road, and
 24 yet the new Carraway development is looking like a successful project. There is a compromise
 25 to all of this.

- 26 • Take the 12-acre Davis Road parcel and its driveway off the table. This idea was
- 27 actually proposed by David Blankford, Chair of the Planning & Zoning Board!
- 28 • Do not approve the zoning change; then
- 29 • Work to develop the parcels that are already in the Economic Development area and
- 30 have been zoned with a size and scale and a use that keeps the industry and traffic on
- 31 the service road and close to the highway. You can create a bigger tax base and
- 32 balance it with the nature of the area around it; we just need to stop trying to jam that
- 33 square peg in a round hole. Work with the people in the county--not against them.

34
 35 Chair Rich advised Janet Marks to send emails to the BOCC email group.

36
 37 Rena Mitchell read the following remarks:

38 I'm part of Save Hillsborough and I have serious concerns about RTLP. Growth is great and
 39 good. I don't want my town to look like it did in 1776 or 1876 or even 1976.

40
 41 I love seeing changes to our town, from Hillsborough BBQ to the new UNC Hospital. But this
 42 warehouse development is a poor fit. It's out of character with the rest of the district, has the
 43 potential to damage a significant watershed, and will absolutely increase flooding in the local
 44 neighborhood. But the poorest fit of all is the proximity of the development's main exit to a
 45 church, preschool and cemetery.

46
 47 Let's consider Orange County's plan to guide growth and development: the Orange County
 48 2030 Comprehensive Plan. The Plan addresses issues ranging from land use to economic
 49 development, to housing, to public facilities, to environmental protection and beyond. As stated
 50 in the Plan, an underlying theme is the County's vision of becoming a more sustainable
 51 community. To encourage desirable economic development, the Plan set aside 2,450 acres of

1 land in 3 areas along I-85 and I-40 known as the Buckhorn, Hillsborough, and Eno River
2 Districts.

3
4 The Hillsborough district, all 724 acres of it, is well on its way to completion. Much of this district
5 has already been built and consists of a hospital, a community college, and compact residential
6 housing. According to the Plan, the remaining 200 acres “will require design solutions to buffer
7 neighborhoods from future development.” That’s what the Plan says! But the RTLP project
8 would cover 65% of this land with 6-story buildings and parking lots. A small part of the
9 remaining 35% will be ornamental trees and bushes as well as some retention ponds. But the
10 developer wants to use the biggest portion remaining--two creeks and their corresponding
11 floodplains--as “buffer” too.

12
13 According to the Eno River Association, this warehouse complex would be built on a critical
14 conservation corridor connecting the Eno watershed with the New Hope watershed. They
15 understand that the site plan does not go far enough to protect water quality.

16
17 Just last year, residents temporarily lost the use of Davis Road when a 50-foot sinkhole split the
18 road, just downhill of the proposed access point. A 7-foot high culvert was installed and the road
19 re-paved several months later while the residents used Orange Grove Road instead of Old
20 NC86. If you examine the topography of this area, the parcels in question sit higher than Davis
21 Road. And we all know that water runs downhill - especially on pavement. What’s the design
22 solution for this problem?

23
24 Finally, across the street from this warehouse complex are a church, a preschool and a historic
25 African American cemetery. Diesel exhaust, vibrating engines and squealing brakes are
26 obviously a poor fit. What’s the design solution for this problem? Bushes? A few trees? And if
27 Davis Road needs to be widened to manage 18-wheelers trying to exit from the warehouse
28 complex onto this country road, how much easement is available by the cemetery to allow for
29 more road?

30
31 I know you’ll do the right thing and require the developer to come up with better design
32 Solutions to make this a better fit. Thank you for your time and consideration.

33
34 William Mitchell read the following remarks:

35 I’m part of Save Hillsborough. I live at 310 Davis Rd and appreciate the commissioners giving
36 me a few minutes to express my concerns about the proposed RTLP project—and specifically
37 to speak about potential traffic safety issues that we feel have not been adequately addressed. I
38 will focus on one particularly hazardous situation that will likely arise if this development is
39 approved.

- 40 • As you’re probably aware, the plan originally proposed by the developer’s traffic
41 engineer was to route trucks exiting from the warehouses directly north to Interstate 40
42 by means of the existing service road adjacent to the I-40 off ramp. When that plan was
43 rejected by NCDOT, a revised proposal re-routed the exiting traffic to Davis Road, at a
44 spot 1,000 feet from its T-intersection with Old NC Hwy. 86. Trucks would turn out of this
45 Davis Road access point to exit left from the warehouse complex--make another left
46 onto Old NC Hwy. 86--and then make their way to the Interstates (I-40 and I-85).
- 47 • The NCDOT recommends that, based on the developer’s traffic impact analysis, a traffic
48 signal would be installed at Davis and Old 86 in order to manage the large volume of
49 truck and vehicular traffic. What could go wrong?
- 50 • Members of our community who live along this stretch of road can tell you from first-
51 hand observation: there’s a blind curve at Jedi Way, which meets Davis Rd. just a little

1 over 600 feet from the proposed RTLP exit. It is part of our everyday experience to see
 2 drivers coming around that turn from further out in the county, often driving at a speed of
 3 55 miles per hour or more until they get closer to the “rural buffer.” Within the past year,
 4 one driver flipped a car while navigating this turn at Jedi Way.

- 5 • Try to visualize this stretch of road for a moment: If the volume of truck traffic (including
 6 18 wheelers) exiting RTLP onto Davis Rd. is anywhere close to the developer’s
 7 estimate--it’s easy to believe that the left-turning RTLP truck traffic--coming out onto
 8 Davis Rd.--would result in a long queue of residents’ vehicles stopped behind those
 9 trucks that are turning--and/or waiting for the light to change at Old 86.
- 10 • That back-up might be a minor inconvenience to eastbound drivers getting held up in
 11 that section of Davis Rd., but it could be deadly if the line of cars gets backed up far
 12 enough—particularly for an unsuspecting driver coming around the blind curve in
 13 question—or for someone who is unfortunate enough to be the last car in held-up traffic.
- 14 • We think it is important for you to understand that those of us who live along this stretch
 15 of road are not concerned simply about traffic congestion—or the obvious inconvenience
 16 it will cause us—we’re also concerned about our neighbors who live further out in the
 17 county, and those beyond the immediate impact area as well: people driving into
 18 Hillsborough whose lives may be endangered as they travel this road on a daily basis, to
 19 jobs, schools, church, the pre school, and elsewhere.
- 20 • This is only one of a host of safety concerns: in our view, there would be a similar “line-
 21 of-sight” issue—and risk of rear-end collisions--for drivers traveling north on Old 86 near
 22 the proposed 86/Davis Rd traffic signal--because of the two turns that interrupt their
 23 sightline shortly before they reach that light.
- 24 • If you should drive out here to see for yourself what we are talking about, please keep in
 25 mind that Davis Rd. traffic volume is currently way down, compared with pre-pandemic
 26 levels—as a result of schools, offices, and numerous businesses being closed.

27
 28 For these reasons, we urge you to say no to the proposed Research Triangle Logistics Park.
 29

30 Maryanne Ross read the following comments:

31 I’m with Save Hillsborough and have concerns about RTLP.
 32

33 The 2030 Comprehensive Plan is a good-faith effort to bring our county into the 21st century.
 34 It’s a Plan that required careful thought and planning about economic development and our
 35 needs. Developers are able to use this document along with the UDO to guide them. They know
 36 we have land available that is zoned for growth. But are they selling us something we want to
 37 buy? Or just offering something they want to sell.
 38

39 The Plan creates a district to be a new tax base to the city and county. The zoning helps us get
 40 just what we need for that growth. Some developers want a quick return on their dollar. Other
 41 developers take pride in finding the right fit for the community. If this developer is the right fit for
 42 us, they need to step up and show us that they can be trusted. The developer can start by
 43 showing us where their money is coming from. Who’s backing the development and for how
 44 much? A capital investor will do their due diligence requiring a Proforma and an ROI (Return on
 45 Investment) before they hand over money. If they have a financial investor lined up already, the
 46 developer should be willing to provide those documents proving their good faith. The developer
 47 has only invested money in a traffic analysis and a few architectural drawings. They haven’t
 48 purchased any land -- just ‘options to purchase’ property from the landowners. The developer
 49 isn’t investing their money on infrastructure. The town and county are expected to get water and
 50 sewer to the site, a site that shows zero occupants on the application. How can the city

1 calculate the cost to upgrade the infrastructure without the developer's projections? The
2 developer isn't investing their money on roads. The town, county and state will be expected to
3 invest our tax dollars on road infrastructure as 18-wheelers tear up roads not designed for them.
4 And the Planning Board's contention that Davis is a 'connector road' doesn't mean it's designed
5 to handle that volume of traffic proposed by the developer.

6
7 It seems the developer's contribution is promised improvements on the tax base through
8 employment. Has the developer provided documentation to prove this? What does '4500 global
9 jobs' actually mean? Similar developments have employed less than 10% of that. Is a
10 warehouse the best use of that space in order to increase tax revenue? The capital investors
11 may not care how much tax revenue the development brings but we do. Speaking of investors,
12 the developer should be able to show us how they will make money. Who's lined up to lease
13 space? A capital investor would expect assurances like this before they agree to invest. Why
14 shouldn't we?

15
16 And if the developer is so eager to start building why haven't they provided a construction
17 schedule as required for zoning a Master Plan? Do they have a history of incomplete
18 construction development in another state? How many projects have they completed in a
19 reasonable amount of time besides constructing their own offices in Kentucky? They should be
20 proud to provide details of their successes. Don't they want us to have faith in their intention to
21 complete this project?

22
23 When a developer has so little skin in the game, their intent may be to do as little as possible
24 with their money while compelling the town or county to invest taxpayers money to improve the
25 infrastructure with false promises of an increased tax base. The developer can go a long way
26 towards good faith by answering these questions.

27
28 Ellen Mayer said she lives within 1,000 feet from this projected development. She said
29 she supports development, but not this project. She said she is opposed for many of the
30 previously stated reasons. She invited the Commissioners to visit her property.

31
32 Bob Bundschuh said he understands the BOCC has not received the full packet of
33 information, but he has great concerns with this project. He said traffic problems are being
34 underestimated, and it will be a big issue. He said the Planning Department staff has even
35 acknowledged this. He said the neighborhood is not opposed to development, but there must
36 be a better plan than the one that has been proposed. He echoed several previously mentioned
37 concerns.

38
39 Christine Poole read the following comments:
40 I'm with Save Hillsborough. Many of you who have travelled on Old NC Hwy. 86, not far off
41 Interstate 40, know the beauty of the thick forests and rolling hills along this road. You
42 understand why it is a designated Scenic Byway. Starting at Exit 261 from I-40, you are now on
43 a historic road less known as "The ScotsWelsh Heritage Byway" dating back to the 1700's. Prior
44 to its being mentioned in historical records, this was a Native American trail and was also used
45 by early Settlers.

46
47 The following is taken from the NC DOT description of this road: "This Byway travels through
48 Orange County along trade roads used by American Indians and early backcountry pioneers.
49 The king of England gave much of the land along this byway to 18th century Scotch-Welsh
50 settlers. Generation after generation has lived and farmed this land, each leaving its own mark,

1 making this byway a unique journey through American history. Old N.C. 86 appears on colonial
2 maps dating back to 1770.”

3
4 Per NC DOT descriptions of Scenic Byways.... "Motorists will see little or no development along
5 the routes, enhancing the natural character and quality of the byways. They will experience
6 North Carolina's history, geography, and culture, while also raising awareness for the protection
7 and preservation of these treasures."

8
9 Please limit the traffic using this historical route and preserve an important landmark. I am for
10 Economic Development, but any development near this area should be mindful of what is
11 harmonious with the surrounding land and rural neighborhoods.

12
13 When people drive east on I-40 from Alamance County, this exit is the first impression they get
14 of Hillsborough. Do we want the Gateway to Orange County and Hillsborough represented by
15 vast Warehouses full of truck bays?

16
17 Keith Poole read the following comments:

18 I am part of Save Hillsborough. I have serious questions concerning RTLP.

19
20 In this part of the county (including south Hillsborough), we are very fortunate to have a Hospital
21 nearby. Davis Road and Old NC Hwy. 86 provide our access to this Hospital and also to
22 Interstate 40. ...So far, so good.

23
24 Now picture people in passenger cars on I-40 westbound coming from Chapel Hill and being
25 stuck in slower traffic on a busy day. They need access to our local hospital. The exit is not far,
26 but once you get to it there is a line of 18-wheelers backed up on the off-ramp. The trucks are
27 backed up because they can't make a left to go to their warehouse destination. There is no
28 traffic light.

29
30 The car drivers can't make a right toward the hospital, because they can't see around the left-
31 turning stopped traffic (mainly tall trucks). Many cars and trucks that are now released from the
32 two traffic lights situated at Davis Road and the Eastbound exit ramp are barreling towards
33 them. They can't even get into the free-flowing right turn lane on Old 86 because the exit ramp
34 is narrow leading to this lane.

35
36 There is no way for these car drivers to drive around to pass the backed-up trucks; if one did try,
37 they are putting their life and others in danger.

38
39 You can SEE the hospital campus.... You just can't get to it in a timely manner! Please vote no
40 on the RTLP project. I am for economic development in our area. I am just asking that we put in
41 smart development, with all of the traffic angles thoroughly investigated beforehand.

42
43 Jackson Poole read the following comments:

44 I'm part of Save Hillsborough and also have concerns with the RTLP as proposed.

45
46 The steps I had to take to speak at this meeting tonight were quite involved. To share Kaila
47 Mitchell's experience, from the time she looked up how to join this meeting on Orange County's
48 website on Aug 23rd to the time she finally received the zoom link to join, the process took 6
49 different steps over 8 days while submitting her information to 3 different places. I share this, not
50 to blame the County Commissioners for the process, but to make you aware of the difficulty to
51 make our voices heard today.

1
2 I also want us to recognize the privilege that those of us on this call have, including access to
3 technology and access to information. We continue to encounter residents that know little to
4 nothing about the proposed RTLTP project and how it will impact their lives. There are residents
5 that aren't aware that they can participate by phone on this zoom call. And people can't call in if
6 they don't know how to get this information in the first place.
7

8 We have been in a state of emergency since March 13th because of Covid-19. Just last month
9 you all, the Board of County Commissioners, extended the state of emergency through October
10 31st. Let us all recognize the significance of that. Shannon Casell, Special Counsel to NC
11 Attorney General Josh Stein, wrote an advisory letter talking about local public bodies
12 conducting open meetings electronically. She recognized that electronic meetings are
13 reasonable for local governing bodies. She did, however state, and I quote, "When meetings of
14 public bodies are not necessary for immediate ongoing governance, I would encourage
15 postponing that meeting until a future time when the meeting can occur in-person". Does a
16 decision on the RTLTP project meet this standard?
17

18 Because we are in a Pandemic and in a state of emergency, I urge you to please approach this
19 matter with social responsibility in mind. Please postpone a decision on rezoning until there is a
20 process where ALL voices can be heard, not just those that hold privilege.
21

22 Bryan Brice said the BOCC has an important decision to make about this project, and he
23 wonders if the project is worth the damage that it may cause by proceeding. He said he is
24 concerned about the environment, and wonders if all laws and ordinances will be complied with.
25 He encouraged a moratorium on the project until all environmental issues have been fleshed
26 out, and the applicant can show all permits have been properly obtained.
27

28 Bill Ward voiced concern about the long-term environmental impacts of climate change.
29 He says Orange County has the ability to make a real impact on environmental issues, and thus
30 improve public health.
31

32 Matt Mitchell made the following comments:
33 I'm part of Save Hillsborough. I'm in favor of developing this area, but have serious concerns
34 with the RTLTP as proposed.
35

36 Many members of our group were in favor of the Settler's Point project. It proposed a mixture of
37 retail and business development, much of which would have benefitted the surrounding
38 neighborhoods, and would likely have increased property values for many homeowners in the
39 surrounding area. However, RTLTP, as it currently stands, presents a very different situation. The
40 size of the development is more than double that of Settlers Point and the buffers are smaller to
41 accommodate such large structures. And most importantly, Settlers Point did not include the
42 rezoning of a residential property to allow for massive amounts of vehicular and truck traffic.
43

44 The impact of this development on local homeowners is a topic that comes up consistently, and
45 mitigation is in no way mentioned by the developer or the county. When the question came up
46 at the last planning board meeting, the developer suggested that this development might
47 actually increase property values. However, it's hard to make that case when they're planning to
48 install their primary access point 30 feet from a resident's property line. Furthermore, the
49 planned buffers are minimal and insufficient to protect the surrounding properties from the 60
50 foot tall monolithic buildings.
51

1 The county goes to great economic lengths to attract development and business, but there is no
2 mechanism to mitigate material monetary impacts on the use and enjoyment of one's home
3 when a high-density economic development is inserted into one's rural residential community.
4 As it stands, it seems as though these potential financial impacts will simply be considered
5 collateral damage. What can we do to ensure that these potential financial impacts will be
6 mitigated for the dozens of surrounding residents?
7

8 And speaking of collateral damage -- what will be the impact on the Church and Pre-school
9 across the street on Davis Rd? What will happen when parents pull their kids out of the
10 preschool because their driveway is potentially blocked by a long queue of diesel trucks? The
11 Church relies on the revenue from the preschool to stay afloat; so, will the church and preschool
12 also end up as collateral damage? I urge the commissioners to seriously consider these impacts
13 when making their decision, and to strongly consider eliminating the use of the Davis Road
14 parcel as part of this development.
15

16 Additional Issue to consider: NOISE: Orange county Noise ordinances state: "It shall be
17 unlawful for any person to make, create, permit, or to continue any source of unreasonably loud
18 and disturbing noise in Orange County." Orange County doesn't allow noises above 60 decibels
19 during the day and 50 decibels in the evenings at residential properties. The noise generated
20 from a diesel truck is between 96 and 104 decibels, 42 times louder than the ordinance allows in
21 the evenings. Additionally, diesel trucks typically use engine braking that creates an extremely
22 loud machine gun-like noise, up to 105 decibels. There are residents whose property is as close
23 as 30 feet to the proposed driveway. (This distance is taken from the Orange County GIS). With
24 only 5 trucks in the queue, the resident immediately beside the proposed access point on Davis
25 Rd will experience 81 decibels of sustained noise, the equivalent of standing next to a lawn
26 mower 24/7, and loud enough to cause hearing damage at 2 hours of exposure according to the
27 CDC. Orange County also specifically prohibits the use of lawn equipment after 9 pm. How can
28 they possibly allow diesel trucks operating overnight, creating noise more than 5 times louder
29 than gas powered lawn equipment? It seems impossible that this development could comply
30 with Orange County noise ordinances, and yet the developer has not provided a noise analysis.
31 The county must act to prevent the potentially massive disruptions to the sleep, hearing, and
32 peace of the dozens of residents, church, and preschool children in the surrounding area.
33 Please do not allow the rezoning of the Davis Rd parcel. The use of this land as the primary
34 access point will cause irreparable harm to the surrounding residents. It may take some effort
35 and/or creativity, but the developer can and should find alternative methods of dealing with their
36 traffic load. NCDOT has already laid out potential improvements that could be made to allow for
37 a full movement interchange at Service Rd and Old 86, but the developer has declined to
38 pursue this path. Rather, it seems they have chosen the path of least resistance and lowest cost
39 to them, at the great expense of the surrounding residence and community.
40

41 Jessie Kaufmann said the Orange County Schools Board of Education released a letter
42 imploring that Broadband Internet be provided. She asked the BOCC to consider using the
43 proposed land for broadband. She asked if the BOCC would wait to make a decision about the
44 land until after the presidential election. She said she is not in favor of the proposed project.
45

46 Justin Mitchell said he owns several acres of land on Davis Road, adjacent to his family,
47 where he one day hopes to live. He said the appeal of that dream will disappear if this
48 proposed project goes ahead. He said water runoff is of great concern, as there is already
49 excessive run off in this area, and the proposed project would only increase this problem.
50

1 Bill Aucoin thanked the Board for the opportunity to speak tonight. He said his family
2 has lived in Becketts Ridge for the past 20 years, and they are excited about potential
3 development and is frustrated by the community speaking out against it. He said it is just a
4 smear campaign and he finds it very frustrating. He said he is not alone in his support of this
5 project, but those voices are not being heard. He said Orange County is full of protected green
6 space, and there are not many options for development like this project. He said he supports
7 the project, and the jobs and revenue that it will bring.
8

9 Daniel Yarborough said he concurs with the previously mentioned concerns, and he is
10 against this project. He said the enormous amount of traffic is of particular concern.
11

12 Chair Rich said the BOCC will review this project at its September 15th meeting, and will
13 have a public hearing where the public will be welcome to speak.
14

15 **b. Matters on the Printed Agenda**

16 (These matters will be considered when the Board addresses that item on the agenda
17 below.)
18

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

20 Commissioner Bedford said she attended meetings for the Department of Social
21 Services, GoTriangle Advisory Board, JCPC, and the Visitors Bureau Board. She said the
22 Visitors Bureau's budget will be redone. She said she greatly appreciated County staff and
23 Chair Rich for their time.

24 Commissioner Greene said she received a question from a resident about voting in the
25 context of eviction within 25 days of the election. She said Representative Meyer said this
26 would not be a problem, as long as one still resides in North Carolina. She asked if staff could
27 follow up on this information, and publicize the information.

28 Commissioner Greene noted the sad passing of writer Randall Kenan.

29 Commissioner McKee petitioned for staff to bring to the Board a report about the
30 measures to provide countywide broadband, and to identify funding of up to \$30 million dollars
31 that can be moved to afford this effort. He asked if this information could be provided by
32 October 31, 2020.

33 Commissioner Price said the 2020 Census will end on September 30, which is a month
34 early. She thanked staff for helping get the word out about the Census, and encouraged people
35 to fill out the form.

36 Commissioner Dorosin said he appreciated Commissioner Price bringing up the census.
37 He said a legal challenge has been made against the Trump administration for terminating the
38 census process early. He said he shared Durham Tech's new Equity, Inclusivity and Diversity
39 Action Plan, which is a powerful document. He commended the new Durham Tech president
40 and the Durham Tech Board for its creation. He said there was a hearing in the ongoing
41 Leandro case regarding school funding, and Judge David Lee said he was going to sign a new
42 order first year implementation plan, specifically targeting funds for at risk students, special
43 education, and limited English proficiency learners. He said funding for these students is
44 critical, especially during COVID.

45 Commissioner Marcoplos said he attended Orange County Transit Planning meetings
46 over the summer. He said there is an upcoming Community Engagement campaign, which will
47 be really interesting. He said he has also been involved with GoTriangle. He said commuter
48 rail will not be coming to Hillsborough, due to ridership and cost issues. He said negotiations
49 continue between NC Railroad and GoTriangle. He said there are new CEOs at North Carolina
50 Railroad and GoTriangle. He said he is optimistic that commuter rail will exist between Durham
51 and Raleigh.

1 Commissioner Marcoplos said the Orange County Climate Council has continued to
 2 meet over the summer, and will soon be announcing a one-year public event, which will occur in
 3 October. He said it has been a really good year, and it is inspiring to hear from people all
 4 across the County.

5 Chair Rich said it has been a really busy summer, especially surrounding the opening of
 6 the University of North Carolina (UNC).

7 Chair Rich said the North Carolina Housing Crescent Award went to Habitat. She said
 8 this was the first time Habitat has received an award for senior housing, and it used some of the
 9 2016 BOCC bond money.

10 Chair Rich said she sent the Board a copy of a draft letter to Attorney General (AG) Josh
 11 Stein in support of the postage service. She thanked Commissioner Dorosin for adding three
 12 paragraphs to the letter. She said she would like to send this to AG Stein, with the Board's
 13 approval, along with the NC Senators and Congressmen.

14 Chair Rich petitioned the Board to name the Whitted Meeting Room after Donna Baker.
 15 She said she received the naming policy from the Manager's Office, and this naming fits into
 16 that policy. She said former Commissioners have asked that, if this naming goes forward, the
 17 event be held live so that all can attend.

18 Chair Rich said she sent a resolution, for the Board to consider at its next meeting, to
 19 decriminalize marijuana.

20 21 **4. Proclamations/ Resolutions/ Special Presentations**

22 23 **a. Resolution Honoring and Remembering Donna Baker, Clerk to the Orange County** 24 **Board of Commissioners**

25 The Board considered voting to adopt a resolution honoring and remembering Donna
 26 Baker, Clerk to the Orange County Board of Commissioners.

27 28 **BACKGROUND:**

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

32
33 Donna graduated from high school in Georgetown, SC and subsequently from Clemson
 34 University with Honors in 1978. Ms. Baker built a lifelong career of community service from her
 35 early work with parents and children at The Ronald McDonald House of Chapel Hill, to positions
 36 with Georgetown, SC County Government, and her most recent position as Clerk to the Orange
 37 County Board of County Commissioners.

