



**Orange County  
Board of Commissioners**

**Agenda**

**Virtual Business Meeting**

November 16, 2021

7:00 p.m.

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

Due to current public health concerns, the Board of Commissioners is conducting a Virtual Business meeting on November 16, 2021. Members of the Board of Commissioners will be participating in the meeting remotely. As in prior meetings, members of the public will be able to view and listen to the meeting via live streaming video at [orangecountync.gov/967/Meeting-Videos](http://orangecountync.gov/967/Meeting-Videos) and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

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

- Written submittals by email
- Speaking during the virtual meeting

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

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

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

**PUBLIC CHARGE**

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

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

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

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

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



b. Matters on the Printed Agenda

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

3. **Announcements, Petitions and Comments by Board Members (Three Minute Limit Per Commissioner)**
4. **Proclamations/ Resolutions/ Special Presentations**
  - a. Native American Heritage Month Proclamation
5. **Public Hearings**
  - a. Public Hearing on 2020 Consolidated Annual Performance Report (CAPER) for the HOME Investment Partnerships (HOME) Program
  - b. Public Hearing on Orange County's HOME-ARP Allocation Plan
6. **Regular Agenda**
  - a. Greene Tract Resolution Approving the Draft Recombination Plat and Conceptual Plan
  - b. Opt-in to the National Settlement with Janssen and National Distributors
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. Tyler Technologies Multi-Year Contract Addendum
  - c. Approval of Interlocal Agreement Renewal and Master Plan - Little River Regional Park and Natural Area
  - d. Approval of Trail Easement and Conservation Easement Amendment – Carl and Eve Shy Property
  - e. Orange County Sportsplex Field House Stormwater Control Measure Access and Maintenance Easement and Agreement with Town of Hillsborough (103 Meadowlands Drive, Hillsborough)
  - f. Fiscal Year 2021-22 Budget Amendment #4
  - g. Fine Free Initiative for Orange County Library Services and Approval of Budget Amendment #4-A
  - h. Approval of WatchGuard Agreement for In-Car Video System and Evidence Management Software
  - i. Approval of Chapel Hill/Orange County Visitors Bureau Advisory Board Amended Policies and Procedures
9. **County Manager's Report**
10. **County Attorney's Report**
11. **\*Appointments**



## 12. Information Items

- November 4, 2021 BOCC Meeting Follow-up Actions List
- Memorandum – Outreach Status as Follow-up to the Buckhorn Area Study

## 13. Closed Session

## 14. Adjournment

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

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

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

## **Public Comment Instructions**

### **Public Comment – Written**

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

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

When submitting the comment, include the following:

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

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

### **Public Comment – Verbal**

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

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

When submitting the request to speak, include the following:

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



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

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

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 16, 2021

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

**SUBJECT:** Native American Heritage Month Proclamation

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**DEPARTMENT:** Board of Commissioners

**ATTACHMENT(S):**  
**UNDER SEPARATE COVER**

*Proclamation (To Be Provided Prior to or  
at the Meeting)*

**INFORMATION CONTACT:**

Renee A. Price, Chair, 919-245-2130  
Laura Jensen, Clerk to the Board, 919-  
245-2130

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**PURPOSE:** To approve a proclamation recognizing November 2021 Native American Heritage Month.

**BACKGROUND:** For thousands of years, various nations of Indigenous Peoples with their own tribal governments, social organizations and cultural traditions inhabited the lands that are now known as the United States of America. North Carolina is home to eight state recognized tribes including the Coharie, Eastern Band of Cherokee, Haliwa-Saponi, Lumbee, Meherrin, Occaneechi Band of the Saponi Nation, Sappony and Waccamaw-Siouan. The Occaneechi Band of the Saponi Nation lived in this region now known as Orange County, with their own social, economic, and political systems.

Native Americans and Alaska Native peoples have struggled and persevered to maintain their identity and their civilization despite centuries of inhumane and unjust Federal policies focused on genocide, removal, and forced assimilation. In recognition of this history, President Joseph R. Biden signed a Presidential Memorandum committing his administration to fulfilling Federal trust and treaty responsibilities, respecting Tribal self-governance, and consulting with Native American Nations on policy issues.

On August 3, 1990, President George H. W. Bush declared November as National Native American Heritage Month. The month is a platform for Native Americans to share their culture, traditions, arts, and concepts of life, as well as a time for others to celebrate contributions by Native Americans and honor their influence on the advancement of the United States. The theme of November 2021 is "Strong Roots in Changing Times" to reflect the resilience of Native Americans throughout the pandemic and continued preservation of their culture and traditions.

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

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

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

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

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

**RECOMMENDATION(S):** The Manager recommends the Board approve the proclamation recognizing November 2021 as Native American Heritage Month and authorize the Chair to sign.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 16, 2021

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

**SUBJECT:** Public Hearing on 2020 Consolidated Annual Performance Report (CAPER) for the HOME Investment Partnerships (HOME) Program

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**DEPARTMENT:** Housing and Community  
Development

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**ATTACHMENT(S):**

Draft Consolidated Annual Performance  
Report (CAPER)  
HOME Funding Timeline

**INFORMATION CONTACT:**

Corey Root, Director, Housing and  
Community Development, (919) 245-  
2490

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**PURPOSE:** To hold a public hearing on the draft Consolidated Annual Performance Report (CAPER) for the HOME Investment Partnerships (HOME) Program.

**BACKGROUND:** Each year, Orange County reports on activities undertaken with funds from the U.S. Department of Housing and Urban Development through the HOME Program. This annual report, called the Consolidated Annual Performance Report (CAPER), documents the progress towards implementing the priorities and activities identified in the Annual Action Plan. During the 2020 CAPER period (July 1, 2020 through June 30, 2021), the County disbursed approximately \$200,000 in HOME funds and an additional \$45,000 in local matching funds (contributed by the Towns of Chapel Hill, Carrboro, and Hillsborough, as well as the County) for eligible housing activities. These activities included provision of down payment assistance for low-income homebuyers and provision of tenant-based rental assistance.

Orange County must hold a public hearing to obtain residents' comments and feedback on the Consolidated Annual Performance Report (CAPER). Members of the public may also submit comments during the public comment period (November 16 – December 1, 2021) to Erika Brandt, Community Development Manager, by email ([ebrandt@orangecountync.gov](mailto:ebrandt@orangecountync.gov)), by mail (PO Box 8181, Hillsborough, NC 27278) or by telephone (919-245-4331).

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

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

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

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

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

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

- **GOAL: CREATE A SAFE COMMUNITY**

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

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

**RECOMMENDATION(S):** The Manager recommends that the Board open the public hearing, accept comments on the Consolidated Annual Performance Report (CAPER), and close the public hearing. Members of the public may also submit any additional comments to the County through the methods noted above by December 1, 2021.

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# Orange County, North Carolina HOME Consortium

300 W. Tryon Street  
Hillsborough, NC 27278

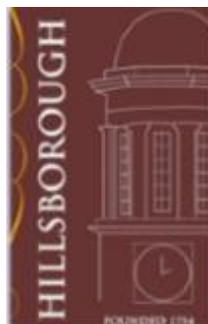
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## **DRAFT** PROGRAM YEAR 2020 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)

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HOME Consortium Members: Orange County,  
Town of Carrboro, Town of Chapel Hill, and  
Town of Hillsborough

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CAPER

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DRAFT

## Executive Summary

In accordance with the Federal Regulations found in 24 CFR Part 570, Orange County, North Carolina has prepared this Consolidated Annual Performance and Evaluation Report (CAPER) for the period of July 1, 2020 through June 30, 2021, referred to as Program