38
39 Donna was blessed with two children – Jeremy and CeCe – who are now older with families of
 40 their own. She was an accomplished learner and reader, and was also a true lover of animals,
 41 including adopting several rescue pets over time.

42
43 While she greatly loved Orange County, Donna also held a special place in her heart for the
 44 South Carolina beaches, especially the Georgetown/Pawley's Island area. She spent many
 45 years and vacations there enjoying the sea and surf.

46
47 Commissioner Dorosin read the resolution:

48
49 RES-2020-043

50
51 **ORANGE COUNTY BOARD OF COMMISSIONERS**

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

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

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

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

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

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

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

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

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

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

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

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

This the 1st day of September, 2020.

Penny Rich, Chair
Orange County Board of Commissioners

1 A motion was made by Commissioner Dorosin, seconded by Commissioner Price to
2 adopt the Resolution, and authorize the Board Chair to sign the Resolution.

3
4 Chair Rich asked Commissioners to accept a roll call form of voting and called names
5 accordingly.

6
7 **VOTE: UNANIMOUS**

8
9 **b. Resolution of Recognition for Judicial District 15-B Chief District Court Judge**
10 **Joseph Moody Buckner Upon His Retirement**

11 The Board considered voting to adopt a resolution recognizing Judicial District 15-B
12 Chief District Court Judge Joseph Moody Buckner upon his retirement.

13
14 **BACKGROUND:**

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

20
21 Judge Buckner also previously served as President of the N.C. Conference of District Court
22 Judges and Chief District Court Judges as well as serving as a member of the N.C. Governor's
23 Crime Commission and the Commission on Juvenile Crime.

24
25 Judge Buckner has served the residents of Orange and Chatham County tirelessly and with
26 distinction for close to 30 years as a district court judge, and announced over the summer his
27 retirement.

28
29 The following resolution was presented by BOCC Chair Penny Rich at Judge Buckner's
30 retirement event in late July 2020, and staff requests that the Board formally adopt the
31 resolution recognizing Judge Buckner for his service.

32
33 Chair Rich read the resolution:

34
35 RES-2020-044

36
37 **ORANGE COUNTY BOARD OF COMMISSIONERS**
38 **RESOLUTION OF RECOGNITION FOR JUDICIAL DISTRICT 15-B**
39 **CHIEF DISTRICT COURT JUDGE JOSEPH MOODY BUCKNER**
40 **UPON HIS RETIREMENT**

41
42 WHEREAS, Judge Joseph M. Buckner has served as the Chief District Court Judge in Orange
43 and Chatham counties since 1996, when he was appointed by the Chief Justice of the North
44 Carolina Supreme Court; and

45
46 WHEREAS, Judge Buckner has served as a district court judge since his election in 1994 and
47 has been re-elected by the residents of Orange and Chatham counties six more times; and

48
49 WHEREAS, Judge Buckner previously served as the President of the N.C.
50 Conference of District Court Judges and Chief District Court Judges as well serving as a
51 member of the N.C. Governor's Crime Commission and the Commission on Juvenile Crime; and

1
2 WHEREAS, Judge Buckner supervises the administration of more than 50,000 cases per year,
3 in addition to supervising the magistrates and the trial and judicial assignments for all the court
4 sessions; and

5
6 WHEREAS, Judge Buckner oversees the Clerk of Superior Court in the discharge of duties,
7 administers the drawing of jury panels, the setting of specialized court sessions including
8 criminal dockets, domestic issues, traffic, family violence, child support, mental health and
9 substance use commitments, juvenile delinquency, child abuse and neglect and felony pleas;
10 and

11
12 WHEREAS, Judge Buckner has been a champion for individuals with mental health and
13 substance use disorders in our community, and started North Carolina's first mental health
14 diversion court (Community Resource Court) over twenty years ago, with CRC remaining a
15 model for the state; and

16
17 WHEREAS, Judge Buckner started and has strongly supported the District's first
18 drug treatment courts: Recovery Court and Family Treatment Court; and

19
20 WHEREAS, Judge Buckner created and sought funding for a Juvenile Court School Liaison
21 position that operates to ensure communication and services by the school system for justice-
22 involved youth; and

23
24 WHEREAS, Judge Buckner has been a champion for individuals with mental health and
25 substance use disorders in our community, and started North Carolina's first mental health
26 diversion court (Community Resource Court) over twenty years ago, with CRC remaining a
27 model for the state; and

28
29 WHEREAS, Judge Buckner started and has strongly supported the District's first
30 drug treatment courts: Recovery Court and Family Treatment Court; and

31
32 WHEREAS, Judge Buckner created and sought funding for a Juvenile Court School Liaison
33 position that operates to ensure communication and services by the school system for justice-
34 involved youth; and

35
36 WHEREAS, Judge Buckner started weekly Child Planning Conferences for children and families
37 involved in abuse and neglect cases, which has improved outcomes by providing early
38 interventions; and

39
40 WHEREAS, Judge Buckner has initiated countless improvements, innovations and
41 reorganizations in the court system that have resulted in an increase in efficiency and just
42 resolutions; and

43
44 WHEREAS, in 2004, Judge Buckner commissioned a set of historical murals by
45 Michael Brown that grace the main courtroom in the Orange County Courthouse showcasing
46 Orange County history and informing and delighting visitors and court attendees; and

47
48 WHEREAS, Judge Buckner has served the residents of Orange and Chatham
49 County tirelessly and with distinction for close to 30 years as a district court judge, and his
50 compassion and experience have touched the lives of so many individuals that have appeared

1 before him and he has influenced and trained numerous people that work beside him in the
2 justice system;

3
4 NOW THEREFORE BE IT RESOLVED that the Orange County Board of
5 Commissioners expresses its congratulations upon Judge Buckner’s retirement and extends its
6 deepest appreciation, gratitude and respect for his leadership and service throughout the court
7 system for the residents of Orange County.

8
9 This the 1st day of September 2020.

10
11 _____
12 Penny Rich, Chair
13 Orange County Board of Commissioners

14
15 A motion was made by Commissioner McKee, seconded by Commissioner Price to
16 adopt the Resolution, and authorize the Board Chair to sign the Resolution.

17
18 Chair Rich asked Commissioners to accept a roll call form of voting and called names
19 accordingly.

20
21 **VOTE: UNANIMOUS**

22
23 **c. Proclamation Recognizing the Services and Contributions of Retiring Major David**
24 **Lewis Caldwell, Jr.**

25 The Board considered voting to approve a proclamation recognizing Retiring Major
26 David Lewis Caldwell, Jr. for his services to Orange County.

27 Sheriff Blackwood, in a pre-recorded video, made the following presentation.

28
29 **BACKGROUND:**

30 David Caldwell has been a lifelong resident of Orange County, a champion for environmental
31 justice, a career member of the Orange County Sheriff’s Office and a respected leader
32 throughout the Orange County community.

33
34 David Caldwell was one of the founding members and served on the Rogers-Eubanks
35 Neighborhood Association (RENA) as a Project Director.

36
37 David Caldwell retired from the Orange County Sheriff’s Office, for a second time, in 2020 as a
38 Major of Support Services and Community Outreach.

39
40 **ORANGE COUNTY BOARD OF COMMISSIONERS**
41 **PROCLAMATION RECOGNIZING THE SERVICES AND CONTRIBUTIONS**
42 **OF RETIRING MAJOR DAVID LEWIS CALDWELL, JR. OF THE**
43 **ORANGE COUNTY SHERIFF’S OFFICE**

44
45 **WHEREAS**, Major David Lewis Caldwell, Jr. is retiring from the Orange County Sheriff’s Office;
46 and

47
48 **WHEREAS**, David Caldwell grew up in the Rogers Road area on the outskirts of Chapel Hill;
49 and

50

1 **WHEREAS**, after graduating from Chapel Hill High School, Major Caldwell graduated from
2 North Carolina Central University on a basketball scholarship with a degree in Recreation
3 Administration; and
4

5 **WHEREAS**, Major Caldwell proudly served the United States Army as a Military Police Officer,
6 a Town of Carrboro as a Police Officer, and the residents of Orange County as a deputy sheriff
7 for a combined 40 years; and
8

9 **WHEREAS**, in 2008, David Caldwell retired the Orange County Sheriff's Office and worked with
10 Orange County Government supporting community centers focusing on minority and rural
11 outreach; and
12

13 **WHEREAS**, David returned to work for the Orange County Sheriff in 2016 as a Major in Support
14 Services, Community Outreach, retiring again in 2020; and
15

16 **WHEREAS**, in carrying out his law enforcement duties, Major Caldwell jeopardized his own
17 safety and well-being to protect the lives and property of others and represents the finest
18 example of dedication to public service; and
19

20 **WHEREAS**, Major Caldwell has, in his personal capacity, served as a leader in his community
21 fighting for the rights of those not in a position to fight for themselves; and
22

23 **WHEREAS**, David Caldwell was one of the founding members and served with the Rogers-
24 Eubanks Neighborhood Association (RENA) as a Project Director; and
25

26 **WHEREAS**, Major Caldwell has served as a mentor to the youth of the community by giving of
27 his time and money to develop and foster youth athletic, academic, and afterschool programs to
28 enhance their opportunities in life; and
29

30 **WHEREAS**, Major Caldwell has worked tirelessly in partnership with the Orange County
31 Department on Aging, S.A.L.T., and countless other volunteer organizations to make certain the
32 lives of the senior population of Orange County were afforded the opportunity to age in place
33 with dignity, respect, and care; and
34

35 **WHEREAS**, David Caldwell has been a lifelong resident of Orange County, a champion for
36 environmental justice, a career member of the Orange County Sheriff's Office and a respected
37 leader throughout the Orange County community;
38

39 **NOW, THEREFORE**, we, the Orange County Board of Commissioners, do hereby recognize the
40 contributions of Major David Lewis Caldwell, Jr. for his unwavering service to the people of
41 Orange County, and express our heartfelt appreciation and gratitude for his numerous and
42 invaluable contributions to the improvement and well-being of the Orange County community.
43

44 **FURTHERMORE**, the Orange County Board of Commissioners determines Major David Lewis
45 Caldwell, Jr. is authorized to possess, and presents him with, the side-arm he carried while
46 serving as a member of the Orange County Sheriff's Office.
47

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

1
2 This 1st day of September, 2020.

3
4

Penny Rich, Chair
5 Orange County Board of Commissioners

6
7 A motion was made by Commissioner Price, seconded by Commissioner Dorosin
8 to approve the Proclamation, authorize the transfer to Major Caldwell of his service side-arm,
9 and authorize the Board Chair to sign the Proclamation.

10
11 Chair Rich asked Commissioners to accept a roll call form of voting and called names
12 accordingly.

13
14 **VOTE: UNANIMOUS**

15
16 Sheriff Blackwood, in a pre-recorded video, presented Major David Caldwell with his
17 service weapon.

18 Major David Caldwell said it has been his pleasure to serve Orange County, and he will
19 continue to serve this county in the years to come. He thanked all those with whom he served.

20
21 **d. Resolution Celebrating the 55th Anniversary of the Voting Rights Act of 1965**

22
23 The Board considered voting to adopt a resolution celebrating the 55th Anniversary of the
24 passage of the Voting Rights Act of 1965, which occurred on August 6, 1965.

25 Annette Moore, Human Rights and Relations Director, made the following presentation:
26

27 **BACKGROUND:**

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

32
33 Congress enacted the Voting Rights Act to guarantee rights granted under the 14th and 15th
34 Amendments of the United States Constitution so that no one, including state, federal, or local
35 government, could stop citizens from registering to vote or voting because of their race or
36 ethnicity. The Voting Rights Act contains numerous provisions for regulating elections laws.
37 Regulations in the Act: a) prohibited tests and other devices that were used to keep people from
38 voting; b) prohibitions against voting laws that would discriminate against a racial or ethnical
39 minority; and c) included a preclearance requirement that prevented specific jurisdictions from
40 making changes to their voting laws without prior approval from the U.S Attorney General of the
41 U.S. District Court for the District of Columbia. There is also a provision specifically for ensuring
42 that jurisdictions having significant language minority population provide language access
43 services including providing bilingual ballots and other election materials.
44

45 In 2013, the United States Supreme Court in Shelby County v. Holder struck down Section 4 of
46 the Voting Rights Act of 1965, which contained the formula used to identify the state and local
47 governments that have to comply with the preclearance requirements. The Supreme Court,
48 while striking down the formula, left the preclearance requirement provision intact. Therefore,
49 none of the jurisdictions covered by the formula has to comply unless Congress enacts a new
50 formula to determine whom it covers.
51

1 The United States Department of Justice’s data indicates that from 1982 to 2006, 750 Section 5
 2 preclearance objections blocked approximately 2,400 discriminatory voting changes. Over half
 3 blocked more than 400 cases with specific evidence of intentional discrimination. Section 5 also
 4 deterred more than 205 voting changes were withdrawn after the Department of Justice
 5 requested additional information. The Department of Justice brought 650 successful lawsuits
 6 under Section 2 of the Voting Right Act in covered jurisdictions.

7
 8 Since *Shelby v. Holder*, many states have adopted restrictive voting laws that impact
 9 communities of color. These restrictions such as strict photo ID requirements, limitation on who
 10 can provide assistance in polling places, the curbing on early voting days, and closing of polling
 11 places has had the effect of suppressing the votes of people of color. Other measures include
 12 purging of voter rolls and drawing election districts to dilute the power of and influence of people
 13 of color.

14
 15 RES-2020-051

16 **ORANGE COUNTY BOARD OF COMMISSIONERS**
 17 **RESOLUTION**
 18 **Celebrating the 55th Anniversary of the Voting Rights Act**

19
 20 **WHEREAS**, on February 26, 1869, the United States Congress passed the Fifteenth
 21 Amendment to the United States Constitution and subsequently ratified the Amendment on
 22 February 3, 1870, to grant African American men the right to vote; and

23
 24 **WHEREAS**, African American males exercised the franchise and held political offices in many
 25 states, particularly Southern states, throughout the 1880s; and

26
 27 **WHEREAS**, in the 1890s, literacy tests, grandfather clauses and other devices to
 28 disenfranchise African American men were written into the constitutions of former Confederate
 29 states; and

30
 31 **WHEREAS**, with the passage of the Nineteenth Amendment, African American women were
 32 granted the right to vote along with white women; and

33
 34 **WHEREAS**, African Americans who attempted to register to vote experienced harassment,
 35 intimidation, economic reprisals, physical violence and murder, including by lynching; and

36
 37 **WHEREAS**, African American men and women nevertheless sought to secure their right to vote
 38 through such organizations as the National Association for the Advancement of Colored People
 39 and the National Urban League, as well as through the efforts of people such as A. Philip
 40 Randolph, W. E. B. Dubois, Booker T. Washington, Fannie Lou Hamer, Ella Baker and Septima
 41 Clark; and

42
 43 **WHEREAS**, in the 1960s, the widely broadcast irreprehensible violence against demonstrators
 44 brought heightened attention to the issue of voting rights – including the murders of Chaney,
 45 Goodman and Schwerner on June 21, 1964, and the attack on March 7, 1965, known as Bloody
 46 Sunday; and

47
 48 **WHEREAS**, on August 6, 1965, President Lyndon B. Johnson signed the Voting Rights Act, an
 49 “act to enforce the fifteenth amendment to the Constitution,” ninety-five years after it had been
 50 ratified; and

51

1 **WHEREAS**, the Voting Rights Act outlawed literacy tests and provided for the appointment of
 2 federal examiners with the power to register qualified citizens to vote in those jurisdictions
 3 covered according to a formula provided by the statute; and
 4

5 **WHEREAS**, Section 5 of the Act required covered jurisdictions to obtain preclearance from the
 6 District Court for the District of Columbia or the United States Attorney General for any new
 7 voting procedures and practices; and
 8

9 **WHEREAS**, Section 2 of the Act, closely following the language of the 15th Amendment, applied
 10 a nationwide prohibition on the denial or abridgement of the right to vote on account of race or
 11 color; and
 12

13 **WHEREAS**, by the end of 1965, a quarter of a million African Americans had registered as new
 14 voters, and by the end of 1966, four of the thirteen southern states had less than fifty percent of
 15 African Americans registered to vote; and
 16

17 **WHEREAS**, the Voting Rights Act of 1965 was extended in 1970, 1975 1982, and 2006, and
 18 efforts currently are underway to restore certain provisions of the Voting Rights Act;
 19

20 **NOW, THEREFORE, BE IT RESOLVED**, that the Orange County Board of Commissioners does
 21 hereby support the passage of the John R. Lewis Voting Rights Act of 2020 and hereby direct
 22 the Chair to have sent a copy of this Resolution and a letter to both North Carolina United
 23 States Senators encouraging them to support the passage of the John R. Lewis Voting Rights
 24 Act of 2020; and
 25

26 **BE IT FURTHER RESOLVED**, that the Orange County Board of Commissioners, on behalf of
 27 the people of Orange County, does hereby commemorate the fifty-fifth anniversary of the
 28 signing of the Voting Rights Act of 1965, and in so doing, acknowledge the sacrifices made in
 29 order to establish and maintain full and equal rights for all citizens of the United States.
 30

31 This the 1st day of September, 2020.
 32

33 _____
 34 Penny Rich, Chair
 35 Orange County Board of Commissioners

36 A motion was made by Commissioner Price, seconded by Commissioner Greene to
 37 approve the Resolution and authorize the Board Chair to sign the Proclamation.
 38

39 Chair Rich asked Commissioners to accept a roll call form of voting and called names
 40 accordingly.
 41

42 **VOTE: UNANIMOUS**
 43

44 **e. Orange County Preparedness Month Proclamation**

45 The Board considered voting to approve a proclamation declaring September 2020 as
 46 "Orange County Preparedness Month".

47 Dinah Jeffries, Emergency Services Director, said Kirby Saunders, Emergency
 48 Management Coordinator, is on parental leave

49 Sasha Godwin, Emergency Management Planner, was recognized

50 Sarah Pickhardt, Interim Emergency Management Coordinator, made the following
 51 presentation.

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BACKGROUND:

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

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

Sarah Pickhardt read the proclamation.

**ORANGE COUNTY BOARD OF COMMISSIONERS
PROCLAMATION**

**Orange County Preparedness Month
September 2020**

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

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

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

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

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

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

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

1
2 **NOW, THEREFORE**, we, the Orange County Board of County Commissioners, do hereby
3 declare September 2020 as "Orange County Preparedness Month."
4

5 This the 1st Day of September 2020.
6

7 _____
8 Penny Rich, Chair
9 Orange County Board of Commissioners

10 A motion was made by Commissioner Bedford, seconded by Commissioner Price to
11 approve the Proclamation and authorize the Board Chair to sign it.

12 Chair Rich asked Commissioners to accept a roll call form of voting and called names
13 accordingly.
14

15 **VOTE: UNANIMOUS**
16

17 **f. Update on COVID-19 Response and Funding Allocations**

18 The Board received an update on the County's response to the COVID-19 pandemic
19 with a focus on the use of supplemental State and Federal funding.
20

21 **BACKGROUND:**

22 Since March, all County operations have been adjusted in response to the COVID-19 pandemic.
23 County employees have been asked to work from home if possible, and those employees who
24 are reporting to a physical work location are providing services using new protocols and
25 procedures to minimize person to person contact and avoid potential exposure to COVID-19. A
26 summary of the current operational status for each County department is included as
27 Attachment 1.
28

29 The Health Department has guided the County's response efforts. At a policy level, the Health
30 Department has provided recommendations on local regulations, general public health
31 protocols, personal protective equipment, and re-opening strategies. At the clinical level, the
32 Health Department has executed communicable disease protocols and case investigations and
33 organized community testing events. The Department has led the County's public information
34 and education campaign by producing daily text messages and social media content,
35 maintaining a Countywide website and dashboard, and issuing weekly newsletters.
36

37 The Emergency Services Department has coordinated emergency support functions through the
38 Emergency Operations Center. The Emergency Operations Center (EOC) has been activated
39 on a continuous basis since March 9, 2020. The EOC has responded to over 1,012 resource
40 requests from municipal and community organizations and provided over 121,000 items.
41 Emergency Services has also facilitated daily briefings for key staff members, organized a multi-
42 jurisdictional information sharing meeting, and through the Emergency Support Functions, the
43 Department has supported direct services related to food distribution, community testing, hotel
44 occupancy for the homeless population, and continues to track, report, and request federal
45 reimbursement for related expenses through the Federal Emergency Management Agency
46 (FEMA).
47

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

1 19 related expenditures for which reimbursement is expected through the Federal Emergency
2 Management Agency (FEMA).

3 4 **CARES Act Funds Allocated by the County**

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

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

16 For the first round of funding, the Towns submitted requests for the use of funds to the
17 County. In general, approximately \$400,000 was used for emergency housing assistance,
18 \$600,000 was allocated to personal protective equipment, \$500,000 was allocated to personnel
19 expenses, and the remaining amount for technology to support remote working and economic
20 support to local businesses. For the second round of funding, municipalities are required to
21 report their use of funds to the County by the end of August.

22
23 Approximately \$1.4 million or 42% of the County's total CARES Act allocation is dedicated to
24 support housing needs and prevent evictions and foreclosures.

- 25 • Another \$1.2 million or 36% is being used to protect employees and facilitate remote work.
- 26 • The remaining funds are allocated to other services directly impacted by the pandemic
27 including: o Assisting residents who must navigate the Courthouse under new safety
28 protocols and access community services differently,
- 29 • Acquiring and distributing food, including locally raised dairy and produce products,
- 30 • Supporting childcare and reemployment services,
- 31 • Reimbursing the County for employee leave time taken by employees who are required to
32 isolate or quarantine,
- 33 • Reimagining and producing tourism and marketing materials in response to changing travel
34 restrictions and preferences,
- 35 • Supplementing the revaluation effort that was delayed during stay at home orders, and
- 36 • Funding consulting services to plan for the County's long term recovery and resiliency.

37 38 **COVID-19 Related Funds Awarded to Specific Programs**

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

- 42 • The Department on Aging received an additional \$200,000 from the Area Agency on Aging
43 for food distribution programs.
- 44 • The Board of Elections received \$153,766 to prepare for and respond to impact of COVID-
45 19 on the 2020 election cycle. These efforts include cleaning and sanitizing polling places
46 and supporting an anticipated increase in mail-in ballots.
- 47 • The Partnership to End Homelessness was awarded a COVID-19 Emergency Solutions
48 Grant to hire a 1.0 FTE Rapid Rehousing Case Manager to expedite permanent housing
49 solutions for residents who are homeless or in danger of becoming homeless. The grant
50 runs through June 30, 2022.

- 1 • The Partnership to End Homelessness and the Criminal Justice Resource Department were
2 awarded an additional COVID related Emergency Solutions Grant to implement a Harm
3 Reduction and Street Outreach program. These funds will support a 1.0 FTE Harm
4 Reduction Clinical Coordinator and 2.0 FTE Peer Specialists. These positions are designed
5 to serve individuals in the community who are experiencing homelessness and/or
6 behavioral health issues. The program is intended to increase access to housing, provide
7 consistent case management, address individual clinical needs, increase deflection from
8 the criminal justice system, and facilitate the transition into housing and community-based
9 treatment programs. This grant runs through June 30, 2022 and fills a long standing gap in
10 the homeless service system.
- 11 • The Department of Social Services received supplemental funding to support staffing needs
12 in child and adult protective services. This \$66,787 award adds 3.0 FTE for six months
13 ending on December 31, 2020.
- 14 • The Health Department has received a total of \$298,647 to hire additional case
15 investigators, COVID-19 testing technicians, and a temporary data analyst to monitor,
16 analyze, and report on COVID-19 statistics and trends.

17 **County Economic Development Funds**

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

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

27 **Long Term Recovery Planning**

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

39 The Recovery Support Functions had an initial orientation and convening over the
40 summer. These groups are now meeting individually. An economic impact assessment survey
41 has been distributed to the business community. This survey is open until the end of August. A
42 public values survey is currently under development and will be distributed in early September
43 that will offer additional community context for the work of the Recovery Support Functions. The
44 first work product, an initial COVID-19 Impact Assessment is due in the coming weeks. Final
45 work products, including recommendations, will be presented to local governing boards in early
46 2021.

47 **FINANCIAL IMPACT:**

1 The County has received a total of \$6.4 million in COVID-19 related funding as of the end of
2 August.

3
4 Quintana Stewart, Orange County Health Director, reported the following information:

- 5
- 6 • 2,305 confirmed lab cases as of today
- 7 • Actively monitoring 135 cases
- 8 • Total of 50 deaths
- 9 • As of 8/26 37,705 people tested (25% of County population)
- 10 • Percent Positive 12.4% last week, going down to 10% as of today. Goal is 5% or less.
- 11 • Orange County received additional testing from "Star Med," who is holding testing events
- 12 around the County.
- 13 • Plan to hosting testing events weekly in various locations.
- 14 • Plan to have a consistent test site in Hillsborough once a month
- 15 • Governor's briefing has changed these plans and 2 mass-event testing sites will be
- 16 required weekly.
- 17

18 Quintana Stewart said the CDC put out a new recommendation last week stating that
19 those asymptomatic people who have had close contact with a COVID positive patient, do not
20 need to be tested. She said Orange County is not adhering to that, and will continue to test
21 those who have been in close contact with a COVID positive patient, whether symptomatic or
22 asymptomatic.

23 Quintana Stewart summarized today's Governor's briefing: all are still safer at home, but
24 phase 2.5 will take effect on 9/4/20 at 5:00 p.m. She said many of the state percentages are
25 declining, but remain too high and the state will not yet enter into phase 3. She said the
26 Governor changed mass gathering limits: indoors is 25 (opposed to 10), and outdoors is 50
27 (opposed to 25). She said play grounds are now open; museums can open 50% capacity;
28 gyms, bowling allies may open at 50% capacity; and bars and night clubs, amusement parks will
29 still remain closed— large venues are still subject to the mass gathering limits. She said skilled
30 nursing homes and facilities can now have outdoor visitation, as long as the facility is not in a
31 current outbreak status, and has a testing plan in place.

32 Chair Rich said Orange County's order is slightly different from the Governor's order.
33 She said she spoke to the Mayors, and they will determine how closely to align to the
34 Governor's order. She said the goal is to align the order with the Governor's so it does not
35 confuse people, but tailgating is one area of concern.

36 Chair Rich said Orange County is one of the lowest in the state, and the return of the
37 UNC students caused a spike.

38 Commissioner Marcoplos thanked Quintana Stewart for her leadership and masterful
39 communication with UNC. He said she saved a lot of people from getting sick.

40 Commissioner McKee thanked Quintana Stewart for setting up a testing site at the
41 northern side of the County. He asked if the percentage rate was lower prior to UNC student
42 returning.

43 Quintana Stewart said confirmed cases were at 2.4% prior to the return of UNC
44 students.

45 Commissioner Price thanked Quintana Stewart and Chair Rich for all their work.

46 Commissioner Dorosin echoed everyone's high praise. He said he has heard concerns
47 about students whose homes are outside of Orange County and test positive, but are not
48 included in Orange County numbers. He asked if this is accurate, and will Orange County know
49 of these numbers, especially if students are remain here in off campus housing.

1 Quintana Stewart said initial student test results go to their home county. She said all
 2 students signed an agreement, prior to returning to school, that they would report their cases to
 3 Campus Health. She said students have cooperated. She said the Health Department gets the
 4 numbers from campus health first, and does also eventually get the numbers transferred back
 5 from the home county.

6 Commissioner Dorosin asked if a student lives off campus in Carrboro, is that the same
 7 process. He asked if the result would go to Duplin County, for example, and then be sent back
 8 to Orange County.

9 Quintana Stewart said possibly. She said most students that live off campus will list their
 10 local off campus address as their residence. She said the bulk of the students whose results
 11 are going back to their home county are undergraduates.

12 Commissioner Dorosin asked if the daily totals are regularly updated to included even
 13 those students whose results are initially sent to an alternate home county.

14 Quintana Stewart said yes.

15 Chair Rich said this is a great question, and sometimes numbers do not align, and this is
 16 the reason why.

17 Commissioner Greene asked if on campus students' results are counted in Orange
 18 County numbers.

19 Quintana Stewart said yes, it shows up on the UNC dashboard immediately, and will
 20 eventually show up as an Orange County positive.

21 Commissioner Marcoplos asked if the Health Department had considered holding a
 22 testing event in the White Cross area (southwest rural part of the County).

23 Chair Rich thanked Quintana Stewart for the update.

24 Travis Myren made the following PowerPoint presentation:
 25



26
27

Summary of CARES Act Funds

- Corona Virus Aid, Relief, and Economic Security Act (CARES Act)
 - Federal funds distributed to States
 - North Carolina distributed funds to Counties based on population
- Orange County Distribution
 - 50% Retained by Orange County
 - 42% Distributed to Towns

	Round 1	Round 2	Total	% of Total
Orange County	\$ 1,546,136	\$ 1,671,306	\$ 3,217,472	50%
Chapel Hill	\$ 746,411	\$ 806,851	\$ 1,553,262	24%
Carrboro	\$ 266,975	\$ 281,161	\$ 548,136	9%
Hillsborough	\$ 79,973	\$ 86,443	\$ 166,421	3%
Wake	\$ 26,650	\$ 28,816	\$ 55,474	1%
TOTAL	\$ 2,666,145	\$ 2,874,583	\$ 5,540,728	100%

28
29

Building Modifications, Signage, Sanitation

- Total Allocation - \$580,000
 - Barriers at Public Counters
 - Signage for all County Facilities
 - Sanitation of Voting Precincts - \$190,000
 - Water Fountain Faucets to Fill Cups and Bottles
 - HVAC Ionization & Air Scrubbers - \$58,000



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Building Modifications, Signage, Sanitation

- Justice Center



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4

Building Modifications, Signage, Sanitation

- Planning and Inspections



5

5
6

Building Modifications, Signage, Sanitation

- Signage



6

7
8

Employee Support

- Total Allocation - \$503,143
 - Personal Protective Equipment (PPE)
 - Barriers and Non-essential Staff
 - Masks, Gloves, Sanitizer, Tools, Face Shields
 - Disinfection Supplies and Equipment
 - 350 County employees working remotely
 - Laptops
 - Monitors
 - Printers
 - Hot Spots
 - IP Phone Solutions to Answer Desk Phone
 - Furlough and Layoff Prevention
 - HR Services Incentives
 - \$112,028 Remittance Payroll Expense



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Employee Support

- Reimbursement for Mandatory Quarantine and Isolation
 - 30 Employees impacted
 - \$5,700 Reimbursement Payroll Expense
- Supplemental Reevaluation Staffing
 - Payroll support during State at-home Order
 - \$60,000 for Temporary Staffing



3
4

Court Navigation

- Court Navigator in Criminal Justice Resource Department
 - New process for proper access/needs
 - New ways to access crisis and community resources
- Examples of Work
 - Worked with the Clerk of Court to set up a Resource Library in the Courthouse
 - Set up COVID safe and clean supplies (hand sanitizer, etc.) in the courtroom for use by state offenders and individuals coming to court
 - Installed Bulletin Board/Calendar/Calendar for hearing in Sheriff's Court
 - Assists Public Defense clients with virtual linkages with their attorney
 - Help court attorneys connect on video hearings
 - Set up COVID and Census signage in the courthouse



5
6

Human Services

- Food Acquisition and Distribution - \$106,000
 - Food Distribution from a variety of sources - OMBL, Food Bank, FEMA
 - Locally Sourced, Fresh Food
- Reemployment Services - \$50,000
 - Transportation (uber, Lyft)
 - Car Rentals
 - Uniforms
- Child Welfare and Adult Support - \$75,000
 - Housing assistance
 - Cleaning Supplies
 - Diapers
 - Initial Equipment for Seniors - thermoses, pulse oximeters



7
8

Housing

- 42% of Total County Funds Allocated to Housing Interventions
 - Emergency Housing Assistance \$1,253,736
 - Landlord Incentives \$50,000
 - Legal Counsel for Eviction Prevention \$115,590

Centralized Housing Helpline Calls and Emails by Month



Month	Calls and Emails
April	242
May	726
June	1,196
July	1,376

- Countywide Program Administration
- Towns Contributing ~ \$47,000 for Administration

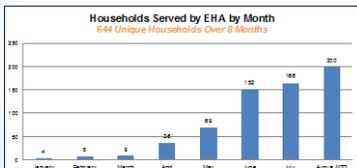


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10

Emergency Housing Assistance

- Unique Households Served

Households Served by EHA by Month
644 Unique Households Over 8 Months

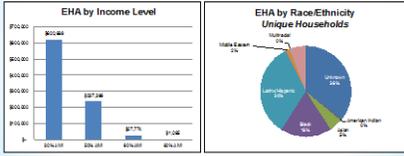


Month	Households Served
January	4
February	6
March	3
April	26
May	63
June	132
July	168
August	203



Emergency Housing Assistance

- Income and Demographics of Households Served



13



1
2

Emergency Housing Assistance

- Amount of Assistance by Month



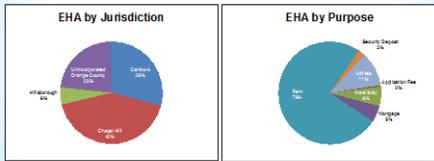
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3
4

Emergency Housing Assistance

- Amount of Assistance by Location and Purpose



15



5
6

Long Term Recovery Planning

- How Does the Community Recover, Transform, and Thrive?

- Funded through Multijurisdictional Partnership - \$175,000
 - Per Capita Allocation
 - County's Share - \$101,500
- Communitywide Participation
 - 150 Community Members and Organizations Represented
 - Organized in Recovery Support Functions
 - Economic, Health, Human Services, Housing, Cultural/Natural Resources, Community Planning, Public Information
- Social Justice and Racial Equity Focus
 - GARE Team Members Represented on Each Recovery Support Function

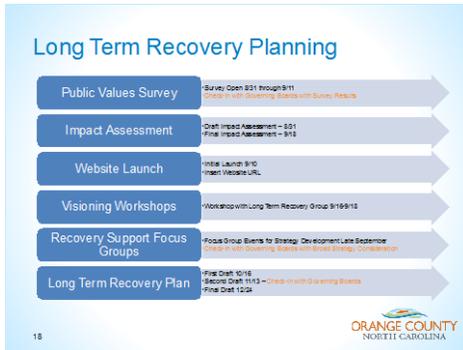
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7
8



1
2



3
4
5

6 Commissioner Price stated her questions were in a different report. She asked if the
7 Meals on Wheels program is taking care of any gaps within food distribution.

8 Travis Myren said yes, Meals on Wheels has been very active.

9 Commissioner Price referred to housing community and development, and said the link
10 is rather indirect. She asked if staff would look into this.

11 Travis Myren said yes.

12 Commissioner Dorosin referred to page 22 (electronic version), under the County
13 Economic Development Funds, and said there is a balance of ~\$325,000 in Emergency Loans
14 and Grants program. He asked if the plan is to give those funds out, continuing on a rolling
15 basis. He asked if these funds are being publicized.

16 Travis Myren said the County is distributing the funds in rounds, and has already gone
17 through two rounds. He said a third round would have to be opened to distribute more funds.
18 He said, of the remaining balance, \$50,000 is recommended to fund an Arts support program,
19 since they did not apply for the small business grants program. He said the Economic Impact
20 survey has been distributed to the private sector, and about 300 responses have been received.
21 He said staff recommends using this data to create and execute a round 3 distribution.

22 Commissioner Dorosin encouraged the County to keep moving forward and get the
23 funds into people's hands as quickly as possible.

24 Commissioner Dorosin said the report notes a plan to use \$175,000 to hire a consultant
25 to help with long term recovery plans, but this evening's presentation intimated that these funds
26 would be used for the actual recovery process. He asked if staff could clarify, as the County
27 has a recovery coordinator.

28 Travis Myren said the County does not have a recovery coordinator, and these funds
29 have been used to hire Haggerty Consulting to project manage the recovery support functions.
30 He said this consultant will serve in the long term recovery coordinator position.

31 Commissioner Dorosin pointed out a line item that has ~\$105,000 allocated to a
32 recovery coordinator.

1 Travis Myren said this is one and the same with the Consulting firm, and he apologized
 2 for the confusion. He said the County has paid ~\$105,000 towards the total \$175,000 and the
 3 Towns will pay the balance.

4
 5 **5. Public Hearings**

6
 7 **a. NCDOT Public Transportation Division/Public Transportation – 5307 Urbanized**
 8 **Area Formula Grant Applications for FY2021**

9 The Board held a public hearing on the North Carolina Urbanized Area Formula grant
 10 application by Orange County Transportation Services (OCTS) for FY2021. In addition, the
 11 Board considered to:

- 12 • Approve the grant application which includes the resolution previously adopted by the
 13 Board authorizing the applicant to enter into an agreement with the North Carolina
 14 Department of Transportation (NCDOT); and
- 15 • Authorize the County Attorney to review and complete the necessary 2021 certifications
 16 and assurances when they are received (2020 versions attached as examples).

17
 18 Theo Letman, Transportation Services Director, reviewed the following information:

19
 20 **BACKGROUND:**

21 Each year, the NCDOT Public Transportation Division accepts requests for operations and
 22 administrative needs for county-operated Urbanized Area Formula Grant applications. OCTS is
 23 eligible to make an application for both operations and administrative funding. NCDOT has
 24 allotted \$580,654 in funds, to be divided between State funding of \$290,327 and local funding of
 25 \$290,327. Article 43 Transit Tax proceeds will cover the required local match, and will propose
 26 the allocation of these funds in a future Budget Amendment for consideration by the Board of
 27 Commissioners.

28
 29 Commissioner Price asked if the Department of Transportation (DOT) allotted \$580,654,
 30 with the State giving half and the County giving half. She asked if clarification could be
 31 provided.

32 Theo Letman said the total grant application amount is \$580,654, with 50% coming from
 33 Federal funds, and 50% coming from State/local funds.

34
 35 A motion was made by Commissioner Price, seconded by Commissioner Bedford, to
 36 open the public hearing.

37
 38 Chair Rich asked Commissioners to accept a roll call form of voting and called names
 39 accordingly.

40
 41 **VOTE: UNANIMOUS**

42
 43 **PUBLIC COMMENT:**
 44 **NONE**

45
 46 A motion was made by Commissioner McKee, seconded by Commissioner Greene to
 47 close the public hearing.

48
 49 Chair Rich asked Commissioners to accept a roll call form of voting and called names
 50 accordingly.

51

1 **VOTE: UNANIMOUS**

2
3 A motion was made by Commissioner McKee, seconded by Commissioner Bedford to:

- 4
5 • Approve the Urbanized Area Formula Grant application for FY2021 in the total amount of
6 \$580,654 with a local match total of \$290,327 to be provided when necessary;
7 • Approve and authorize the Chair to sign the Local Share Certification for Funding form;
8 and
9 • Authorize the County Attorney to review and complete the necessary 2021 certifications
10 and assurances when they are received (2020 versions attached as examples).

11
12 **VOTE: UNANIMOUS**

13
14 **6. Regular Agenda**

15
16 **a. Unified Development Ordinance (UDO) Text Amendments – Clarification of**
17 **Setbacks from the West Fork on the Eno Reservoir**

18
19 The Board considered receiving the Planning Board recommendation and prior public
20 comment, and consider action on Planning Director initiated Unified Development Ordinance
21 (UDO) text amendments revising/updating existing guidelines associated with the enforcement
22 of reservoir setbacks for structures and septic systems.

23
24 **NOTE:** This item was continued on April 7, 2020 to this date due to COVID. Staff (including the
25 Planning Director) provided requested information to BOCC within a few weeks of the original
26 item to clarify the amendment. Specifically, the amendment seeks to establish the effective date
27 for the expansion of the West Fork on the Eno reservoir. If approved, the amendment will create
28 an exemption for parcels and development (i.e. structures and septic systems) established prior
29 to the creation/expansion of the reservoir, specifically February 12, 1997.

30
31 The amendment also updates existing references to the final normal pool elevation (NPE) of the
32 reservoir, which according to the Town of Hillsborough is going to be 642 feet. In the summer of
33 2019, the Town indicated the NPE for the reservoir was going to be 643.9 feet and staff
34 proceeded with an amendment based on this information. After being notified of the updated
35 NPE, the amendment now references a NPE of 642 feet.

36
37 Craig Benedict, Planning Director, and Michael Harvey, Current Planning and Zoning
38 Supervisor, made the following presentation.

39
40 **BACKGROUND:**

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

45
46 Section 4.2.2, specifically subsections (F) through (I), of the UDO establishes the applicability of
47 watershed protection standards including establishing criteria defining those properties
48 (developed and undeveloped) considered to be 'grandfathered' with respect to applicable buffer
49 (i.e. stream and reservoir) standards.

50

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

4
5 Work was broken down into two phases, with Phase 1 including the Town purchasing property
6 to expand the reservoir. The final boundary of the reservoir was established on February 11,
7 1997 with the recording of plats within the Orange County Registrar of Deeds Office denoting
8 the Town's purchase of property along the West Fork of the Eno. Attachment 1 contains maps
9 of the existing reservoir boundary, based on 2017 aerial photographic data, denoting the
10 aforementioned 150 ft. (structure) and 300 ft. (septic) setback areas.

11
12 Phase 2 of the project involves the actual clearing of property and expanding the existing NPE
13 of the reservoir. The Town has already begun Phase 2 of the project, including land clearing
14 and increasing the elevation of the dam.

15
16 While the Town purchased sufficient property to accommodate the approved expansion of the
17 actual reservoir, the required reservoir setback could still potentially impact adjacent parcels of
18 property. Adjacent property owners have expressed concern the UDO does not specifically
19 reference the expansion of the reservoir, thereby making their properties potentially
20 nonconforming to applicable watershed management regulations (i.e. required reservoir
21 setbacks).

22
23 In an effort to address this concern, staff proposed a text amendment (Attachment 6) to
24 reference the expansion of the West Fork on the Eno from the date the Town secured property
25 allowing for the approved expansion. In consultation with the County Attorney's Office, staff has
26 determined this date is February 12, 1997. While property owners are still required to abide by
27 applicable setbacks per Section(s) 4.2.9 and 6.13.4 of the UDO, owners will have greater
28 latitude in demonstrating compliance with applicable standards. This amendment will not
29 necessarily allow for additional development of structures closer to the actual reservoir. It will,
30 however, recognize the conforming status of existing development and not arbitrarily make
31 same non-conforming. The status can be important with respect to property transactions and
32 mortgage applications.

33
34 This proposal was reviewed at the November 6, 2019 Ordinance Review Committee (ORC)
35 meeting. Notes from this meeting are contained within Attachment 2.

36
37 Analysis: As required under Section 2.8.5 of the UDO, the Planning Director is required to: '*...
38 cause an analysis to be made of the application and, based upon that analysis, prepare a
39 recommendation for consideration by the Planning Board and the Board of County
40 Commissioners*'. The amendments are necessary to address current inconsistencies within the
41 UDO relating to the definition of what constitutes 'existing lots' and/or 'existing development'
42 with respect to compliance with applicable reservoir setbacks. This amendment should likely
43 have been completed in 1997 when the Town was purchasing property to establish the
44 reservoir.

45
46 Planning Board Recommendation: At its February 5, 2020 regular meeting, the Planning Board
47 voted unanimously to recommend **approval** of the Statement of Consistency and the proposed
48 UDO Text Amendment. Excerpts of the minutes from this meeting, as well as the Planning
49 Board's signed Statement of Consistency, are included in Attachment 3.

50

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

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

8
 9 Planning Director Recommendation: The Planning Director recommends approval of the
 10 Statement of Consistency, as contained in Attachment 5, and the UDO Text Amendment, as
 11 contained within Attachment 6.

12
 13 As a reminder, staff was directed to provide additional information related to development
 14 opportunities and constraints for a parcel of property located at 2520 Carr Store Road (PIN
 15 9848-51-5777) owned by Mr. Robert Bush and Ms. Tabettha Trogon. This information, supplied
 16 at the original public hearing, is contained within Attachment 8.

17
 18 **FINANCIAL IMPACT:**

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

22
 23 Commissioner Dorosin referred to page 11 in the electronic documents, and asked if the
 24 difference between 4.2.2.f (regarding existing developments) and 4.2.2.i. (regarding existing
 25 lots) could be clarified.

26 Craig Benedict said one has to do with a lot that was created, and does not need a
 27 house at all. He said "existing lot" has to do with a lot of record, which has abilities to be
 28 developed at a later time. He said, "existing development" does have a house on the land, and
 29 what can be done with it (expansion, additional bedroom, etc.).

30 Commissioner Dorosin asked if the February 1997 date applies to both.

31 Craig Benedict said yes.

32 Commissioner Greene said she was one of the Commissioners that was not ready to
 33 vote last time, but she is now satisfied that all is fine.

34
 35 A motion was made by Commissioner Greene, seconded by Commissioner McKee to
 36 approve the Statement of Consistency (Attachment 5) and the UDO Text Amendment
 37 (Attachment 6).

38
 39 Chair Rich asked Commissioners to accept a roll call form of voting and called names
 40 accordingly.

41
 42 **VOTE: UNANIMOUS**

43
 44 **b. Resolution to Adopt Juneteenth as a County Holiday**

45
 46 The Board considered voting to adopt Juneteenth as a paid holiday for Orange County
 47 Government thus providing an opportunity to cherish freedom, but also poignantly acknowledge
 48 the history of slavery in the country.

49
 50 **BACKGROUND:**

1 Many people in the United States recognize Juneteenth as the holiday that celebrates
 2 Emancipation Day, the day in history when the last state ratified the Emancipation Proclamation.
 3 This date marks the time when African Americans in Texas received notice from President
 4 Abraham Lincoln that slavery had been abolished, a declaration that was codified in the 13th
 5 Amendment of the Constitution of the United States of America. June 19th also marks the day
 6 that African Americans in the southern states exercised independence from those who
 7 benefitted from their labors in the founding of this nation.

8
 9 The journey of African Americans represents both great achievements and great hardship, and
 10 the nation continues to witness the injustice of the African American journey. This injustice has
 11 existed far too long. This Juneteenth celebration weighs heavily on hearts and minds in the
 12 aftermath of the murder of George Floyd in 2020, and is a reminder of others who have not
 13 been treated equally under the law.

14
 15 The Governor of the State of North Carolina encourages people to observe Juneteenth as an
 16 opportunity to reflect, rejoice, and plan for a brighter future as society continues to address
 17 racial injustices. Juneteenth is not a federal holiday, but many states and the District of
 18 Columbia recognize it as a state or ceremonial holiday.

19
 20 Juneteenth will be observed on June 19th each year. If June 19th falls on a Saturday, the holiday
 21 will be observed on Friday, June 18th, and if June 19th falls on a Sunday, the holiday will be
 22 observed on June 20th.

23
 24 **FINANCIAL IMPACT:**

25 The total annual cost for FY2020-2021 for permanent salaries, social security, Medicare and
 26 retirement is \$63,733,708. A daily cost of \$245,129. The financial impact of adding an extra
 27 holiday (changing from a regular workday to a holiday) is on average approximately \$61,000.

28
 29 Commissioner Price read the resolution:

30
 31 RES-2020-045

32
 33 **ORANGE COUNTY BOARD OF COMMISSIONERS**
 34 **RESOLUTION DESIGNATING JUNETEENTH AS AN**
 35 **OFFICIAL COUNTY PAID HOLIDAY**

36
 37 WHEREAS, on January 1, 1863, President Abraham Lincoln issued the Emancipation
 38 Proclamation, a document that declared: "all persons held as slaves within any State or
 39 designated part of a State, the people whereof shall then be in rebellion against the United
 40 States, shall be then, thenceforward, and forever free;" and

41
 42 WHEREAS, the Emancipation Proclamation, primarily a wartime measure, intentionally
 43 excluded people in the slave-holding border-states and the areas of the Confederacy that
 44 already had come under Union control; and

45
 46 WHEREAS, on April 9, 1865, General Robert E. Lee surrendered to United States General
 47 Ulysses S. Grant at the Appomattox Court House in Virginia, and on April 26, 1865, US Major-
 48 General W. T. Sherman and General Joseph E. Johnston finalized the terms of surrender at the
 49 Bennett Farm House in Orange County [now Durham]; and
 50

1 WHEREAS, on June 10, 1865, Major General Gordon Granger was given command of the
2 Department of Texas, and on June 19, 1865, two and one-half years after the signing of the
3 Emancipation Proclamation, the Union soldiers led by Major General Granger arrived at
4 Galveston, Texas with the long-awaited news that the Civil War had ended and that enslaved
5 people were now free; and
6

7 WHEREAS, upon his arrival in Galveston, Major General Granger read General Order Number
8 3, which began: "The people of Texas are informed that in accordance with a Proclamation from
9 the Executive of the United States, all slaves are free. This involves an absolute equality of
10 rights and rights of property between former masters and slaves, and the connection heretofore
11 existing between them becomes that between employer and free laborer"; and
12

13 WHEREAS, Juneteenth – also known as Freedom Day, Jubilee Day, Liberation Day, and
14 Emancipation Day – has become a special day among African Americans to celebrate the day
15 when all the enslaved sons and daughters of Africa in America realized their freedom; and
16

17 WHEREAS, only the State of Texas currently recognizes Juneteenth as an official state holiday;
18 and
19

20 WHEREAS, in June 2010, Governor Beverly Eaves Perdue proclaimed the observance of
21 Juneteenth in North Carolina, and on June 19, 2020, Governor Roy Cooper proclaimed
22 Juneteenth Day in North Carolina; and
23

24 WHEREAS, members of the United States Congress, including Senator Kamala Harris of
25 California and Senator Cory Booker of New Jersey, recently have introduced legislation to
26 recognize Juneteenth as a federal holiday;
27

28 NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of
29 Commissioners hereby designates Juneteenth as an official County paid holiday, thus providing
30 the opportunity for employees and the community-at large to join together with the descendants
31 of enslaved Africans to observe the end of slavery and the liberation of all people in the United
32 States of America; and
33

34 BE IT FURTHER RESOLVED, that the Orange County Board of Commissioners urges state
35 and federal legislators to sponsor legislation making Juneteenth an official state and federal
36 holiday; and
37

38 BE IT MOREOVER RESOLVED, that the Orange County Board of Commissioners directs the
39 Clerk to the Board's Office to forward a copy of this resolution to the Chapel Hill Town Council,
40 the Carrboro Town Council, the Hillsborough Board of Commissioners, the Chapel Hill Carrboro
41 City Schools Board of Education, and the Orange County Schools Board of Education.
42

43 This, the 1st Day of September 2020.
44

45 _____
46 Penny Rich, Chair
47 Orange County Board of Commissioners

48 A motion was made by Commissioner Price, seconded by Commissioner Dorosin to
49 approve and authorize the Chair to sign the proposed Resolution recognizing June 19,
50 Juneteenth, as a paid holiday for Orange County government employees effective upon

1 approval by the Board, and approve the attached revision to Article IV – Employee Benefits
2 Section 28-33 – Holidays and Holiday Pay of the Orange County Code of Ordinances.

3
4 Chair Rich requested that the Board send this item to all County Clerks in North
5 Carolina.

6 Commissioner Marcoplos requested that a copy be sent to the City of Mebane.

7 Chair Rich asked Commissioners to accept a roll call form of voting and called names
8 accordingly.

9
10 **VOTE: UNANIMOUS**

11
12 Travis Myren requested that the Board specifically authorize the approval of the code of
13 ordinances for employees.

14
15 A motion was made by Commissioner Greene, seconded by Commissioner Price to
16 approve the attached revision to Article IV – Employee Benefits Section 28-33 – Holidays and
17 Holiday Pay of the Orange County Code of Ordinances.

18
19 Chair Rich asked Commissioners to accept a roll call form of voting and called names
20 accordingly.

21
22 **VOTE: UNANIMOUS**

23
24 **c. Veterans Memorial Construction Approval**

25 The Board considered reviewing and approving the certified budget and project design
26 for Phase II of the Veterans Memorial project at the Southern Campus; authorize construction of
27 the project; authorize the County Manager to sign the construction contract and any
28 amendments/change orders up to the \$137,542 budgeted amount; and review and authorize the
29 County Manager to sign the Ownership, Operations and Maintenance Agreement.

30 Steve Arndt, Asset Management Director, reviewed the following information:

31
32 **BACKGROUND:** Over the past several years, interested Orange County residents and
33 supporters have organized in an effort to raise funds for the construction of a Veterans Memorial
34 to honor the contributions and service of Orange County military veterans.

35
36 At the May 5, 2015 Board of County Commissioners Business meeting, the board voted to:

37 1) Approve the site for a Veterans Memorial on the former Hoyle home site at the Southern
38 campus.

39 2) Authorize the Manager and staff to participate in the ongoing project planning process.

40 3) Reserve the right of final construction approval contingent upon Board approval of:

41 a) Ownership of the Memorial

42 b) Design

43 c) Budget and certification of adequate development and construction funds raised; and

44 d) Ongoing operations and maintenance agreement for the Memorial.

45
46 Phase I of the project was completed in 2016 at a cost of \$13,000. It was comprised of an
47 information kiosk, gravel path and a temporary, telescoping flag pole.

48
49 Over the past five years, fundraising efforts have progressed and funds accumulated now total
50 \$137,542. Attachment 1 provides a certification of adequate development and construction
51 funds.

1 Swanson & Associates, a local Landscape Architecture firm, prepared design drawings for a
 2 flagpole, concrete and stone plaza and stone bench that would comprise Phase II of the
 3 memorial. Attachment 2 provides an overview of the design.
 4

5 The project was placed out to bid in early October 2019 and bids were opened on October 15,
 6 2019. Unfortunately, the apparent low bid received was \$232,425. Subsequent value
 7 engineering efforts failed to reconcile the difference between available funding and the
 8 scope/cost of work. The architect then revised the design and on April 30, 2020, obtained two
 9 additional quotes with the low bidder, Custom Stone NC provided a quote of \$98,000. The
 10 architect received a separate quote of \$10,000 for associated electrical lighting.
 11

12 Attachment 3 is an agreement for the Ownership, Operations and Maintenance of the Veterans
 13 Memorial. The agreement stipulates that upon completion of construction, the Memorial will
 14 become the property of Orange County and the County will be responsible for operations and
 15 maintenance of the Memorial and surrounding site. The agreement also requires the Orange
 16 County Veterans Memorial, Inc. to provide Orange County with \$500/year for ongoing
 17 maintenance and upkeep of the Memorial.
 18

19 Bruce Runberg, Veterans' Memorial Co-Chair, said this has been a wonderful
 20 partnership. He said the contractor has proposed a very reasonable fee for the project, and the
 21 committee is eager to proceed. He said the site will be beautiful, and he thanked the
 22 Commissioners for their support.
 23

24 A motion was made by Commissioner Price, seconded by Commissioner Bedford to:
 25

- 26 1) Approve the certified budget and project design (Attachment 2) for Phase II
 27 of the Veterans Memorial project at the Southern Campus;
- 28 2) Authorize construction of the project, and authorize the County Manager to sign the
 29 construction contract and any amendments/change orders up to the \$137,542 budgeted
 30 amount; and
- 31 3) Authorize the County Manager to sign the Ownership, Operations and
 32 Maintenance Agreement (Attachment 3).
 33

34 Chair Rich asked Commissioners to accept a roll call form of voting and called names
 35 accordingly.
 36

37 **VOTE: UNANIMOUS**
 38

39 Commissioner Greene thanked Bruce Runberg and James Merritt for their ongoing time
 40 and investment in this project.
 41

42 **d. Discussion Regarding the Recital of the Pledge of Allegiance at Board of**
 43 **Commissioners' Meetings**

44 The Board considered the recital of the Pledge of allegiance at Board of County
 45 Commissioners' meetings.

46 Bonnie Hammersley reviewed the following information:
 47

48 **BACKGROUND:**

49 The Board of Commissioners has previously received petitions requesting that the Board
 50 consider reciting the Pledge of Allegiance at all Board meetings. This item responds to those

1 requests and gives Board members an opportunity to discuss the potential recital of the Pledge
2 at meetings.

3
4 If the Board determines to move forward with reciting the Pledge at some or all meetings, staff
5 will incorporate the Pledge recital into future meeting agendas as appropriate and will also draft
6 an amendment to the Board's Rules of Procedure, to be considered at a future meeting, to
7 formalize the practice.

8
9 **RECOMMENDATION(S):**

10 The Manager recommends that the Board discuss the potential recital of the Pledge of
11 Allegiance at Board of Commissioners' meetings and provide any direction to staff as
12 appropriate.

13
14 **PUBLIC COMMENT:**

15 Riley Ruske read the following comments:

16 Human beings are imperfect, and thus their actions are imperfect; however human
17 beings of goodwill and character can achieve great things. 244 years ago, an imperfect, but
18 courageous, group of men announced the declaration of independence. This started the
19 journey of the creation of a great nation. 232 years ago that declaration resulted in the
20 ratification of the Constitution of the United States, and 229 years ago that resulted in the first
21 10 amendments to the constitution. The continued existence of this nation depends on the
22 commitment of its citizens to protect and preserve it, and the foundations upon which it stands,
23 while also constantly working together to improve it. If our citizens no longer fulfill this civic duty,
24 our nation will flounder and eventually dissolve, as have so many nations throughout history. It
25 is therefore helpful to continually remind our citizens and government officials of that essential
26 duty. 78 years ago the US Congress adopted the pledge of allegiance. One year ago the
27 BOCC was petitioned to recite the pledge of allegiance at every one of its meetings. The words
28 of the pledge not only remind our citizens and government officials of a civic duty of allegiance,
29 but also remind us of the aspiration of achieving liberty and justice for all. The meetings of the
30 BOCC are part of their duty to protect and preserve our nation and its foundations. The
31 Commissioners' oath of office requires an affirmation of, "that I will support and maintain the
32 constitution and laws of the United States." In fulfilling that oath, it is appropriate that
33 Commissioners and citizens, present at those meetings, recite the pledge of allegiance. Let's
34 start today.

35 Commissioner McKee said he put forth the petition to have this discussion, and he has a
36 prepared motion to present, or the BOCC can have a general conversation.

37 The Board agreed to hear the motion.

38
39 A motion was made by Commissioner McKee, seconded by Commissioner Greene to
40 open the first calendar meeting of the year, usually in late January; the last meeting before the
41 summer break (mid-June); the first meeting of the fall term (early September), and the
42 organization meeting (early December) with an invitation for the Commissioners and the
43 members of the public in attendance to join in the recitation of the pledge of allegiance, should
44 they so choose. If approved, this practice would begin after the BOCC discontinues virtual
45 meetings.

46
47 Commissioner Dorosin asked if the motion is to recite the pledge four times a year,
48 because he does not think the BOCC holds an organizational meeting each year, rather only
49 does so after an election.

50 Commissioner McKee said the organizational meeting does occur every year.

1 Commissioner McKee said yes, he would like to recite the pledge four times a year. He
2 said he sees no need to do so at every meeting, but he feels blessed to live here, and it seems
3 appropriate to recite the pledge to mark the beginning and end of the BOCC seasons

4 Commissioner Greene said she supports this motion, and she has been considering that
5 democracy is at risk currently, and it is important to remember the foundation of the nation. She
6 said the history of the pledge goes back over 100 years, and was started to teach school
7 children the importance of liberty and justice for all. She said she is gratified to have learned the
8 history of the pledge. She said Commissioner McKee's motion is more than reasonable.

9 Commissioner Marcoplos said his perspective is different, and he sees this as a divisive
10 power play to get the BOCC to recite the pledge. He said the BOCC works on real issues that
11 will affect those in the future. He said there is no need to say a few words to communicate any
12 patriotism, or wear it on one's sleeve, as actions speak much louder. He said this seems like
13 theatre to him, and the BOCC expresses its patriotism in its very service. He said it is time to
14 move on.

15 Commissioner McKee said wearing patriotism on one's sleeve would be reciting the
16 pledge at every meeting, and that is why he is only recommending doing so 4 times a year. He
17 said the pledge holds meaning for him. He said he is not forcing anyone to recite it, as his
18 motion specifically says doing so is optional. He said he does not disparage anyone who
19 chooses not to recite it.

20 Chair Rich stated that Commissioner Price asked if staff would look at how other local
21 boards handle the recitation of the pledge, and staff discovered that no other local board does
22 so.

23 Commissioner Dorosin said he appreciates the conversation, and has thought a lot
24 about this topic. He said he, too, is grateful to live in this country, and takes his obligations to
25 the Board and the County very seriously. He said foremost among the rights given by the
26 constitution is the right to dissent. He said reciting the pledge at BOCC meetings has a
27 compulsory air to it, and risks alienating those that choose not to do so. He said it would place
28 pressure on those in attendance to participate. He said when the statement "under God" was
29 added in 1954, the pledge went from being a secular statement to an endorsement of religion,
30 and, in his opinion, violated the separation between church and state. He said in 1943, the US
31 Supreme Court struck down a law compelling students to recite the pledge. He said he feels a
32 great allegiance to this country, but does not feel residents should be required to make
33 compulsory pledges.

34 Commissioner Marcoplos said he agreed completely with Commissioner Dorosin's
35 comments.

36 Commissioner Greene said the motion does not require participation, and this will not be
37 a group of impressionable school children, but rather adults who can do as their hearts convict.
38 She said reciting the pledge allows a reclaiming of the roots of what this country stands for. She
39 said the pledge should not have been captured by the right in culture wars, and her position is
40 unchanged.

41 Commissioner Price said she can go either way, and she has never felt compelled to say
42 the pledge. She said she has never experienced stigma for not reciting the pledge, and she
43 feels Commissioner McKee's proposal is a compromise. She said North Carolina Association of
44 County Commissioners (NCACC), National Association of Counties (NACo) meetings and
45 Democratic Party meetings start with the Pledge.

46 Commissioner Bedford said she is torn. She said the original presentation of this item
47 had an air of shame about it, but the current motion is a compromise. She said she would recite
48 the pledge, but would do so on her own.

49 Commissioner Rich said she is not one that supports saying the Pledge of Allegiance,
50 and has often felt judged for not doing so. She said the addition of "under God" made it
51 problematic for her to recite. She said this item was brought to the Board as a scolding, and

1 she does not like that. She said there is not justice for all in this country, and the pledge is not
2 changing that. She said she loves her country, but will not support this motion.

3 Commissioner Greene said there was once a debate over flag burning, and she is happy
4 to uphold one's right to do so as a matter of political protest. She said the pledge is full of words
5 that promote unity and aspirational ideals for which the BOCC is fighting.

6 Commissioner Price said her agreement to compromise was not in support of the
7 original petitioner, but rather in support of Commissioner McKee's reasonable compromise.

8 Commissioner Bedford said if this issue is deeply upsetting to some, she would rather
9 respect that by voting no. She said those in favor of reciting the pledge can do so whenever
10 they feel moved.

11 Chair Rich asked Commissioners to accept a roll call form of voting and called names
12 accordingly.

13
14 **VOTE: Ayes, 2 (Commissioner McKee and Commissioner Greene); Nays, 5**
15 **(Commissioner Bedford, Commissioner Dorosin, Commissioner Marcoplos,**
16 **Commissioner Price, and Chair Rich)**

17
18 **MOTION FAILS**

19
20 **7. Reports**
21 None

22
23 **8. Consent Agenda**

24
25 • **Removal of Any Items from Consent Agenda**

26
27 Chair Rich pulled item 8-f.

28
29 • **Approval of Remaining Consent Agenda**

30
31 A motion was made by Commissioner Dorosin, seconded by Commissioner Bedford to
32 approve the remaining items on the consent agenda.

33
34 Chair Rich asked Commissioners to accept a roll call form of voting and called names
35 accordingly.

36
37 **VOTE: UNANIMOUS**

38
39 • **Discussion and Approval of the Item Removed from the Consent Agenda**

40
41 f. Chair Rich said more money was requested from the ABC Board than was received.
42 She said Criminal Justice Resources department was awarded \$25,000 from ABC board for
43 funds, despite requesting \$32,500. She asked if Commissioner Dorosin would follow up with
44 ABC Board as to why the full funding was not received, as he is the BOCC representative to the
45 ABC Board. She said higher amounts were given in previous years, and she recalls ABC sales
46 being up this year, and she would like more information.

47 Commissioner Dorosin said he did not remember this item coming up at an ABC Board
48 meeting, but he would follow-up.

49 Chair Rich said the ABC board will provide a final report. She said drug treatment court
50 is important, and if sales are brisk, the BOCC should pressure the ABC board to give the full

1 funding. She asked if she can pull 12 out of the amendment. She said the County will take the
2 \$25,000, but she would really like to get the additional amount.

3 John Roberts said the BOCC can pursue additional funds at any time.

4 Bonnie Hammersley recommended that the BOCC approve the \$25,000, and have the
5 Chair submit a letter to the ABC Board requesting the additional funds.

6 Commissioner Dorosin said he supported this approach.

7 Commissioner Price said the ABC Board has a similar approach to the BOCC for
8 distributing funds. She asked if elected officials are allowed to vote on the use of these funds.

9 John Roberts said there is a way to address that, and staff will help work on this.

10
11 • **Approval of Items Pulled from the Consent Agenda**

12
13
14 A motion was made by Commissioner Price, seconded by Commissioner Dorosin to
15 approve consent agenda item 8-f, Fiscal Year 2020-21 Budget Amendment #1.

16
17 Chair Rich asked Commissioners to accept a roll call form of voting and called names
18 accordingly.

19
20 **VOTE: UNANIMOUS**

21
22 **a. Minutes**

23 The Board approved the draft minutes from May 28, June 2, June 4, June 9, June 16,
24 July 7, and July 14, 2020 as submitted by the Deputy Clerk to the Board.

25 **b. Motor Vehicle Property Tax Releases/Refunds**

26 The Board adopted a resolution, which is incorporated by reference, to release motor
27 vehicle property tax values for six taxpayers with a total of seven bills that will result in a
28 reduction of revenue in accordance with NCGS.

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

30 The Board adopted a resolution, which is incorporated by reference, to release property
31 tax values for forty-eight (48) two taxpayers with a total of fifty-seven (57) bills that will result in a
32 reduction of revenue in accordance with North Carolina General Statute 105-381.

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

34 The Board adopted a resolution, which is incorporated by reference, to approve tax
35 exemptions/exclusions from ad valorem taxation for twelve (12) bills for the 2020 tax year.

36 **e. Tax Collector's Annual Settlement for Fiscal Year 2019-20**

37 The Board received the tax collector's annual settlement on current and delinquent
38 taxes, approved by resolution the accounting thereof, and approved and approved the Order to
39 Collect for Fiscal Year 2020-2021, and authorized the Chair to sign the Order.

40 **f. Fiscal Year 2020-21 Budget Amendment #1**

41 The Board voted to approve budget, grant, and capital project ordinance amendments
42 for fiscal year 2020-21 for Coronavirus Relief Funding; South Orange Fire Service District;
43 Board of Elections; Small Business Loan Program; Animal Services; Housing and Community
44 Development; Department of Social Services; Department of Environment, Agriculture, Parks
45 and Recreation; Department on Aging; Criminal Justice Resource Department; County
46 Manager; Library Services; Solid Waste Program Fees; and Health Department.

47 **g. Approval of Eno-Haw Regional Hazard Mitigation Plan**

48 The Board approved and authorized the Chair to sign the attached resolution adopting
49 the Eno-Haw Regional Hazard Mitigation Plan as approved by the NC Division of Emergency
50 Management.

51 **h. Approval of Public Transportation Agency Safety Plan**

1 The Board approved the Orange County Public Transportation's Agency Safety Plan, a
 2 new requirement for transit agencies and sub-recipients who receive federal funds under the
 3 Federal Transit Administration's (FTA) Urbanized Area Formula Grants, and authorized the
 4 submittal of the Safety Plan to the NC Department of Transportation.

5 **i. Change in BOCC Meeting Schedule for 2020**

6 The Board approved changes to the Board of Commissioners' meeting calendar for
 7 2020.

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

9 The Board approved the 2020-21 performance agreement between the Town of Chapel
 10 Hill and the Chapel Hill/Orange County Visitors Bureau.

11
 12 **9. County Manager's Report**

13 Bonnie Hammersley said there is a work session on September 10.

14
 15 **10. County Attorney's Report**

16 John Roberts said the legislature is returning tomorrow, with the primary stated focus of
 17 COVID relief.

18 John Roberts referred to the Research Triangle Logistical Park information, which was
 19 discussed at length earlier this evening. He said the BOCC has received a great deal of
 20 information/communication about this topic, some of which is false and inaccurate. He said it is
 21 unusual to have a rezoning project with such community interest, especially prior to the BOCC
 22 even receiving the project materials. He encouraged the Board to keep an open mind.

23 Commissioner Marcoplos thanked John Roberts for his report. He asked if more
 24 information can be included when notices are sent to neighbors, to better explain the process of
 25 BOCC decisions.

26 John Roberts said the Planning Department gives much more information than is
 27 required by law in its letters, but he will follow up with the exact details.

28 Commissioner Marcoplos said perhaps too much information is being sent out.

29 Bonnie Hammersley said staff is putting together an FAQ.

30 Travis Myren said it will be ready tomorrow.

31 Chair Rich said to refer the public to that page.

32
 33 **11. * Appointments**

34 NONE

35
 36 **12. Information Items**

- 37
 38 • June 16, 2020 and July 14, 2020 BOCC Meeting Follow-up Actions Lists
 39 • Tax Collector's Report – Numerical Analysis
 40 • Tax Collector's Report – Measure of Enforced Collections
 41 • Tax Assessor's Report – Releases/Refunds under \$100
 42 • Memorandum Regarding Nature of Orange Photography Contest

43
 44 **13. Closed Session**

45
 46 A motion was made by Commissioner Greene, seconded by Commissioner Marcoplos
 47 to go into closed session "To consider the qualifications, competence, performance, character,
 48 fitness, conditions of appointment, or conditions of initial employment of an individual public
 49 officer or employee or prospective public officer or employee;" NCGS § 143-318.11(a)(6).
 50

1 Chair Rich asked Commissioners to accept a roll call form of voting and called names
2 accordingly.

3
4 **VOTE: UNANIMOUS**

5
6 ***The Board moved into closed session at 11:18 p.m.***

7
8 A motion was made by Commissioner Price, seconded by Commissioner Greene to
9 return to open session at 12:28 a.m. (September 2, 2020)

10
11 Chair Rich asked Commissioners to accept a roll call form of voting and called names
12 accordingly.

13
14 **VOTE: UNANIMOUS**

15
16 **14. Adjournment**

17
18 A motion was made by Commissioner Dorosin, seconded by Commissioner Price to
19 adjourn the meeting at 12:28 a.m. (September 2, 2020)

20
21 Chair Rich asked Commissioners to accept a roll call form of voting and called names
22 accordingly.

23
24 **VOTE: UNANIMOUS**

25
26
27
28 Penny Rich, Chair

29
30
31 Allen Coleman
32 Assistant Deputy Clerk

33
34 Submitted for approval by Gregory A. Wilder, Interim Clerk to the Board.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: October 6, 2020

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

SUBJECT: Motor Vehicle Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

ATTACHMENT(S):

Resolution
Releases/Refunds Data Spreadsheet
Reason for Adjustment Summary

INFORMATION CONTACT:

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

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

BACKGROUND: North Carolina General Statute (NCGS) 105-381(a)(1) allows a taxpayer to assert a valid defense to the enforcement of the collection of a tax assessed upon his/her property under three sets of circumstances:

- (a) "a tax imposed through clerical error", for example when there is an actual error in mathematical calculation;
- (b) "an illegal tax", such as when the vehicle should have been billed in another county, an incorrect name was used, or an incorrect rate code (the wrong combination of applicable county, municipal, fire district, etc. tax rates) was used;
- (c) "a tax levied for an illegal purpose", which would involve charging a tax which was later deemed to be impermissible under state law.

NCGS 105-381(b), "Action of Governing Body" provides that "Upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the taxing unit shall within 90 days after receipt of such a request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct liability or notify the taxpayer in writing that no release or refund will be made".

For classified motor vehicles, NCGS 105-330.2(b) allows for a full or partial refund when a tax has been paid and a pending appeal for valuation reduction due to excessive mileage, vehicle damage, etc. is decided in the owner's favor.

FINANCIAL IMPACT: Approval of these release/refund requests will result in a net reduction of \$676.13 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2020-2021 is \$2,651.05.

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

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

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

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

RES-2020-059

NORTH CAROLINA

ORANGE COUNTY

REFUND/RELEASE RESOLUTION (Approval)

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

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

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

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

COMMISSIONERS OF ORANGE COUNTY THAT the recommended property tax refund(s) and release(s) are approved.

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

Ayes: Commissioners _____

Noes: _____

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

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

Clerk to the Board of Commissioners

**BOCC REPORT - REGISTERED MOTOR VEHICLES
OCTOBER 6, 2020**

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	ADDITIONAL EXPLANATION
Montgomery, Nicolas	52719507	2019	34,050	21,329	(122.05)	Purchased price (appraisal appeal)	
Trageser, Linda Lewis	56364152	2020	9,610	0	(190.40)	County changed to Chatham (illegal tax)	
Wade, Bernard Carson	56495678	2020	19,992	0	(363.68)	County changed to Chatham (illegal tax)	
					(676.13)	TOTAL	

Adjustment Descriptions
<i>Clerical error G.S. 105-381(a)(1)(a): e.g. when there is an actual error in mathematical calculation.</i>
<i>Illegal tax G.S. 105-381(a)(1)(b): e.g. when the vehicle should have been billed in another county, an incorrect name was used, or an incorrect rate code was used.</i>
<i>Tax levied for an illegal purpose G.S. 105-381(a)(1)(c): e.g. charging a tax that was later deemed to be impermissible under State law.</i>
<i>Appraisal appeal G.S. 105-330.2(b): e.g. reduction in value due to excessive mileage or vehicle damage.</i>
<i>*Situs error: An incorrect rate code was used to calculate bill. Value remains constant but bill amount changes due to the change in specific tax rates applied to that physical location.</i>
<i>Classification GS 105-330-9(b): e.g. Antique automobiles are designated a special class of property under the NC Constitution.</i>
The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.
Approval of the release or refund of the principal tax amount also constitutes approval of the release or refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.

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

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

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

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

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

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

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

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

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

Antique Vehicle: A motor vehicle manufactured in 1980 and prior

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

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

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

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

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: October 6, 2020

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

SUBJECT: Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

ATTACHMENT(S):

Resolution
Releases/Refunds Data Spreadsheet

INFORMATION CONTACT:

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

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

BACKGROUND: The Tax Administration Office has received fifteen taxpayer requests for release or refund of property taxes. North Carolina General Statute 105-381(b), "Action of Governing Body" provides that "upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the Taxing Unit shall within 90 days after receipt of such a request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct liability or notify the taxpayer in writing that no release or refund will be made". North Carolina law allows the Board to approve property tax refunds for the current and four previous fiscal years.

FINANCIAL IMPACT: Approval of this change will result in a net reduction in revenue of \$24,803.91 to the County, municipalities, and special districts. The Tax Assessor recognized that refunds could impact the budget and accounted for these in the annual budget projections.

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

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

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

RES-2020-060

NORTH CAROLINA

ORANGE COUNTY

REFUND/RELEASE RESOLUTION (Approval)

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

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

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

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

COMMISSIONERS OF ORANGE COUNTY THAT the recommended property tax refund(s) and release(s) are approved.

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

Ayes: Commissioners _____

Noes: _____

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

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

Clerk to the Board of Commissioners

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

**BOCC REPORT - REAL/PERSONAL
 OCTOBER 6, 2020**

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	ADDITIONAL INFORMATION
Bandit Farms LLC	1066635	2020	779,374	284,374	(5,632.11)	Incorrect value (clerical error)	Building misclassification
Blobe, Gerard Conrad	3182586	2020	26,788	19,320	(124.64)	Incorrect value (clerical error)	Corrected value for two water crafts
Boffelli, Theodore Franklin	3185664	2019	49,173		(460.11)	Assessed in error (illegal tax)	Gap bill: vehicle registered in Tennessee during gap period
Boyette, Roland S. Jr.	3189009	2020	23,870		(996.03)	Assessed in error (illegal tax)	Gap bill: vehicle registered in South Carolina during gap period
Bruno, Ralph T.	316758	2020	777,000	763,600	(129.27)	Incorrect value (clerical error)	Conservation easement recorded in 2017 not applied to valuation for 2018-2020
Bruno, Ralph T.	316758	2019	625,800	612,400	(129.27)	Incorrect value (clerical error)	Conservation easement recorded in 2017 not applied to valuation for 2018-2020
Bruno, Ralph T.	316758	2018	619,300	605,900	(126.92)	Incorrect value (clerical error)	Conservation easement recorded in 2017 not applied to valuation for 2018-2020
Community Home Trust	323254	2020	50,500	-	(814.91)	Assessed in error (illegal tax)	Property should be 100% exempt for housing under G.S 105-278.6 (low/moderate income housing)
Community Home Trust (Kevin Alexander Olin)	269711	2020	109,400	54,700	(882.64)	Incorrect value (clerical error)	Timely application exemption was removed in error (homestead exemption)
Durango, Justin A.	278376	2020	281,300	172,000	(1,052.23)	Assessed in error (illegal tax)	Removed home from property that had not yet been constructed
Durango, Justin A.	278376	2019	281,300	172,000	(1,048.62)	Assessed in error (illegal tax)	Removed home from property that had not yet been constructed
Fancy Gap Farm LLC	3183703	2020	564,800	44,391	(4,871.03)	Incorrect value (clerical error)	Present Use Value was not applied to new parcel
Galvan, Roberto	3185429	2020	20,480	2,100	(191.22)	Incorrect value (clerical error)	Corrected value of mobile home
Kooistra, Sandra Gayle	3188889	2020	16,390		(110.20)	Assessed in error (illegal tax)	Gap bill: vehicle registered in Colorado during gap period
Maytan, Margaret	286594	2020	354,800	324,500	(505.74)	Incorrect value (clerical error)	Value corrected from timely submitted data validation form
Nicoll, Kimberly	3186575	2020	18,300	-	(836.70)	Assessed in error (illegal tax)	Gap bill: vehicle registered on Pennsylvania during gap period
Pham, Thanh	239219	2020	62,300	-	(607.17)	Assessed in error (illegal tax)	Property was removed November 2016
Pham, Thanh	239219	2019	62,300	-	(602.62)	Assessed in error (illegal tax)	Property was removed November 2016
Pham, Thanh	239219	2018	62,300	-	(591.72)	Assessed in error (illegal tax)	Property was removed November 2016
Pham, Thanh	239219	2017	62,300	-	(583.81)	Assessed in error (illegal tax)	Property was removed November 2016
Ray, Joseph E.	235618	2020	291,900	204,500	(866.66)	Assessed in error (illegal tax)	Removed home from property that was located and taxed on adjacent property
Ray, Joseph E.	235618	2019	298,600	204,500	(933.10)	Assessed in error (illegal tax)	Removed home from property that was located and taxed on adjacent property
Ray, Joseph E.	235618	2018	298,600	204,500	(907.22)	Assessed in error (illegal tax)	Removed home from property that was located and taxed on adjacent property
Ray, Joseph E.	235618	2017	298,600	204,500	(895.27)	Assessed in error (illegal tax)	Removed home from property that was located and taxed on adjacent property
Ray, Joseph E.	235618	2016	234,184	188,400	(452.35)	Assessed in error (illegal tax)	Removed home from property that was located and taxed on adjacent property
Ray, Joseph E.	235618	2015	234,184	188,400	(452.35)	Assessed in error (illegal tax)	Removed home from property that was located and taxed on adjacent property
				Total	(24,803.91)		
Gap Bill: A property tax bill that covers the months between the expiration of a vehicle's registration and the renewal of that registration or the issuance of a new registration.							
The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.							
Approval of the release or refund of the principal tax amount also constitutes approval of the release or refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.							

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: October 6, 2020

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

SUBJECT: Applications for Property Tax Exemption/Exclusion

DEPARTMENT: Tax Administration

ATTACHMENT(S):

Exempt Status Resolution
Spreadsheet
Requests for Exemption/Exclusion

INFORMATION CONTACT:

Nancy T. Freeman, Tax Administrator

PURPOSE: To consider eleven untimely applications for exemption/exclusion from ad valorem taxation for twelve bills for the 2020 tax year.

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

Seven applicants are applying for homestead exclusion based on NCGS 105-277.1, which allows exclusion of the greater of \$25,000 or 50% of the appraised value of the residence.

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

One applicant is applying for exemption based on NCGS 105-278.7 which allows for an exemption from property taxes for property used for educational, scientific, literary or charitable purposes.

Two of the applicants are applying for exclusion based on NCGS 105-278.6 (7), which allows for exclusion from property taxes for property used for a charitable purpose.

One applicant is applying for Circuit Breaker exclusion based on NCGS 105-277.1B which allows for tax relief based on income. The Circuit Breaker exclusion is a tax deferral program.

Including these eleven applications, the Board will have considered a total of twenty-three untimely applications for exemption of 2020 taxes since the 2020 Board of Equalization and Review adjourned on June 25, 2020. Taxpayers may submit an untimely application for exemption of 2020 taxes to the Board of Commissioners through December 31, 2020.

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

FINANCIAL IMPACT: The reduction in the County's tax base associated with approval of the exemption application will result in a reduction of FY 2020/2021 taxes due to the County, municipalities, and special districts in the amount of \$ 7,719.65.

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

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

RECOMMENDATION(S): The Manager recommends that the Board approve the attached resolution for the above-listed applications for FY 2020/2021 exemption.

NORTH CAROLINA

ORANGE COUNTY

EXEMPTION/EXCLUSION RESOLUTION

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

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

Whereas, the Tax Administrator has determined that the applicants could have been approved for 2020 had applications been timely.

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

COMMISSIONERS OF ORANGE COUNTY THAT the properties applying for exemption for 2020 are so approved as exempt.

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

Ayes: Commissioners _____

Noes: _____

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

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

Clerk to the Board of Commissioners

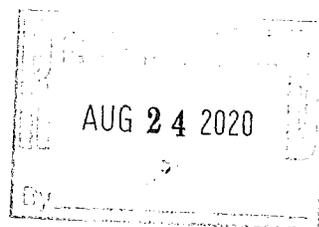
Late exemption/exclusion application - GS 105-282.1(a1)

**BOCC REPORT - REAL/PERSONAL
LATE EXEMPTION/ EXCLUSION
OCTOBER 6, 2020**

NAME	ACCOUNT NUMBER	BILL YEAR	ORIGINAL VALUE	TAXABLE VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Banh, Michele	73777	2020	249,600	124,800	(207.24)	Late application for exemption General Statute 105-277.1B (circuit breaker)
Community Home Trust	28422	2020	0	65,700	-	Late application General Statute 105-278.6 (8) (low or moderate income housing)
Doby, Anne	3387	2020	110,400	62,575	(447.50)	Late application for exemption General Statute 105-277.1 (homestead exemption)
Efland Volunteer Fire Company	122921	2020	20,500	0	(191.82)	Late application for exemption G.S. 105-278.6 (7) (real and personal property used for charitable purposes)
Efland Volunteer Fire Company	122922	2020	17,000	0	(159.07)	Late application for exemption G.S. 105-278.6 (7) (real and personal property used for charitable purposes)
Kolbinsky, David	118882	2020	194,800	100,430	(908.49)	Late application for exemption General Statute 105-277.1 (homestead exemption)
Kuru, David N	249039	2020	475,300	267,330	(2,002.12)	Late application for exemption General Statute 105-277.1 (homestead exemption)
Mauck, Eugene	291201	2020	37,050	37,050	-	Late application for exemption General Statute 105-277.1 (homestead exemption)
Pacific Institute	1072703	2020	61,554	0	(993.29)	Late application for exemption General Statute 105-278.7 (Other charitable, educational, etc.)
Stalberg, Nelli Katherine	275948	2020	300,600	150,300	(2,425.39)	Late application for exemption General Statute 105-277.1 (homestead exemption)
Terrell, Paul	216934	2020	26,840	6,262	(192.54)	Late application for exemption General Statute 105-277.1 (homestead exemption)
Wade, Charles C.	315672	2020	77,500	64,583	(192.19)	Late application for exemption General Statute 105-277.1 (homestead exemption)
					(7,719.65)	Total
*Circuit Breaker does not result in a reduction in value. The exemption received is based on the income of the taxpayer.						

The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.
Approval of the release or refund of the principal tax amount also constitutes approval of the release or
refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.

August 13, 2020 thru September 16, 2020



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

Date: 8/23/2020

To Whom It May Concern:

I, (PRINT NAME) Michele D. Bank,
wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020
on Tax Abstract or Parcel Identification Number(s) (PIN) #
9880505076.

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.

Please explain:

Due to COVID-19, my daughter was not able to visit me. I didn't
know I had missed the deadline until I received this late letter notice.
My daughter does all of my paperwork for me. I can't read English text well.
May you please reconsider my application? Thank you very much.

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

Thank you,

(Signature) Michele D Bank

FILED

MAR 23 2020

ORANGE COUNTY
TAX ADMINISTRATION



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

Date: 3/23/20

To Whom It May Concern:

I, (PRINT NAME) Felicia Stroud on behalf of Community Home Trust, wish to
be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020 on
Tax Abstract or Parcel Identification Number(s) (PIN) #
9788179891.

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for
consideration as demonstration of good cause for failure to make a timely application. An untimely
application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or
municipality in the calendar year in which the untimely application is filed. If additional space for
explanation is needed, please submit an attachment with this request.

Please explain:

310 Lindsey St is a single family home acquired from Self Help to Community Home Trust & sold
to a qualified buyer through CHT's affordable housing program after Jan 31, 2020 but before July 01, 2020.
The use is still the same, low to moderate income.

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

Thank you,

Felicia Stroud

(Signature)

FILED

AUG 17 2020

ORANGE COUNTY
TAX ADMINISTRATION



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

Date: 8-17-20

To Whom It May Concern:

I, (PRINT NAME) Anna Doby
wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020
on Tax Abstract or Parcel Identification Number(s) (PIN) #
9834430407

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.

Please explain:

I had the tax exemption in the years prior to 2020. Once the property was put in just my name after husbands death in 2019 I failed to inquire about the discount not realizing it would not carry over.

How did you find out about the program(s)? We had it before but failed to reapply when husband passed away

Thank you,

Anna Doby
(Signature)

FILED

AUG 13 2020

ORANGE COUNTY
TAX ADMINISTRATION



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

Date: 8-13-2020

To Whom It May Concern:

I, Efland Volunteer Fire INC
(PRINT NAME)
wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020
on Tax Abstract or Parcel Identification Number(s) (PIN) #
9846528824 & 9846526856

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.

Please explain:

TAX Exempt Status

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

Thank you,

Kenneth R. Chief EVFD
(Signature)



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

Date: Aug 19 2020

FILED

AUG 19 2020

To Whom It May Concern:

**ORANGE COUNTY
TAX ADMINISTRATION**

I, (PRINT NAME) David Donald Kolbinski, wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020 on Tax Abstract or Parcel Identification Number(s) (PIN) # 9863572057.

Please note that the deadline to submit a timely application Deadline is June 1st of the tax year.

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.

Please explain:

I was made aware of program when I received Bill for property in the mail.

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

Thank you,

David D. Kolbinski
Signature



FILED
AUG 14 2020
ORANGE COUNTY
TAX ADMINISTRATION

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

Date: 7-15-20

To Whom It May Concern:

I, (PRINT NAME) David N. Kury
wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020
on Tax Abstract or Parcel Identification Number(s) (PIN) #
9877871067

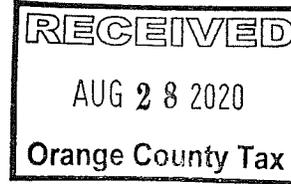
In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.

Please explain:

Financial hardship due to disability

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

Thank you,
David N. Kury
(Signature)



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

Date: 08/27/2020

To Whom It May Concern:

I, (PRINT NAME) Eugene F. Mauck Jr.
wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020
on Tax Abstract or Parcel Identification Number(s) (PIN) #
9836842718

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.

Please explain:

I am 78 years old and recovering from a stroke. I also have dementia and my daughter is now my Power of Attorney. Neither of us realized this had to be done.

How did you find out about the program(s)? Unsure, had assistance for years.

Thank you,
Eugene F. Mauck Jr.
(Signature)



FILED

AUG 24 2020

ORANGE COUNTY
TAX ADMINISTRATION

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

Date: 08/24/2020

To Whom It May Concern:

I, (PRINT NAME) Stephen Crowley, on behalf of the Pacific Institute , wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020 on Tax Abstract or Parcel Identification Number(s) (PIN) # ~~00010727003~~ 1072703. Please note that the deadline to submit a timely application Deadline is June 1st of the tax year.

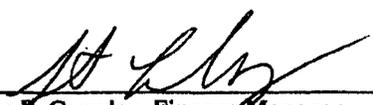
In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.

Please explain:

We were sent certain forms to be completed regarding our Business property at the Conner St address. In my discussions with Orange county tax admin personnel, I was led to believe that we were not eligible for an exemption. However, the tax regs seem to say if the Owner is a "A scientific association/institution" and uses the property "Wholly and exclusively used by its owner for nonprofit e/s/l/c purposes" that we may be exempt from taxation.

How did you find out about the program(s)? NC's Tax admin personnel.

Thank you,



Stephen F. Crowley, Finance Manager



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

FILED

Date: 8/19/20

AUG 19 2020

To Whom It May Concern:

ORANGE COUNTY
TAX ADMINISTRATION

I, (PRINT NAME) Nelli Katherine Stalberg, wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020 on Tax Abstract or Parcel Identification Number(s) (PIN) # 9799523903.

Please note that the deadline to submit a timely application Deadline is June 1st of the tax year.

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.

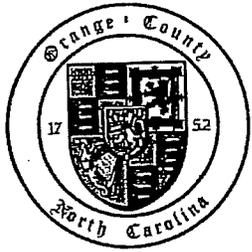
Please explain:

I was not aware of exemption options & thus missed deadline. Due to financial hardship of COVID-19 I was "googling" relief from property tax options.

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

Thank you,

Nelli Katherine Stalberg
Signature



AUG 19 2020
By _____

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

Date: 8-17-20

To Whom It May Concern:

I, (PRINT NAME) Paul Allen Terrell
wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020
on Tax Abstract or Parcel Identification Number(s) (PIN) #
9836207021

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.

Please explain:

not working, only drawing
social security

How did you find out about the program(s)? printed on TAX Bill

Thank you,
Paul A Terrell
(Signature)



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

Date: 7/31/20

To Whom It May Concern:

I, (PRINT NAME) Charles C. Wade wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020 on Tax Abstract or Parcel Identification Number(s) (PIN) # 9865524202

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.

Please explain: I wasn't aware that this program existed was available until now.

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

Thank you, Charles C. Wade (Signature)

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: October 6, 2020

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

SUBJECT: Resolution Authorizing Exchange of Property for the Sheriff's Office

DEPARTMENT: Sheriff's Office

ATTACHMENT(S):
Resolution

INFORMATION CONTACT:
Sheriff Charles S. Blackwood,
919.245.2900
Jennifer Galassi, Legal Advisor to the
Sheriff, 919.245.2952

PURPOSE: To approve a resolution authorizing exchange of weapons for credit at P.F. Custom Guns.

BACKGROUND: In his Last Will and Testament, Mr. Thomas Lenoir Chatham II named the Orange County Sheriff's Office as a beneficiary. Mr. Chatham bequeathed over 90 firearms to the Sheriff's Office. Pursuant to North Carolina General Statutes § 160A-271, the Sheriff's Office has obtained an agreement with P.F. Custom Guns for exchange of the weapons for full and fair consideration in the form of credit to be used for the purchase of weapons, supplies, and ammunition.

FINANCIAL IMPACT: The weapons left to the Sheriff's Office were appraised and determined to have a total value of \$29,315. Following the required procedure under General Statutes, a notice of proposed exchange was published in the News of Orange. Upon the Board of Commissioner's adoption of this resolution, P.F. Custom Guns will take possession of the weapons and provide the Sheriff's Office with credit in the amount of \$29,315, which can be used to purchase equipment needed for the Sheriff's Office.

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

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

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

- **GOAL: CREATE A SAFE COMMUNITY**

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

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

RECOMMENDATION(S): The Manager recommends that the Board adopt the Resolution.

RES-2020-062

ORANGE COUNTY BOARD OF COMMISSIONERS

RESOLUTION AUTHORIZING EXCHANGE OF PROPERTY

WHEREAS, the Orange County Sheriff's Office was the beneficiary of a testamentary bequest of over 90 firearms, valued at \$29,315; and

WHEREAS, P.F. Custom Guns is an experienced Class III gun dealer in North Carolina that buys and sells used and new guns; and

WHEREAS, the County and P.F. Custom Guns wish to make an even exchange of the bequeathed firearms for merchandise credits; and

WHEREAS, North Carolina General Statute § 160A-271 authorizes the county to make such an exchange if authorized by the Board of Commissioners by a resolution adopted at a regular meeting of the board upon at least 10 days' public notice; and

WHEREAS, the county has given the required public notice, and the board is convened in a regular meeting.

THEREFORE, THE BOARD OF COMMISSIONERS OF ORANGE COUNTY HEREBY RESOLVES THAT:

1. The exchange of properties described above is authorized.
2. The appropriate county officials are directed to execute the appropriate instruments necessary to carry out the exchange.

Adopted October 6, 2020.

Penny Rich, Chair
Board of County Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: October 6, 2020

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

SUBJECT: Budget Amendment for the County Funding of 800 Hot Spots to Orange County Schools

DEPARTMENT: Finance and Administrative
Services

ATTACHMENT(S):

INFORMATION CONTACT:

Gary Donaldson, (919) 245-2453
Paul Laughton, (919) 245-2152

PURPOSE: Request approval for a Budget Amendment in the amount of \$120,000 to fund 800 Hots Spots for Orange County Schools (OCS) at a cost of \$150 each.

BACKGROUND: The Orange County Schools Board of Education elected to open schools under the Governor's Plan C, full remote instruction on August 17, 2020. This budget amendment will allow OCS to fulfill its remote instruction requirement and meet outstanding student requests for OCS families.

This Budget Amendment would transfer \$120,000 from the Emergency Housing Assistance Round 2 CARES allocation. The County Housing and Community Development Department received notice of an additional CARES Act CDBG-CV funds in the amount of \$937,803 which now allows the County to support OCS.

The County will execute a separate grant agreement with Orange County Schools.

FINANCIAL IMPACT: The Budget Amendment transfers \$120,000 from the Housing Department's Emergency Housing Assistance Program to fund the Orange County Schools remote instruction requirements. A separate Budget Amendment for the additional Housing CDBG-CV funds will be on a subsequent Abstract.

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 is no environmental impact associated with this item.

RECOMMENDATION(S): The Manager recommends approval of this Budget Amendment.

**ORANGE COUNTY
BOARD OF COUNTY COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: October 6, 2020

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

SUBJECT: Durham-Chapel Hill-Carrboro Metropolitan Planning Organization
Comprehensive Transportation Plan Amendment

DEPARTMENT: Planning and Inspections

ATTACHMENT(S):

1. Staff and OUTBoard Recommendation

INFORMATION CONTACT:

Nishith Trivedi, Transportation Planner,
919-245-2582
Tom Altieri, Comprehensive Planning
Supervisor, 919-245-2579
Craig Benedict, Planning Director,
919-245-2592

PURPOSE: To approve a list of Orange County Comprehensive Transportation Plan (CTP) Amendments in the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO).

BACKGROUND: On August 8, 2019, the North Carolina Department of Transportation (NCDOT) adopted a [new Complete Streets Policy](#), to “encourage non-vehicular travel without compromising the safety, efficiency, or function of the facility”. Subsequently, NCDOT distributed a [Complete Streets Implementation Guide](#) that specifies, “The adopted CTP will be considered the controlling plan for the identification of non-motorized facilities to be evaluated as part of a roadway project.”

The new Complete Streets Policy gives NCDOT the opportunity to consider paying for multimodal facilities - bike lanes, sidewalks, side paths, bus stop pullouts and pads - when they are part of roadway improvement projects through NCDOT’s new Cost Share (section 6 - *Complete Streets Implementation Guide*). NCDOT will not consider projects until they are included in the CTP. Highway projects are then subject to inclusion in the Metropolitan Transportation Plan (MTP), NCDOT’s Strategic Prioritization of Transportation (SPOT) process and funding in the Strategic Transportation Improvement Program (STIP) before becoming reality. We have this opportunity with NCDOT only if the projects in Attachment 1 are included in the CTP.

The CTP is the first step in a series of plans that need to be completed before a project is funded. The CTP is to represent the ‘universe’ of possible projects and is not fiscally constrained.

Following state’s action, on November 13, 2019 the DCHC MPO amended its 2045 Metropolitan Transportation Plan (MTP) by including the State’s new Complete Streets Policy and identified which projects would receive Complete Streets consideration. Since then, MPO staff has been working with local jurisdictions to identify potential CTP amendments so that they will be

consistent with the amended MTP and new state policy. Though no project has been implemented through the new policy to date, the CTP sets the stage for NCDOT assistance in multimodal improvements as part of future roadway projects.

Since the MTP was amended, County transportation planning staff has been working with DCHC MPO, NCDOT, and local jurisdiction staff in updating Orange County's CTP within the DCHC MPO planning area, in light of State's new Complete Streets Policy. From December 2019 to August 2020, staff reviewed the Orange County CTP and made recommendations to the Orange County Unified Transportation Board (OUTBoard). The recommendations used an analytical process that coordinated efforts with local jurisdictions and DCHC MPO staff as well as gave consideration to Environmental Justice, transit plans, freight plans, regional traffic modeling and county-level road safety statistics.

Outboard Recommendation – September 16, 2020:

The OUTBoard reviewed staff recommendations (Attachment 1) from August 19, 2020 to September 16, 2020 before making their decision. The OUTBoard unanimously voted to:

- Recommend that the BOCC approve projects 1-13, which already are in the DCHC MPO CTP, to be considered for all Complete Streets opportunities. Attachment 1, page 1 contains the recommended cross-sections and multi-modal instruments and shall accompany our recommendation.
- Recommend that the BOCC approve projects 14-26 to be added to the DCHC MPO CTP Amendment list and that they be considered for all Complete Streets opportunities. Attachment 1, page 2 contains the recommended cross-sections and multi-modal instruments and shall accompany our recommendation.

Next Step:

Staff will submit BOCC action to the DCHC MPO Board for consideration as a part of its CTP amendment. The DCHC MPO CTP amendment is scheduled to go before the MPO Board on October 14, which will formally initiate the public process. Staff anticipates the amendment will be adopted by December 2020, following NCDOT's review.

- DCHC MPO staff and NCDOT have agreed to include the 2019 Efland-Buckhorn-Mebane Access Management Plan recommendations as part of the CTP Amendment.

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

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

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

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

ENERGY EFFICIENCY AND WASTE REDUCTION

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

RESULTANT IMPACT ON NATURAL RESOURCES AND AIR QUALITY

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

RECOMMENDATION(S): The Manager recommends that the Board approve Attachment 1 and to submit it to DCHC MPO for inclusion in its CTP Amendment.

Attachment 1
Staff and OUTBoard Recommendations

In CTP				Current CTP		
ID	Project	From	To	Status	Problem Statement	Cross Section
1	US 70	N Churton St	West Hill Ave N	Needs Improvement	Minimum	4G
2	US 70	N Churton St	US 70A	Needs Improvement	Minimum	4G
3	US 70	I-85/US 70 Connector	West Hill Ave N	Needs Improvement	Minimum	4G
4	US 70	Mt Hermon Church Rd	US 70A	Needs Improvement	Minimum	4A
5	NC 86	I-85	OLD NC 10	Needs Improvement	Minimum	4D
6	NC 86 N	NC 57	Cornelius St	Needs Improvement	Minimum	4D
7	I-85/US 70 connector	I-40/85	US 70	Needs Improvement	Minimum	4A
8	NC 54	Old Fayetteville Rd	MPO Boundary	Needs Improvement	Minimum	2A
9	Old NC 86	Eubanks Rd	I-40	Needs Improvement	Minimum	2A
10	Eno Mtn Rd realignment	Eno Mountain Rd	Mayo St	Recommended	Minimum	2A
11	Mt. Willing Rd	I-40/85	US 70	Needs Improvement	None	2E
12	Erwin Rd	Sage Rd	Whitfield Rd	Needs Improvement	Minimum	2E
13	Homestead Rd	Rogers Rd	Old NC 86	Needs Improvement	Minimum	2E

Staff Comments

Future improvements should include all Complete Streets opportunities - sidewalk, side path, bike lane, and/or bus stop pad per NCDOT's new Complete Streets Policy and Implementation Guide.

1 - 8 Traffic along regional corridors (US and NC) will continue escalating, resulting in a poor level of service due to:

- * Local development in the County and local jurisdictions; and
- * Regional growth in surrounding counties and neighboring cities.

10 - 13 Local jurisdictions may need to adopt local plans to address their portion of secondary roads per NCDOT's new Complete Streets Policy.

OUTBoard Recommendation:

The OUTBoard recommends that the BOCC approve projects 1-13, which already are in the DCHC MPO CTP, to be considered for all Complete Streets opportunities. Attachment 1, page 1 contains the recommended cross-sections and multi-modal instruments and shall accompany our recommendation.

Not In CTP				Current CTP			Recommended CTP Amendment		
ID	Project	From	To	Status	Problem Statement	Cross Section	Status	Problem Statement	Cross Section
14	US 70	Ffland Cedar Grove Rd	MPO Boundary	Existing	None	ADQ	Needs Improvement	Minimum	2A/2E
15	US 70	Efland Cedar Grove Rd	I-85/US 70 Connector	Existing	None	ADQ	Needs Improvement	Minimum	2A/2E
16	US 70 / US 70 BUS	NC 751	Pleasant Green Rd	Existing	None	ADQ	Needs Improvement	Minimum	2A/2E
17	US 70 BUS	Sparger Rd	NC 751	Existing	None	ADQ	Needs Improvement	Minimum	2A/2E
18	US 70A	Lawrence Rd	US 70	Existing	None	ADQ	Needs Improvement	Minimum	2A/2E
19	US 70A	Lawrence Rd	Elizabeth Brady Rd	Existing	None	ADQ	Needs Improvement	Minimum	2A/2E
20	US 70A/NC 86	Elizabeth Brady Rd	S Churton St	Existing	None	ADQ	Needs Improvement	Minimum	2A/2E
21	NC 86	I-40	Whitfield Rd	Existing	None	ADQ	Needs Improvement	Minimum	2A/2E
22	NC 86	Whitfield Rd	New Hope Church Rd.	Existing	None	ADQ	Needs Improvement	Minimum	2A/2E
23	NC 86	New Hope Church Rd.	OLD NC 10	Existing	None	ADQ	Needs Improvement	Minimum	2A/2E
24	NC 86 N	Coleman Loop (N)	NC 57	Existing	None	ADQ	Needs Improvement	Minimum	2A/2E
25	Orange Grove Rd	Oakdale Dr	Dimmocks Mill Rd	Existing	None	ADQ	Needs Improvement	Minimum	2A/2E
26	New Hope Church Rd.	I-40	OLD NC 10	Existing	None	ADQ	Needs Improvement	Minimum	2A/2E

Staff Comments

Future improvements should include all Complete Streets opportunities - sidewalk, side path, bike lane, and/or bus stop pad per NCDOT's new Complete Streets Policy and Implementation Guide.

#14 - 24 -Traffic along regional corridors (US and NC) will continue escalating, resulting in a poor level of service due to:

- * Local development in the County and local jurisdictions; and
- * Regional growth in surrounding counties and neighboring cities.

#25 - 2 public schools, alternative freight route, increasing traffic, safety, etc.

#26 - School area, parks, access to Highway 10, alternative freight route, traffic, safety, etc.

OUTBoard Recommendation:

The OUTBoard recommends that the BOCC approve projects 14-26 to be added to the DCHC MPO CTP Amendment list and that they be considered for all Complete Streets opportunities. Attachment 1, page 2 contains the recommended cross-sections and multi-modal instruments and shall accompany our recommendation.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: October 6, 2020

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

SUBJECT: Advisory Boards and Commissions - Appointments

DEPARTMENT: Board of Commissioners

ATTACHMENT(S):

No Attachments

INFORMATION CONTACT:

Clerk's Office, 919-245-2125

PURPOSE: To approve the Advisory Boards and Commissions appointments as reviewed and discussed during the September 10, 2020 Work Session.

BACKGROUND: The following appointments are for Board approval:

- **Adult Care Home Community Advisory Committee**

VOLUNTEER TO BE APPOINTED	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	TERM EXPIRATION DATE
Olivia Fisher	At-Large	Partial Term	03/31/2021
Marylou Gelblum	At-Large	Partial Term	06/30/2022
Karen Green- McElveen	At-Large	Partial Term	10/31/2020

- **Advisory Board on Aging**

VOLUNTEER TO BE APPOINTED	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	TERM EXPIRATION DATE
Rachel Bearman	At-Large	First Full Term	06/30/2023
Colin Austin	At-Large	Second Full Term	06/30/2023

- Affordable Housing Advisory Board**

VOLUNTEER TO BE APPOINTED	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	TERM EXPIRATION DATE
Andy Hoang	At-Large	First Full Term	09/30/2023
Mae McLendon	At-Large	Second Full Term	06/30/2023
Allison Mahaley	At-Large	Second Full Term	06/30/2023
Holly Meschko	At-Large	Partial Term	06/30/2022
Jenn Sykes	At-Large	Second Full Term	06/30/2023

- Agricultural Preservation Board**

VOLUNTEER TO BE APPOINTED	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	TERM EXPIRATION DATE
Cecilia Redding	Little River Vol. Ag. Dist. Caldwell Vol. Ag. Dist	Second Full Term	06/30/2023

- Animal Services Advisory Board**

VOLUNTEER TO BE APPOINTED	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	TERM EXPIRATION DATE
Dr. Lee Pickett	Veterinarian From the Board of Health (term runs parallel to Board of Health)	First Full Term	06/30/2023
Dawn Roberts	Non-Municipality	First Full Term	06/30/2023
Lori Gershon	Animal Welfare/Animal Advocacy	First Full Term	06/30/2023
Meggie Romak	Animal Welfare/Animal Advocacy	First Full Term	06/30/2023
Allan Polak	Certified Animal Handler/Trainer/ Technician	Partial term	06/30/2022
Susan Spinks	Owner/Manager Retail Pet Service	First Full Term	06/30/2023

- **Arts Commission**

VOLUNTEER TO BE APPOINTED	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	TERM EXPIRATION DATE
Matthew Keith	UNC Student Representative	First Full Term	06/30/2023
Sean T. Bailey	At-Large	First Full Term	06/30/2023

- **Board of Health**

VOLUNTEER TO BE APPOINTED	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	TERM EXPIRATION DATE
Dr. Brian Crandell	Pharmacist	Partial Term	06/30/2022

- **Board of Social Services**

VOLUNTEER TO BE APPOINTED	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	TERM EXPIRATION DATE
Jane Garrett	At-Large (BOCC Appointee)	First Full Term	06/30/2023

- **Chapel Hill Orange County Visitors Bureau**

VOLUNTEER TO BE APPOINTED	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	TERM EXPIRATION DATE
Beverly Payne	Alliance/Hist. Hillsborough	First Full Term	12/31/2022
Jon Hartman-Brown	Economic Development Staff –Town of Carrboro	First Full Term	06/30/2023
Matt Gladdek	Chapel Hill Downtown Partnership	First Full Term	06/30/2023

- **Economic Development Advisory Board**

VOLUNTEER TO BE APPOINTED	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	TERM EXPIRATION DATE
Sharon Hill	Entrepreneur	Second Full Term	06/30/2023
Paige Zinn	Core Business Community	One Year Term Extension	06/30/2021
Jonna Hunt	Core Business Community	Partial Term	06/30/2022
Tom Proctor	Core Business Community	Partial Term	06/30/2022

- **Hillsborough Board of Adjustment**

VOLUNTEER TO BE APPOINTED	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	TERM EXPIRATION DATE
Rob Bray	ETJ Alternate	Second Full Term	06/30/2023
Raul Herrera	ETJ County	First Full Term	06/30/2023

- **Hillsborough Planning Board**

VOLUNTEER TO BE APPOINTED	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	TERM EXPIRATION DATE
Chris Johnston	Hillsborough ETJ	Second Full Term	05/31/2023

- **Historic Preservation Commission**

VOLUNTEER TO BE APPOINTED	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	TERM EXPIRATION DATE
Thomas Loter	At-Large	Second Full Term	06/30/2023

- **Nursing Home Community Advisory Committee**

VOLUNTEER TO BE APPOINTED	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	TERM EXPIRATION DATE
Stephanie Boswell	At-Large	First Full Term	06/30/2023

- **Orange County Board of Adjustment**

VOLUNTEER TO BE APPOINTED	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	TERM EXPIRATION DATE
Kent Qandil	At-Large	Partial Term	06/30/2022
Jeff Scott	At-Large	Full Term	06/30/2023
Scott Taylor	At-Large Alternate	Partial Term	06/30/2022

FINANCIAL IMPACT: None

SOCIAL JUSTICE IMPACT: **Enable Full Civic Participation.** Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

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

RECOMMENDATION(S): The Manager recommends that the Board approve the recommended appointments as reviewed and discussed during the September 10, 2020 Work Session.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: October 6, 2020

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

SUBJECT: Approval of Board of Commissioners Meeting Calendar for Year 2021

DEPARTMENT: Board of Commissioners

ATTACHMENT(S):

Draft 2021 List of Meetings - Text
Draft 2021 Color Calendar

INFORMATION CONTACT:

David Hunt, 919-245-2126

PURPOSE: To consider approval of the meeting schedule for the Board of County Commissioners for calendar year 2021.

BACKGROUND: In accordance with 143.318.12 of the North Carolina General Statutes, a schedule of regular meetings shall be filed with the Clerk to the Board of County Commissioners. The schedule must show the date, time and place of each meeting.

FINANCIAL IMPACT: There is no financial impact associated with discussion of the draft 2021 BOCC meeting calendar.

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

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

RECOMMENDATION(S): The Manager recommends that the Board approve the proposed meeting schedule for calendar year 2021.

DRAFT
ORANGE COUNTY BOARD OF COMMISSIONERS
MEETING CALENDAR FOR YEAR 2021

NOTE: All meetings will begin at 7:00 pm unless otherwise indicated

January 19	BOCC Business Meeting	Whitted Building – Hillsborough
January 22	BOCC Retreat <i>(note: meeting to be from 9:00am-4:00pm)</i>	TBD
January 26	Assembly of Governments (AOG)	Whitted Building – Hillsborough
February 2	BOCC Business Meeting	Whitted Building – Hillsborough
February 9	BOCC Joint meeting with Fire Depts / Work Session	Whitted Building – Hillsborough
February 16	BOCC Business Meeting	Southern Human Services Center – Chapel Hill
February 20-24	NACO Legislative Conference	Washington, D.C.
March 2	BOCC Business Meeting	Whitted Building – Hillsborough
March 9	BOCC Work Session	Southern Human Services Center – Chapel Hill
March 16	BOCC Business Meeting	Southern Human Services Center – Chapel Hill
April 6	BOCC Business Meeting	Whitted Building – Hillsborough
April 13	BOCC Budget Work Session	Southern Human Services Center – Chapel Hill
April 19	Legislative Breakfast Meeting (8:30am)	Solid Waste Admin Offices- Chapel Hill
April 20	BOCC Business Meeting	Southern Human Services Center – Chapel Hill
April 22	BOCC Work Session	Southern Human Services Center – Chapel Hill
April 27	BOCC Joint Meeting with School Boards	Whitted Building – Hillsborough
May 4	BOCC Business Meeting	Whitted Building – Hillsborough
May 11	Manager’s Evaluation Closed Session <i>(meeting to start at 5:30pm)</i>	Whitted Building – Hillsborough
May 11	BOCC Budget Public Hearing - 7:00 pm	Whitted Building – Hillsborough
May 13	Clerk’s Evaluation Closed Session <i>(meeting to start at 5:30pm)</i>	Southern Human Services Center – Chapel Hill
May 13	BOCC Budget Work Session - 7:00 pm	Southern Human Services Center – Chapel Hill

May 18	BOCC Business Meeting	Southern Human Services Center – Chapel Hill
May 20	Attorney's Evaluation Closed Session (meeting to start at 5:30pm)	Whitted Building – Hillsborough
May 20	BOCC Budget Work Session 7:00 pm	Whitted Building – Hillsborough
May 27	BOCC Budget Work Session	Southern Human Services Center – Chapel Hill
June 1	BOCC Business Meeting	Whitted Building – Hillsborough
June 3	BOCC Budget Public Hearing	Southern Human Services Center – Chapel Hill
June 8	BOCC Budget Work Session	Whitted Building – Hillsborough
June 15	BOCC Business Meeting	Southern Human Services Center – Chapel Hill
July 16-19	NACo Conference	Travis Co., TX
August 12-14	NCACC Conference	New Hanover, NC
September 2	BOCC Business Meeting	Whitted Building – Hillsborough
September 9	BOCC Work Session	Southern Human Services Center –Chapel Hill
September 14	BOCC Business Meeting	Southern Human Services Center – Chapel Hill
September 23	Joint Meeting with School Boards	Whitted Building – Hillsborough
October 5	BOCC Business Meeting	Whitted Building – Hillsborough
October 7	Joint Meeting with Fire Departments/Work Session	Whitted Building – Hillsborough
October 19	BOCC Business Meeting	Southern Human Services Center – Chapel Hill
November 2	BOCC Business Meeting	Whitted Building – Hillsborough
November 11	BOCC Work Session	Southern Human Services Center – Chapel Hill
November 16	BOCC Business Meeting	Southern Human Services Center – Chapel Hill
December 6	BOCC Business Meeting (Organizational Meeting)	Whitted Building – Hillsborough
December 14	BOCC Business Meeting	Southern Human Services Center – Chapel Hill

Southern Human Services Center, 2501 Homestead Rd., Chapel Hill
Whitted Building, 300 West Tryon Street, Hillsborough, N.C.

January						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	W19	20	21	22	23
24	25	W26	27	28	29	30
31						

22nd 9:00 am - 4:00 pm Retrt @TBD
 26th 7:00 pm AOG

February						
S	M	T	W	T	F	S
	1	W2	3	4	5	6
7	8	W9	10	11	12	13
14	15	S16	17	18	19	20
21	22	23	24	25	26	27
28						

3-5 Managers Winter Conf. - Winston Salem
 9th 7:00 pm Fire Depts / Work Session
 20-24 NaCo Legislative Conf. Wash DC

March						
S	M	T	W	T	F	S
	1	W2	3	4	5	6
7	8	S9	10	11	12	13
14	15	S16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

9th 7:00 pm Work Session

April						
S	M	T	W	T	F	S
				1	2	3
4	5	W6	7	8	9	10
11	12	S13	14	15	16	17
18	19	S20	21	S22	23	24
25	26	W27	28	29	30	

13th 7:00 pm Budget Work Session-CIP
 19th 8:30 am Legislative Breakfast @ SW
 22nd 7:00 pm Work Session
 27th 7:00 pm Schools

May						
S	M	T	W	T	F	S
						1
2	3	W4	5	6	7	8
9	10	W11	12	S13	14	15
16	17	S18	19	W20	21	22
23	24	25	26	S27	28	29
30	31					

11th 5:30 pm Mgr Eval 7:00 pm Budget PH
 13th 5:30 pm Clerk Eval 7:00 pm Budget WS
 20th 5:30 pm Att Eval 7:00 pm Budget WS
 27th 7:00 pm Budget Work Session

June						
S	M	T	W	T	F	S
		W1	2	S3	4	5
6	7	W8	9	10	11	12
13	14	S15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

3rd 7:00 pm Budget Public Hearing
 8th 7:00 pm Budget Work Session
 24-26th Manager's Summer Seminar

July						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

16 - 19 NACo Conf - Travis Co, TX

August						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

12 - 14 NCACC Conf. New Hanover Co.

September						
S	M	T	W	T	F	S
			1	W2	3	4
5	6	7	8	S9	10	11
12	13	S14	15	16	17	18
19	20	21	22	W23	24	25
26	27	28	29	30		

9th 7:00 pm Work Session

23rd 7:00 pm Schools

October						
S	M	T	W	T	F	S
					1	2
3	4	W5	6	W7	8	9
10	11	12	13	14	15	16
17	18	S19	20	21	22	23
24	25	26	27	28	29	30
31						

7th 7:00 pm Fire Depts / Work Session

November						
S	M	T	W	T	F	S
	1	W2	3	4	5	6
7	8	9	10	S11	12	13
14	15	S16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

11th 7:00 pm Work Session

December						
S	M	T	W	T	F	S
			1	2	3	4
5	W6	7	8	9	10	11
12	13	S14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Holidays	12
BOCC Business Meetings	19
Work Sessions	6
Budget Work Sessions	5
Budget Public Hearings	2
Assembly of Governments	1
School Boards	2
Staff Eval Closed Sessions	3
Legislative Breakfast	1
Retreat	1
Fire Departments Work Session	2

W Whitted Building
 S Southern Human Serv Ctr

37 Meeting days
 5 Two meetings same day
42 Total Meetings

Total Meetings 42

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: October 6, 2020

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

SUBJECT: Approval of the Board of County Commissioners (BOCC) Travel Policies and Procedures

DEPARTMENT: Clerk to the Board/Board of County Commissioners' Office

ATTACHMENT(S):

Draft County Commissioner Travel Policy

INFORMATION CONTACT:

Commissioner-Chair, Penny Rich, (919) 245-2130

Allen Coleman, Assistant Deputy Clerk II (919) 245-2127

PURPOSE: The purpose of this policy is to establish appropriate guidelines for travel and transportation required of elected officials conducting business for Orange County.

BACKGROUND: The County has established policy and procedures for the purposes of authorizing and providing funds for County employees to travel for County business. These policy and procedures are approved by the Chief Financial Officer (CFO), administered by the Finance and Administrative Services department, and reviewed regularly. The policy and procedures apply to all Orange County departments and employees, except departments of elected officials. Elected officials may choose to follow the County's policy and procedures or develop an alternate policy.

The School of Government (SOG) at University of North Carolina at Chapel Hill encourages local governments to establish a County Commissioner/Elected Official travel policy as a best practice and for accountability.

Over the years, the Clerk to the Board's Office has included travel guidelines as part of the new Commissioners' orientation guide and revised those guidelines as appropriate.

Each County Commissioner receives a monthly car allowance of \$200 for in-state travel.

Note: The current annual operating budget does not include funding for travel and/or training items outside of the monthly car allowance.

On September 10, 2020, the Board of County Commissioners reviewed and discussed the proposed County Commissioner Travel Policy and Procedures document and provided direction to Chair Rich and staff for minor revisions.

FINANCIAL IMPACT: Funding for conference registrations, training, and travel expenses are incorporated as part of the County's Annual Operating Budget. No additional expenses are anticipated with the development of this policy.

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

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

RECOMMENDATION(S): The Manager recommends that the Board review and approve the proposed County Commissioner Travel Policy.



Draft County Commissioner Travel Policy

(Excerpt from BOCC Orientation Guide)

Purpose: This policy establishes appropriate guidelines for travel and transportation required of elected officials conducting business for Orange County.

All travel and training for the Orange County Board of Commissioners (BOCC) will be budgeted as part of the Clerk to the Board's departmental budget. Please contact the Clerk to the Board and/or the Office Manager by phone or email if you have any questions or need assistance.

All expenses incurred while conducting county business should be paid for by using your assigned County procurement card (p-card). Please remember, all financial transactions are considered Public Record and are subject to be requested and viewed.

Monthly Car Allowance

- A monthly car allowance is provided as part of each Commissioner's compensation package. The car allowance covers the use of personal vehicle/gas/miles driven within North Carolina.

Transportation (Outside North Carolina)

The Clerk's Office will handle all transactions related to travel out of state.

Detailed receipts must be submitted to the Office Manager.

Please indicate on the receipt the date and purpose.

- Payment for gas while using a personal vehicle outside of the State of North Carolina should be paid for by using your County assigned **p-card**.
- A County vehicle may be available to travel outside of North Carolina, and can be reserved upon request utilizing the County's CarShare program: <https://intranet.orangecountync.gov/Transportation/CarShare.asp>

Other modes of transportation – The Clerk's Office will arrange and pay for air travel outside of North Carolina. Other travel expenses such as rental vehicles, ride sharing services, taxis, gas, parking fees, tolls, etc. will be paid using your County assigned **p-card**.

Meals

Detailed receipts must be submitted to the Office Manager.



ORANGE COUNTY

NORTH CAROLINA

Draft County Commissioner Travel Policy

(Excerpt from BOCC Orientation Guide)

Please indicate on the receipt the date(s), meal selection (Breakfast, Lunch, or Dinner), event name, and purpose.

- Outside of Orange County – expenses related to meals and non-alcoholic beverages should be purchased using your County assigned **p-card**.
- Meals within Orange County - only meals related to serving the public at "official functions" can be charged to your County assigned **p-card**. Examples of "official functions" may include but not limited to: Mayors and Commissioner Meetings, Peer Elected Official/Staff Meetings. Meals other than those for "official functions" that are purchased within Orange County solely for the convenience of the traveler should not be charged to your County assigned **p-card** and are not eligible for reimbursement.
- Tips related to eligible meals as outlined above should be paid for by using your County assigned **p-card**.
- Tips for hospitality services (maid service, bellhop, etc.) should be paid for by using your County assigned **p-card**.

Hotel & Lodging (Outside of Orange County and North Carolina)

The Clerk's Office will handle all transactions related to travel and lodging (in or out of state)

Detailed receipts must be submitted to the Office Manager.

Please indicate on the receipt the date(s), event name, and purpose.

- Payment for incidental expenses related to lodging (including deposits and taxes) will be paid using your County assigned **p-card**.
- Reimbursement will not be made for hotel & lodging within Orange County.

Event Registrations and Conference and Training Expenses

The Clerk's Office will handle all transactions related to conference and training expenses (in or out of state) such as event registrations, conference materials, educational literature, etc. Please contact the Office Manager to coordinate any anticipated training/registration requests. In the case where a schedule change needs to be made, please contact the Office Manager as soon as possible to make them aware of the change. All additional expenses or changes must be paid for using your County assigned **p-card**.



ORANGE COUNTY

NORTH CAROLINA

Draft County Commissioner Travel Policy

(Excerpt from BOCC Orientation Guide)

Travel Advance

- Travel advances or stipends are not permitted. Please use your County assigned **p-card** for travel related purchases, including meals and additional conference materials/programs.

Budget

- The Clerk's Office will budget for County Commissioners' travel and training each fiscal year.
- For accountability purposes, a detailed financial report will be provided to the Board of County Commissioners quarterly regarding travel/training expenses incurred by each Commissioner
- Please contact the Clerk to the Board and/or the Assistant Deputy Clerk I – Office Manager to confirm the availability of travel and/or training budgets.

DRAFT

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: October 6, 2020

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

SUBJECT: Approve Contract for Building Commissioning Services of Northern Campus Project

DEPARTMENT: Asset Management Services
(AMS)

ATTACHMENT(S):
Facilities Dynamics Engineering
Proposal, dated July 7, 2020

INFORMATION CONTACT:
Steve Arndt, AMS Director, 919-245-
2658

PURPOSE: To authorize the County Manager to execute a contract upon review by the County Attorney, between Orange County and Facilities Dynamics Engineering to perform building commissioning services for the Northern Campus construction project.

BACKGROUND: On September 3, 2019, the County voted to accept a Guaranteed Maximum Price (GMP) of \$36,354,082 as presented by Bordeaux Construction for the development of the Orange County Northern Campus. The Campus, located on Highway 70 in Hillsborough, is intended to include a replacement Detention Center, Environment and Agriculture Center, and a Parks Base. The construction of this project is now in progress and is expected to be finished by July of 2021.

Building commissioning (Cx) is an integrated, systematic process to ensure, through documented verification, that all building systems perform interactively according to the "Design Intent". The focus of this commissioning will be electrical, mechanical, plumbing and heating, ventilation, and air conditioning (HVAC) systems in all three facilities. These systems will be inspected, tested and balanced according to established standards prior to the Owner's acceptance. The commissioning agent provides a third party, independent, assessment of building functionality, reporting inspection and test results to the Owner.

The performance of building commissioning will provide necessary quality assurance of building systems prior to Owner acceptance of the completed project.

FINANCIAL IMPACT: Facilities Dynamics Engineering was selected through an RFQ process and has provided a quote of \$109,816 to provide these services for the Northern Campus project. There are adequate Owner's Contingency funds available to cover the cost of this proposal.

SOCIAL JUSTICE IMPACT: There are no social justice impacts as a result of this request.

ENVIRONMENTAL IMPACT: Commissioning of this project will ensure building systems are operating in an optimal, energy and resource efficient fashion.

RECOMMENDATION(S): The Manager recommends that the Board authorize the County Manager to execute the contract upon review by the County Attorney, between Orange County and Facilities Dynamics Engineering to perform building commissioning services for the Northern Campus construction project.

July 7, 2020

Angel Barnes
Capital Projects Manager
Orange County Asset Management Services
131 West Margaret Lane
Hillsborough, NC 27278

Re: Orange County – Northern Campus - Commissioning Services Proposal, Revision 1

Dear Ms. Barnes,

Facility Dynamics Engineering is pleased to propose our engineering services to provide Commissioning (Cx) services for the Orange County – Northern Campus project. This proposal is for construction phase commissioning services only. The Cx services will cover Electrical, Plumbing, HVAC, and related HVAC Control systems. Our scope of work is based on the conformed set of Construction Documents sent to FDE on 6/5/2020. The scope is further detailed below.

CONSTRUCTION PHASE Cx SERVICES SCOPE OF WORK

TASK 1 – Execution Phase

- 1) Plan/Conduct/Document Cx Kickoff Meeting
- 2) Coordinate Cx Schedule with GC
- 3) Conduction miscellaneous Cx Meetings - before the start of FPTs (5 budgeted)
- 4) Prepare & submit meeting minutes for miscellaneous Cx Meetings
- 5) Review Mechanical/Electrical/Plumbing Equipment Submittals for familiarity (all were stated to be reviewed and approved at this time)
- 6) Review initial pipe cleaning, flushing, hydrostatic & duct pressure testing reports
- 7) Review TAB Plan
- 8) Write/ Review Pre-Functional tests/checklists
- 9) Maintain/ Update Action Item List - Assist in resolution
- 10) Prepare Functional Performance Tests
- 11) Review RFIs (as applicable)
- 12) Attend startups of major M/E/P equipment
- 13) Pre Cx "readiness" & Install Inspection visits (3 Budgeted).

TASK 2 – Acceptance Phase

- 1) Perform FPT & TAB verification (refer to detailed breakout)

1) HVAC

Detention Center

- OAU-1
- RTUs with Energy Recovery (5ea)

- RTUs (2ea)
- Gas Fired Unit Heater (2ea)
- Electric Unit Heater/ Electric Wall Heater (5ea)
- Water Source Heat Pump (17 ea)
- Water-to-Water Heat Pump / System
- Split System Unit
- Ductless Split System Unit (3ea)
- Misc. Exhaust Fans (9ea)
- Smoke Exhaust/ Supply Fans (31 ea)
- MAU-1/ Kitchen Hood

Environment & Ag Center

- RTU-1
- VAV Terminal Units (32 ea)
- Ductless Split System Unit (2 ea)
- Misc. Exhaust Fans (6 ea)
- Electric Unit Heater (3ea)

Parks Operations Base

- H&V Unit
- Packaged Heat Pump (2ea)
- Infrared Heaters (3 ea)
- Misc. Exhaust Fans (10 ea)

2) TAB Verification

- Review TAB reports, select 20% sample (typical for all 3 buildings)

3) Electrical

Detention Center

- Emergency Generator
- ATS Switches (3ea @ 100%)
- Building Loss of Power (incl. verification of E.P. systems)
- UPS
- Exterior Lighting Control/ Occ Sensor controlled lighting
- Panelboards/ Switchboards

Environment & Ag Center

- Lighting Control
- PV System
- MTS setup and test with Mobile Generator
- Panelboards/ Switchboards

Parks Operations Base

- Lighting Control
- PV System

- MTS setup and test with Mobile Generator
- Panelboards/ Switchboards

4) Plumbing

Detention Center

- Domestic Water Heating System (Geo + 4-NG Instant)
- Mixing Valves/ Recirc Pumps
- Water Pressure Booster System

Environment & Ag Center

- Solar Water Heater System + EWH
- Miscellaneous Tempering Valves

Parks Operations Base

- Domestic Water Heating System)

- 2) Retesting allowance (32 hours)
- 3) Documentation all functional testing
- 4) Maintain and Update Action Item List – Assist in resolution
- 5) Attend/ Conduct Cx Progress Meetings (5 budgeted)
- 6) Prepare Final Commissioning report.

TASK 3 – Post Acceptance Phase

- 1) Perform Opposite Season Testing, Trend Review, etc.
- 2) Update Cx report
- 3) End of Warranty Site Visit (~10 months from completion).
- 4) Prepare End of Warranty Site Visit

FEES

The following is a breakdown of our costs for each phase:

TASK	ITEM	FEES
1	Execution Phase	\$ 28,076
2	Acceptance Phase	\$ 76,913
3	Warranty Phase	\$ 4,827
Total		\$ 109,816

The following overall clarifications are noted relative to the above fee and scope proposals.

1. Facility Dynamics will develop checklists and functional tests based on their experience for systems of these types.
2. Facility Dynamics will coordinate the certification of contractors for readiness, completion of installation, prestart and startup.
3. Testing reports will be included that document the FPT's tested. Additional retesting for failed tests will be limited to the allowance above or considered an extra service.

4. Facility Dynamics assumes that the general contractor (and its Subcontractors, as applicable) will contribute the appropriate Trade Specialists to participate in all required startup tests/checks and FPT's where appropriate.
5. This fee includes the use of our commissioning software tool (CACEA) to manage much of the information necessary for Commissioning electronically.

Feel free to contact me if you need any further information or breakdown of costs. We would be glad to meet with you or any other staff to review our detailed cost estimate and scope for this project.

Sincerely,

FACILITY DYNAMICS ENGINEERING CORPORATION

A handwritten signature in black ink that reads "Kevin D. Shortt". The signature is written in a cursive style with a long horizontal stroke at the end.

Kevin D. Shortt, PE

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: October 6 , 2020

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

SUBJECT: Orange County Public Transportation Electric Bus and Charging Station
Purchase

DEPARTMENT: Transportation Services

ATTACHMENT(S):

FTA Award Letter

Town of Chapel Hill Council Resolution

INFORMATION CONTACT:

Theo Letman, 919-245-2007

Jovana Amaro, 919-245-2651

PURPOSE: Staff proposes to “piggy back” on the Town of Chapel Hill bid that was awarded to Gillig LLC of Hayward, California on October 30, 2019 for the purchase of 40’ Heavy Duty, Low Floor Battery Electric Transit Buses and Charging Unit.

BACKGROUND: Federal Transit Administration has awarded Orange County Public Transportation with \$1,117,000 dollars through the Bus and Bus Facilities Grant (5339), for the purchase of an electric bus and charging station. Funding for this grant is done with a local match of 20 percent or \$223, 400 (up to but not exceeding).

Under certain circumstances, North Carolina General Statute 143-129 allows local governments to make purchases without a separate bidding procedure. This type of acquisition can be made from any contractor that has, within the past 12 months, contracted to furnish the item to: (1) the federal government or any federal agency; (2) the state of North Carolina or any agency or political subdivision of the state; or (3) any other state or agency or political subdivision of that state, if the contractor is willing to extend the same or more favorable price and other terms to the local government. This process is called “piggy-backing” a bid, and has been used by Orange County on a number of occasions to achieve substantial savings on major equipment purchases.

FINANCIAL IMPACT: Orange County Public Transportation will use Article 43 funds (transit tax) to cover the 20 percent local match for this grant, which will not be greater than \$223,400.

SOCIAL JUSTICE IMPACT:

- **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:

- **GOAL: 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.
- **GOAL: ENVIRONMENTALLY PREFERABLE PURCHASING**
Promote the use of chemicals, materials, equipment, and systems which are officially recognized as to minimize environmental impacts.
- **GOAL: RESULTANT IMPACT ON NATURAL RESOURCES AND AIR QUALITY**
Assess and where possible mitigate adverse impacts created to the natural resources of the site and adjoining area. Minimize production of greenhouse gases.

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

- 1) Approve an Agreement with GILLIG LLC of Hayward, California in the amount not-to-exceed \$1,117,000 for the purchase and installation of an 40 foot electric bus and charging station; and
- 2) Authorize the County Manager to sign the agreement upon County Attorney review and to sign any change orders up to the Project Budget.

[USDOT Award Announcement 11/25/2019](#)

Selected Projects

<https://www.transit.dot.gov/funding/grants/fiscal-year-2019-bus-and-bus-facilities-projects>

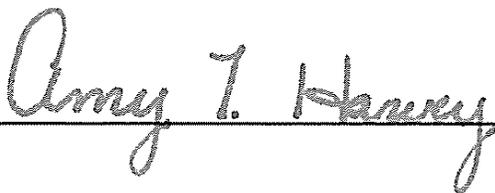
<u>Grant Budget Breakdown</u>		<u>Fed</u>	<u>Local</u>	<u>QTY</u>
PART - Heavy Duty Bus	Heavy Duty Bus	400,000	100,000	14
PART - LTV	LTVs	68,000	17,000	6
PART - Van	Van	30,400	7,600	25
ANSON	Facility Replacement	1,189,451	297,363	1
JOHNSTON	Facility Replacement	2,391,200	597,800	1
IREDELL	Facility Replacement	4,000,000	1,000,000	1
HOKE	Facility Replacement	1,667,984	416,996	1
DUPLIN	Facility Replacement	1,135,137	283,784	1
ORANGE	Electric Buses	231,200	57,800	3
ORANGE	Charging Station	200,000	50,000	1
MACON	Sitework	12,000	3,000	1
MACON	Building Addition	249,600	62,400	1
MACON	Contingency	13,080	3,270	1
MACON	Construction Management	26,160	6,540	1
MACON	Architech & Engineering	34,008	8,502	1
CHATHAM	Demo & Grading	83,840	20,960	1
CHATHAM	Site Work	49,272	12,319	1
CHATHAM	Building	370,312	92,578	1
CHATHAM	Paving / Asphalt	73,380	18,345	1
	Application Total			
	Total Award			
	Shortage			

<u>FED</u>	<u>LOCAL</u>	<u>TOTAL</u>	<u>Scaleable</u> <u>per</u> <u>Application</u>
5,600,000	1,400,000	7,000,000	Yes
408,000	102,000	510,000	Yes
760,000	190,000	950,000	Yes
1,189,451	297,363	1,486,814	No
2,391,200	597,800	2,989,000	Yes
4,000,000	1,000,000	5,000,000	No
1,667,984	416,996	2,084,980	Yes
1,135,137	283,784	1,418,921	No
693,600	173,400	867,000	2 buses
200,000	50,000	250,000	No
12,000	3,000	15,000	No
249,600	62,400	312,000	Yes
13,080	3,270	16,350	No
26,160	6,540	32,700	No
34,008	8,502	42,510	No
83,840	20,960	104,800	No
49,272	12,319	61,591	No
370,312	92,578	462,890	Yes
73,380	18,345	91,725	No
18,957,024	4,739,257	23,696,281	
17,275,000			
1,682,024			

ATTACHMENT 2

I, Amy T. Harvey, Deputy Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of (2019-10-30/R-3) adopted by the Chapel Hill Town Council on October 30, 2019.

This the 31st day of October, 2019.



**Amy T. Harvey
Deputy Town Clerk**



A RESOLUTION AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND EXECUTE A FIVE-YEAR CONTRACT WITH GILLIG LLC TO PURCHASE NEW, BATTERY-ELECTRIC BUSES AND CHARGING UNITS (2019-10-30/R-3)

WHEREAS, the Town of Chapel Hill is responsible for providing quality fixed-route transit services for the Town of Chapel Hill, the Town of Carrboro, and The University of North Carolina at Chapel Hill; and

WHEREAS, the Town of Chapel Hill has operated the public transit system, Chapel Hill Transit, since 1974 and has shared the costs with the Town of Carrboro and The University of North Carolina at Chapel Hill; and

WHEREAS, the Town of Chapel Hill has a continued need to maintain and modernize their fleet; and

WHEREAS, Chapel Hill Transit plans to purchase a minimum of three battery-electric buses as part of a pilot project with the goal of reducing carbon emissions, reducing noise, and reducing costs; and

WHEREAS, Chapel Hill Transit Staff has conducted a public solicitation; and

WHEREAS, All bids were evaluated for cost, compliance to the bus specifications published as part of the solicitation, submission of all required federal forms, information of quality assurance systems, and financial capacity of the supplier.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to negotiate and execute a five-year contract with Gillig LLC. for the purchase of three battery-electric buses and charging units with the option to purchase an additional nineteen buses.

This the 30th day of October 2019.

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: October 6, 2020

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

SUBJECT: Amendment to Orange County Board of Commissioners Advisory Board Policy
Regarding Elected Officials

DEPARTMENT: County Attorney

ATTACHMENT(S):

Amendment

INFORMATION CONTACT:

John Roberts, 919-245-2318
Thom Freeman, 919-245-2125

PURPOSE: To amend the Orange County Advisory Board Policy so that elected government officials may not serve on advisory boards.

BACKGROUND: At the November 8, 2018 meeting the Board determined by consensus that elected government officials should not be appointed to Orange County advisory boards. The attached amendment reflects the Board intent expressed at the meeting and restricts the appointment of elected government officials to advisory boards and requires the resignation or removal of individuals who may be elected to government office while they are serving on advisory boards.

The only exceptions to the restriction would be if the Board determined to set aside the restriction if:

- 1) the appointment of an elected official is required by law;
- 2) such appointment is required by intergovernmental agreement; or
- 3) if the board-specific policy allows the appointment of elected officials (such as the Visitors Bureau policy).

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

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

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

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

RECOMMENDATION(S): The Manager recommends the Board adopt the attached amendment.

ATTACHMENT 1

Section III. Membership.

D. Appointment

1. All members of advisory boards serve at the pleasure of the Orange County Board of Commissioners.
2. Appointments to advisory boards will be initiated with a public application process from individuals, advisory boards, or community and professional organizations.
3. All appointments to advisory boards will be made by the Orange County Board of Commissioners.
 - a. The Orange County Board of Commissioners may elect to interview applicants to certain advisory boards.
 - b. In the event the Orange County Board of Commissioners conducts such interviews the advisory board to which the applicant seeks appointment may identify and suggest interview questions to the Orange County Board of Commissioners.
4. No person appointed to an Orange County advisory board shall serve on that board for more than two consecutive terms of three years each. Any appointment to a vacant position for less than a full three year term shall be considered a full term if the time of membership is 24 months or greater.
5. The Orange County Board of Commissioners may direct the Clerk to the Board of County Commissioners to establish an orientation program for certain advisory or other boards.
6. Extension of a member's term may be approved by the Orange County Board of Commissioners if it is determined that it is in the best interest of Orange County to allow an individual to continue to serve.
7. No person appointed to an Orange County advisory board may concurrently serve in any publicly elected office.

BOCC Meeting Follow-up Actions

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

Meeting Date	Task	Target Date	Person(s) Responsible	Status
9/15/20	Review and consider request by Commissioner Marcoplos that the Commission for the Environment explore ways to involve businesses, banks, grocery stores, etc., in reducing idling from drive-throughs	1/31/2021	Chair/Vice Chair/Manager David Stancil	To be reviewed and considered
9/15/20	Review and consider request by Commissioner Marcoplos that the County explore the possibility of co-locating of paramedics, as opposed ambulances, with fire departments	12/31/2020	Chair/Vice Chair/Manager Dinah Jeffries	To be reviewed and considered
9/15/20	Review and consider request by Commissioner McKee that the Manager consult with the two school district Superintendents and Board Chairs to see if they need any financial or other assistance to move forward with providing hot spots to all students that need them	10/6/2020	Chair/Vice Chair/Manager	To be reviewed and considered
9/15/20	Send the marijuana decriminalization resolution to Orange County's legislative delegation and the other 99 NC counties	9/30/2020	Greg Wilder David Hunt	DONE
9/15/20	Send follow-up email to all individuals who did not get a chance to speak at the September 15 th meeting regarding the opportunity to speak on September 22 nd	9/22/2020	David Hunt Greg Wilder	DONE
9/15/20	Conform the NCACC goals resolution based on additions and revisions approved by the Board and send resolution to NCACC	9/30/2020	Greg Wilder John Roberts	DONE

Tax Collector's Report - Numerical Analysis

Property Tax Collection - Tax Effective Date of Report: August 31, 2020						
Tax Year 2020	Amount Charged in FY 20-21	Amount Collected	Accounts Receivable	Amount Budgeted in FY 20-21	Remaining Budget	% of Budget Collected
Real and Personal Current Year Taxes	\$ 154,198,531.00	\$ 16,119,293.80	\$ 137,956,502.31	\$ 154,198,531.00	\$ 138,079,237.20	10.45%
Real and Personal Prior Year Taxes	\$ 3,818,647.51	\$ 361,695.64	\$ 3,116,611.40	\$ 1,155,000.00	\$ 793,304.36	31.32%
Total	\$ 158,017,178.51	\$ 16,480,989.44	\$ 141,073,113.71	\$ 155,353,531.00	\$ 138,872,541.56	10.61%
Registered Motor Vehicle Taxes		\$2,582,075.75	\$9,806.80	\$ 11,175,116.00	\$ 8,593,040.25	23.11%
Tax Year 2019	Amount Charged in FY 19-20	Amount Collected	Accounts Receivable	Amount Budgeted in FY 19-20	Remaining Budget	% of Budget Collected
Real and Personal Current Year Taxes	\$ 152,142,471.00	\$ 12,447,997.17	\$ 138,522,087.70	\$ 152,142,471.00	\$ 139,694,473.83	8.18%
Real and Personal Prior Year Taxes	\$ 3,378,823.17	\$ 283,118.35	\$ 3,032,468.42	\$ 1,100,000.00	\$ 816,881.65	25.74%
Total	\$ 155,521,294.17	\$ 12,731,115.52	\$ 141,554,556.12	\$ 153,242,471.00	\$ 140,511,355.48	8.31%
Registered Motor Vehicle Taxes		\$2,391,459.48	\$3,763.66	\$ 10,770,627.00	\$ 8,379,167.52	22.20%
2020 Current Year Overall Collection Percentage - Real & Personal		10.46%				
2020 Current Year Overall Collection Percentage - with Registered Motor Vehicles		11.94%				
2019 Current Year Overall Collection Percentage - Real & Personal		8.25%				
2019 Current Year Overall Collection Percentage - with Registered Motor Vehicles		9.68%				

This report has been updated as of March 2019 to include registered motor vehicle collections.

Tax Collector's Report - Measures of Enforced Collections

-
Fiscal Year 2019-2020

Effective Date of Report: AUGUST 31, 2020

	July	August	September	October	November	December	January	February	March	April	May	June	YTD
Wage garnishments	95	62											
Bank attachments	22	17											
Certifications	-	-											
Rent attachments	1	1											
Housing/Escheats/Monies	-	-											
Levies	-	-											
Foreclosures initiated	2	8											
NC Debt Setoff collections	\$2,350.26	\$ 1,991.76											

This report shows the Tax Collector's efforts to encourage and enforce payment of taxes for the fiscal year 2020-21. It gives a breakdown of enforced collection actions by category, and it provides a year-to-date total.

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

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	TAX	FEE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	TAX CLASSIFICATION	ACTION	Approved by CFO	Additional Explanation
Adcock, Dorothy A.	212138	2020	49,938	48,988	(8.80)		(8.80)	Assessed in error (illegal tax)	Personal	Approve	8/27/2020	Property listed in error due to Taxpayer misunderstand of listing form.
Alvis, Kenneth D.	153101	2020	72,310	63,083	(86.34)		(86.34)	Incorrect value (clerical error)	Personal	Approve	8/27/2020	Taxable value changed due to recalculating of land value for tax relief
Boster, Victor Steven	1071296	2018	1,810	-	(18.76)		(18.76)	Assessed in error (illegal tax)	Personal	Approve	8/27/2020	Real property sold no known heirs in Orange County; mail returned undeliverable
Boster, Victor Steven	1071296	2019	1,770	-	(16.98)		(16.98)	Assessed in error (illegal tax)	Personal	Approve	8/27/2020	Real property sold no known heirs in Orange County; mail returned undeliverable
Boster, Victor Steven	1071296	2020	1,770	-	(18.75)		(18.75)	Assessed in error (illegal tax)	Personal	Approve	8/27/2020	Real property sold no known heirs in Orange County; mail returned undeliverable
Boyd, Tommy M.	204752	2020	160,120	153,852	(58.65)		(58.65)	Incorrect value (clerical error)	Personal	Approve	8/27/2020	Taxable value changed due to recalculating of land value for tax relief
Crabtree, Richard	1050761	2020	2,500	1,160	(19.36)		(19.36)	Incorrect value (clerical error)	Personal	Approve	8/27/2020	
David Marion Trust	1066183	2019	700	-	(11.46)		(11.46)	Double billed (illegal tax)	Personal	Approve	8/27/2020	Also billed on account 1066645
David Marion Trust	1066183	2020	600	-	(8.93)		(8.93)	Double billed (illegal tax)	Personal	Approve	8/27/2020	Also billed on account 1066645
Gourley, William A.	3185893	2020	5,970	-	(55.86)		(55.86)	Assessed in error (illegal tax)	Personal	Approve	8/27/2020	Mobile home destroyed by fire
Haith, David L.	1449	2020	32,900	22,567	(98.05)		(98.05)	Incorrect value (clerical error)	Personal	Approve	8/27/2020	Taxable value changed due to recalculating of land value for tax relief
Ingles, Nestor Jr.	1065968	2017	950	-	(13.68)		(13.68)	Double billed (illegal tax)	Personal	Approve	8/27/2020	Also billed on account 316523
Ingles, Nestor Jr.	1065968	2018	950	-	(12.55)		(12.55)	Double billed (illegal tax)	Personal	Approve	8/27/2020	Also billed on account 316523
Ingles, Nestor Jr.	1065968	2019	950	-	(12.72)		(12.72)	Double billed (illegal tax)	Personal	Approve	8/27/2020	Also billed on account 316523
Ingles, Nestor Jr.	1065968	2020	950	-	(13.99)		(13.99)	Double billed (illegal tax)	Personal	Approve	8/27/2020	Also billed on account 316523
Kiger, Pattie Moore	988432	2020	128,080	123,905	(38.71)		(38.71)	Incorrect value (clerical error)	Personal	Approve	8/27/2020	Taxable value changed due to recalculating of land value for tax relief
Lawit, Shai Joshua	1055468	2020	8,100	5,210	(26.45)		(26.45)	Incorrect value (clerical error)	Personal	Approve	8/27/2020	
Tri Mech Inc	297359	2020	6,063	-	(56.73)		(56.73)	Assessed in error (illegal tax)	Personal	Approve	8/27/2020	Business assessed in error - closed 12/31/2019
16 Parkside Lane LLC	3175832	2020	2,385	1,992	(4.47)		(4.47)	Assessed in error (illegal tax)	Real	Approve	9/11/2020	
Baldwin, Hetter	16117	2020	950	-	(9.15)		(9.15)	Assessed in error (illegal tax)	Personal	Approve	9/11/2020	Property given away prior to January 1, 2016
Baldwin, Hetter	16117	2019	950	-	(9.12)		(9.12)	Assessed in error (illegal tax)	Personal	Approve	9/11/2020	Property given away prior to January 1, 2016
Baldwin, Hetter	16117	2018	950	-	(9.60)		(9.60)	Assessed in error (illegal tax)	Personal	Approve	9/11/2020	Property given away prior to January 1, 2016
Baldwin, Hetter	16117	2017	950	-	(10.32)		(10.32)	Assessed in error (illegal tax)	Personal	Approve	9/11/2020	Property given away prior to January 1, 2016
Baldwin, Hetter	16117	2016	950	-	(9.71)		(9.71)	Assessed in error (illegal tax)	Personal	Approve	9/11/2020	Property given away prior to January 1, 2016
Burton, Louis	1073887	2019	8,410	-	(78.69)		(78.69)	Assessed in error (illegal tax)	Personal	Approve	9/11/2020	Real property sold no known heirs in Orange County
Burton, Louis	1073887	2020	8,410	-	(78.69)		(78.69)	Assessed in error (illegal tax)	Personal	Approve	9/11/2020	Real property sold no known heirs in Orange County
Com. Kathy	1076654	2020	1,230	-	(11.85)		(11.85)	Assessed in error (illegal tax)	Personal	Approve	9/11/2020	Vehicle sold
Mann, Patrick	57114994	2020	6,430	410	(57.13)		(57.13)	Purchase price (appraisal appeal)	RMV-VTS	Approve	9/11/2020	
McHale, Aimee	3188922	2020	10,090	-	(94.98)		(94.98)	Assessed in error (illegal tax)	Personal	Approve	9/11/2020	Gap bill: vehicle was registered during gap period
Somerset Capital Group LTD	1062718	2020	384	-	(6.19)		(6.19)	Assessed in error (illegal tax)	Personal	Approve	9/11/2020	Discovered in error
							(337.24)	Total				
*Situs error: An incorrect rate code was used to calculate bill. Value remains constant but bill amount changes due to the change in specific tax rates applied to that physical location.												
Gap Bill: A property tax bill that covers the months between the expiration of a vehicle's registration and the renewal of that registration or the issuance of a new registration.												
The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.												
Approval of the release or refund of the principal tax amount also constitutes approval of the release or refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.												



MEMORANDUM

TO: Board of County Commissioners

FROM: Annette Moore, Director

RE: Racial Equity Progress Report

DATE: September 15, 2020

In the 2019-20 budget, the Orange Board of Commissioners approved funds to support a team of Orange County staff to be a part of a GARE North Carolina Learning Community of government jurisdiction working to advance racial equity by addressing institution and structural racism. Each jurisdiction made a one-year commitment to the learning process.

in May, with the murder of George Floyd and the ensuing protest, awareness of the need for racial equity has grown exponentially around the Country. In June, the Health Director, Quintana Stewart, declared structural racism a health crisis in Orange County. The Board of County Commissioners also passed a resolution condemning the murder of George Floyd and committing to dismantling structural and institutional racism in Orange County government and throughout Orange County. The Board directed the Department of Human Rights and Relations to lead the One Orange Racial Equity Team in developing a Racial Equity Plan using the Government Alliance on Race and Equity Model to bring a first draft of the plan back to the Board in September 2020.

Although the pandemic has impacted the work of the GARE core team, it has also created an opportunity for us to reimagine how we move forward advancing racial equity as a region. Instead of looking at racial equity from a jurisdictional position, we believe we should be looking at racially equity collaboratively both within the county and regionally. In Orange County, working collaboratively we could be working to break down not only institutional racism but also systems racisms. Other regional partners are Durham City, Durham County, Caswell County, Greensboro, and Raleigh.

This week we met with Chapel Hill and Carrboro to discuss having one Countywide Racial Equity Plan that would also include different local community strategies. Now that Hillsborough is a member of GARE, we are hoping to invite them to be a part of this a collaboration. We could leverage our shared resources with one another. This thinking would also carry over regionally as well. We believe the attached Report outlines the steps that we will take to put a comprehensive countywide racial equity plan together that is not only data-driven but keeps us accountable for the work we are

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required to do. We want bring this Racial Equity Plan back at the October 6 meeting. The other jurisdiction will also bring this information to their boards.

ATTACHMENT 1

ORANGE COUNTY RACIAL EQUITY PLAN: PROGRESS REPORT**INTRODUCTION**

Throughout the country more and more communities are committing to achieving racial equity. Many are seeking collaboration and technical assistance as they make plans to turn their commitments into actions. The Government Alliance in Race & Equity (GARE) is a national network of government agencies working to advance racial equity. Over the past decade, a growing field of practice has emerged based on lessons learned from practitioners, as well as academic experts and national technical assistance providers. GARE brings together governments throughout the country to provide racial equity training, racial equity tools, sharing best practices, peer-to-peer learning, and academic resources to help strengthen work across jurisdictions. GARE also has cohorts that provide intense training that focus on a body of practice, including, racial equity training curricula, racial equity tool, model policies, and infrastructure model tools.

Since October 2019, Orange County, Carrboro, and Chapel Hill each have had a team of staff in a North Carolina GARE Learning Community Cohort to Advance Racial Equity. The North Carolina Learning Community is comprised of nine North Carolina local governments and one agency. This Learning Community, the first-ever in the South, has been an opportunity to build institutional capacity to advance racial equity within our local jurisdictions to dismantle systemic and institutional racism.

WHAT IS “RACIAL EQUITY”?

The Government Alliance on Racial & Equity defines racial equity as “when race can no longer be used to predict life outcomes and outcomes for all groups are improved.”

- The difference between racial equity and equality is that equity is about fairness, while equality is about sameness.
- Equity cannot be achieved until everyone starts from a level playing field.
- Across all indicators of success, racial inequities continue to be a factor (e.g., education, housing, criminal justice, jobs, public infrastructure, and health).

Over the history of our country, government has created and maintained a hierarchy based on race, of who succeeds, fails, benefits, and burdened by the laws, policies, and practices. Inequities are sustained by historic legacies, structures, and systems that support these patterns of exclusion. To achieve racial equity, a fundamental transformation of government is necessary.

In prior years, the government has focused on addressing the symptoms of racial inequity by:

- Funding programs and services that have proven to be mostly ineffective at addressing underlying causes; and

- Passing Civil Rights laws, which made racial discrimination illegal, but, after more than 50 years, racial inequity continues to exist.

Government efforts, instead of focusing on symptoms of racial inequity, should focus on the policies and institutional strategies that are driving the production of inequities.

WHY RACE?

Race is a social construct and not biological, as people often think. Defining racial categories has changed over the years. Issues involving race are often “the elephant in the room” but rarely discussed with a shared understanding. To advance racial equity, it is imperative we talk about race.

In the United States, while race, income, and wealth are closely connected, racial inequity is not just about income. Even when income is the controlling factor, there still exist many inequities across multiple indicators of success, including education, jobs, housing, health and incarceration. It is important to talk about race to advance racial equity. To advance racial equity, we must normalize the conversation about race and operationalize strategies for advancing racial equity. In advancing racial equity, we will also be building systems that allow us to address income and wealth inequity and recognize the bias that exists based on gender, sexual orientation, ability, age, and religion. Focusing on race allows us to develop a framework, tools, and resources that apply to other areas of marginalization, recognizing that different strategies will be necessary to achieve equity in other areas.

ADVANCING RACIAL EQUITY IMPROVES OUR COLLECTIVE SUCCESS

Focusing on racial equity is critical in helping us achieve different outcomes for our communities. The goal is not just to eliminate the inequities between whites and people of color, but to increase and enhance the success of all groups. To eliminate disparities, we must strategize based on the experiences of communities being underserved by existing institutions, systems, and structures. To understand the experience of those communities, they must be included and engaged. In this process, we move past looking at disparities and find racialized systems that are costly and, depress outcomes, and life chances for all groups. Systems that are failing communities of color failing are us all by depressing life chances and outcomes.

RACIAL EQUITY IS STRATEGY FOR CHANGE

Over the last several decades, we have seen the introduction of many policy and programmatic efforts to advance racial equity. These individual efforts are essential but are not enough. A comprehensive strategy is necessary to achieve racial equity. Over the next several months, we will work with the GARE teams of Carrboro and Chapel Hill to develop a Countywide Racial Equity Plan. The Countywide Racial Equity Plan will focus on undoing racism both within our own individual jurisdiction and across our institutions that combine to create a system that

negatively impact communities of color. We will invite not only Hillsborough, who is not in the GARE cohort but is a member of GARE, but also other regional partners to participate.

The combined GARE Team will form committees to concentrate on various aspects of the Racial Equity Plan. The committees will focus on the Racial Equity Tool, Community Engagement, Data Collection and Analysis, Training, and Communication, Evaluation, and Accountability. In addition, teams will continue with their own jurisdictions demonstration projects begun through the Learning Community program. In November or December, a symposium will be held for elected officials and other interested persons highlighting the work of the GARE local and regional teams.

The Combined local GARE Teams will use GARE's six proven strategies described below in advancing racial equity and government transformation to create a shared equity framework to develop a Racial Equity Plan.

1. Building organizational capacity:
 - Build internal organizational infrastructure by inviting a diverse array of stakeholders to collaborate toward a shared vision of equity.
2. Develop and Implement a Racial Equity tool;
 - Develop and implement a racial equity tool that mechanizes the practice of considering racial impact when making and implementing policy. Include the following:
 - Promote racially inclusive collaboration and engagement;
 - A Racial Equity Scorecard that uses data and metrics to develop strategies to close gaps and track progress;
 - Develop and implement Integrated program and policy strategies for eliminating racial inequity;
 - Develop cross-section, cross-jurisdictional partnerships to achieve systematic structural and institutional change; and
 - Educate internal and external stakeholders on racial issues and raise racial awareness.
3. Developing a Racial Equity Index to track racial equity metrics to measure success, develop baselines, and set goals. Use data to develop strategies to close gaps and track progress over a period. Metrics can also be used to align outputs with outcomes across cross-departmental and cross-jurisdictional lines to evaluate community progress on racial equity throughout the County.
4. Develop Community Engagement Plans. Partner with other institutions and communities to partner in this work together. Partner with Stakeholders, including communities of color, to have a "collective impact" to advance racial equity. Collective impact refers to when a group of organizations from different sectors work on a common issue to solve a specific social problem.
5. Communicate to communicate and act with urgency. - When change is, a priority and urgency felt, change is embraced and can take place quickly. While racial equity is a

long term goal, we are committed to prioritizing action with a shared vision, specific priorities, and strategic actions and organizing that can lead to change.

6. Develop an Accountability Plan. Build an institutional accountability mechanism and a clear plan of action that demonstrates accountability to elected officials and a transparent way to show responsibility to the community.

Committees Structure and Formation

While community participation will be sought throughout each step of the racial equity process, it will be a necessary to have community members partners in the discussion of a plan for community engagement and accountability. Committees will be staffed GARE team members from all jurisdictions, as well as staff and others with expertise in specific areas.

Racial Equity Tool Committee. The Racial Equity Tool Committee will lay out a process and a set of questions to guide the development, implementation and evaluation of policies, initiatives, programs, and budget issues to address the impact of racial equity. The racial equity tool will help align racial equity goals with desired outcomes.

The Racial Equity Tool looks at:

1. Desired Rules. Community Indicators measurements that quantify the achievements of the desired results
2. **Data Collection & Analysis.** Whom do the policies, programs, initiatives, and budget issues negatively impact? Where are the gaps?
3. **Community Engagement/Partnership.** How was the community engaged? Are there opportunities to expand engagement and partnership? Design a Community Engagement Plan.
4. Strategies. Create a root cause analysis for racial disparities. Determine and refine your priority strategies to maximize racial equity. Organize outcomes and performance measures. Use community engagement/partnership to get feedback on the negative impacts based on performance measures and root causes analysis to disparities. Identify short and long-term strategies and organize outcomes to achieve desired results.
5. Implementation. Develop an implementation plan. Using the Racial Equity Toolkit, develop one short strategy and one long-term strategy, which includes an action step, person (or agency) responsible, deadline, and what resources are needed.
6. **Communication, Evaluation, and Accountability.** How will we ensure accountability, communicate with stakeholders, and evaluate results?
 - a. How will the impacts be documented and evaluated? Are you achieving the anticipated outcome?
 - b. How will you continue to partner and deepen relationships with impacted communities while you continue to achieve organizational outcomes?
 - c. Craft a message using Race Forward’s ACT Tool:
 - i. Affirm. Hook and engage the audience by immediately mentioning phrases and images that speak to their values

- ii. Counter. Open the audience’s minds to an alternative explanation of frameworks about race. Unconscious attitudes and stereotypes toward individuals and social groups that “affect our understanding, actions, and decisions.” (Adapted from Kirwan Institute)
- iii. Transform. End your message with a solution that leaves your audience feeling engaged and included in your next steps.

Community Engagement Committee. Develop a plan to provide for meaningful community engagement. Consider the current and unlikely partners needed to accomplish the organizational outcomes. Who are the decision makers with whom you need to inform, consult, or collaborate?

Building meaningful community engagement/partnership toward power shift means:

1. The desired result is co-designed and shared by both government and the community.
2. Community engagement expectations and processes are aligned between the community and government.
3. Government is ready to listen, hear, and implement input from all communities, especially impacted communities of color.
4. Government is ready to make a transformational and structural change toward a new power dynamic.
5. Principles of community engagement at the enterprise level are known and carried out across all departments.
6. Designate a specific department to provide coordination, training, and technical assistance to other departments seeking to engage and build partnerships with the community.
7. A guide exists and is shared broadly across the enterprise.

Racial Equity Index Committee. The use of data and metrics to track progress of County’s racial equity initiatives and to follow trends in racial disparities. Metrics will also facilitate the alignment of outputs with outcomes and the coordination of efforts across departments and jurisdictions. The Racial Equity Index will be a transparent public access to data with built public data dashboards to help assess questions of equity. The dashboards contained within the Index will include sub-county maps and key performance indicators (KPIs) to help track essential indicators and equity performance. Wherever possible these KPIs would be disaggregated by geography, race/ethnicity, income, and gender. This data may be used to address historical oppression by:

- Examining existing policies and procedures
- Equitably targeting use of resources
- Fostering equity-centered decision making (ie. in policies and procedures)
- Guiding community-centered engagement
- Developing a participatory budgeting process
- Unifying local response to pressing issues
- Creating a user-friendly, public facing data portal
- Collaborating across institutions and systems

- Implementing accountability structures that align with local government equity efforts

The Racial Equity Index Committee will develop a countywide Racial Equity Index and Community Scorecard to track equity metrics across Orange County. Data demonstrating racial inequities is frequently available. What is not often available is data tracking the progress of the strategies used for closing the gaps over time. Metrics and data can be used to align outputs with outcomes across cross-departmental and cross-jurisdictional lines to evaluate community progress on racial equity throughout the County. If the goal is to eliminate racial inequities and improve success, we must follow the impact of our efforts over time so we can see the effect of our efforts. Measurement at the program level is needed to track the impact of specific public investment and policy changes.

The model used for the Racial Equity Index will be a local modified version of the Policy Link's National Equity Atlas. To see examples of these resources as:

- a. Policy Link National Equity Atlas <https://nationalequityatlas.org/research#reindex>
- b. Equity Profile of Battle Creek, MI
<https://www.policylink.org/sites/default/files/BattleCreek-profile.pdf>
- c. Policy Link Racial Equity Tool:
<https://nationalequityatlas.org/research/index-findings>

Training Committee. The training committee will develop a plan to provide training to policymakers, managers, staff, boards and commission members, and community partners to build capacity to advance racial equity and to embed racial equity into countywide systems.

Evaluation and Accountability Committee. The Evaluation and Accountability Committee will develop an Evaluation Plan based on the principles of the Results-Based Accountability (“RBA”) framework. RBA is a national model and provides a disciplined, data-driven, decision-making process to help local governments take action to solve problems. An Evaluation Plan will help local governments apply racial equity principles embedded into the Results-Based Accountability (RBA) methodology into Racial Equity Action Plans.

FINANCE and ADMINISTRATIVE SERVICES

Gary Donaldson, CTP, Chief Financial Officer / gdonaldson@orangecountync.gov / 200 S. Cameron Street, Hillsborough, NC 27278 / 919.245.2453

DATE: October 6, 2020
TO: Board of County Commissioners
FROM: Gary Donaldson, CFO
RE: 2016 School Bond Projects

There was a Board request to include the referenced subject as an Information Item for the October 6, 2020 Virtual Business Meeting records.

Please note, this is the same School bond projects summary provided at the September 24, 2020 Joint BOCC/Schools meeting. There will be quarterly updates as to the status of the 2016 School bond projects.

Cc: Bonnie Hammersley, County Manager

Attachments

Chapel Hill-Carrboro City Schools 2016 Bond Issuance Projects Update					
Project	Project Status	Projected Completion Date of All Projects	Current Approved Budget	Actual (as of August 31, 2020)	Available
Chapel Hill High School	Building A and Building D (new buildings) -Final stages; awaiting occupancy permits Building E (CTE) -Ongoing; expected 10/15 Building B, C (existing)-Ongoing renovations Demolition Old Building A (main bldg) -Ongoing w/scheduled demo removal by 11/15 Student Parking Lot (new) -Scheduled by December 31st Substantial completion: January 15th	Substantial Completion scheduled for 1/15/2021	\$ 68,000,000	\$ 58,020,144	\$ 9,979,856
Lincoln Center Conversion	Project on hold. Fund expenditures were completed for design fees. Requested transfer of the remaining funds for the completion of the Chapel Hill High School project.	No new status	\$ 1,436,000	\$ 796,868	\$ 639,132
Preliminary Planning Funds	These Preliminary Planning Funds were provided to CHCCS as part of the FY 2015-16 CIP to be "shovel" ready" for a project or projects; these funds would be reimbursed from approved Bond Referendum funds		\$ 750,000	\$ 750,000	\$ -
Total Bonds Issued to Date			\$ 70,186,000	\$ 59,567,012	\$ 10,618,988
Bonds Yet to Be Issued	Scheduled Final Tranche of 2016 Bond Funds in FY 2021-22		\$ 1,922,000		
Grand Total of 2016 Bonds			\$ 72,108,000		

Chapel Hill High School/Lincoln Center Projects (Major Facility Renovations project in CIP)

Project	Original Budget	Revised Budget	Actuals*	Balance Remaining	Notes
Chapel Hill High School	68,000,000	68,000,000	58,020,144	9,979,856	Bond Funds
CHHS - Major Renovations - this amount not included in Combined Bond Project	600,900	598,478	598,478	-	Older Facilities Funding
Totals Below					
Total	68,600,900	68,598,478	58,618,622	9,979,856	
Available Funds (Capital Reserve Funds):					
Lincoln Center Conversion	1,436,000	1,436,000	796,868	639,132	Bond Funds
Major Facility Renovations	1,724,900	1,733,892	-	1,733,892	All in a Contingency account
Total	3,160,900	3,169,892	796,868	2,373,024	
Grand Total - Major Facility Renovations	71,761,800	71,768,370	59,415,490	12,352,880	

*Actuals as of Munis Report through 8/31/20

	Total Exps (est. by CHCCS)
Combined Bond Projects:	
Chapel Hill High School Project	74,168,678
Lincoln Center Project (includes \$750K in Preliminary Planning Exps)	1,546,868
Total	75,715,546
	Total Revs (est. by CHCCS)
Bond Funds - Chapel Hill High School	68,000,000
Bond Funds Used - Lincoln Center	796,868
Apply Unused Bond Funds from Lincoln Center towards the CHHS Project	639,132
Advanced Preliminary Planning Funds - Bond Funds	750,000
Final Tranche of 2016 Bond Funds in FY 2021-22	1,922,000
Total 2016 Bond Funds	72,108,000
Estimated Sales Tax Reimbursements	1,200,000
Use of Available Contingency Funds - Major Facility Renovations Project (53053)	1,733,892
	75,041,892
Surplus/(Deficit)	(673,654)
Deficit to be Covered with available School Capital Outlay Fund Balance - CHCCS	673,654
Surplus/(Deficit)	0

Orange County Schools 2016 Bond Issuance Projects Update					
Project	Project Status	Projected Completion Date of All Projects	Current Approved Budget	Actual (as of August 31, 2020)	Available
Roofing Projects	ALS - have started last phase; CP - completed in 2019; CE - will be completed this year; GAB - completed in 2020; OHS - assessing final phase;	22-Dec	\$ 4,056,993	\$ 1,072,934	\$ 2,984,059
Property Acquisition	Completed/occupied January 2020	Jan-20	\$ 3,100,000	\$ 3,104,353	\$ (4,353)
Cedar Ridge High School Addition	on schedule for completion in January 2021; within budget	Jan-21	\$ 14,500,000	\$ 8,198,106	\$ 6,301,894
School Safety/Security	OHS 98% completed; beginning CRHS. Will then move to middle schools: ALS, GHMS, CW Stanford. Elementary schools to follow based on completion of the vestibule projects. Projected completion all schools--January 2021	Jan-21	\$ 2,500,000	\$ 12,550	\$ 2,487,450
Mechanical Systems	Design assessment completed on six schools: Central Elementary, AL Stanback middle, New Hope Elementary, Hillsborough Elementary (specific buildings), Grady Brown Elementary and Efland Cheeks Elementary ; schools prioritized according to greatest need; Central Elementary design nearing completion with bid date projected during Q1 2021. ALS projected thereafter. SOW exceeds funding so prioritization will continue in order to maximize available funds.	Work to continue during summers for at least next three years.	\$ 10,871,007	\$ 9,341,369	\$ 1,529,638
Classroom/Building Improvements	Two phase project at CP. Phase I anticipated to be completed 10.2020. Phase II anticipated completion August 2021. Phase II SOW anticipated to exceed funding so prioritization will continue in order to maximize available funds.	21-Aug	\$ 1,000,000	\$ 72,607	\$ 927,393
Preliminary Planning Funds	These Preliminary Planning Funds were provided to OCS as part of the FY 2015-16 CIP to be "shovel" ready" for a project or projects; these funds would be reimbursed from approved Bond Referendum funds		\$ 478,000	\$ 478,000	\$ -
Total Bonds Issued to Date			\$ 36,506,000	\$ 22,279,919	\$ 14,226,081
Bonds Yet to Be Issued	Scheduled Final Tranche of 2016 Bond Funds in FY 2021-22		\$ 11,386,000		
Grand Total of 2016 Bonds			\$ 47,892,000		

Orange County Schools 2016 Bond Projects

Project	Original Budget	Revised Budget	Actuals*	Balance Remaining	Notes
Roofing Projects	4,056,993	4,056,993	1,072,934	2,984,059	Bond Funds
Property Acquisition	3,100,000	3,100,000	3,104,353	(4,353)	Bond Funds
Cedar Ridge High School Addition	14,500,000	14,500,000	8,198,106	6,301,894	Bond Funds
School Safety/Security	2,500,000	2,500,000	12,550	2,487,450	Bond Funds
Mechanical Systems	10,871,007	10,871,007	9,341,369	1,529,638	Bond Funds
Classroom/Building Improvements	1,000,000	1,000,000	72,607	927,393	Bond Funds
Total	36,028,000	36,028,000	21,801,919	14,226,081	
Available Funds:					
Preliminary Planning Funds - approved in FY 2015-16 CIP	478,000	478,000	478,000		Bond Funds Provided in - Advance of Bond Referendum
Repurposed Funds from Other OCS Capital Projects in FY 2017-18 to Mechanical Systems Project	-	1,463,407	-	1,463,407	Repurposed Funds
Total	478,000	1,941,407	478,000	1,463,407	
Grand Total - Major Facility Renovations	36,506,000	37,969,407	22,279,919	15,689,488	

*Actuals as of Munis Report through 8/31/20

Bond Projects:		Total Exps (est. by OCS)
Roofing Projects		4,056,993
Property Acquisition		3,104,353
Cedar Ridge High School Addition		14,500,000
School Safety/Security		2,500,000
Mechanical Systems		10,871,007
Classroom/Building Improvements		1,000,000
Advanced Preliminary Planning Funds in FY 15-16 CIP - Bond Funds		478,000
Total		36,510,353
Final Tranche of 2016 Bond Funds in FY 2021-22		11,386,000
Grand Total		47,896,353
Total Revs (est. by OCS)		
Bond Funds - Roofing Projects		4,056,993
Bond Funds - Property Acquisition		3,100,000
Bond Funds - Cedar Ridge High School Addition		14,500,000
Bond Funds - School Safety/Security		2,500,000
Bond Funds - Mechanical Systems (includes Repurposed Funds from FY 17-18)		10,871,007
Bond Funds - Classroom/Building Improvements		1,000,000
Advanced Preliminary Planning Funds in FY 15-16 CIP - Bond Funds		478,000
Total 2016 Bond Funds		36,506,000
Final Tranche of 2016 Bond Funds in FY 2021-22		11,386,000
Estimated Sales Tax Reimbursements		-
Grand Total		47,892,000
Surplus/(Deficit)		(4,353)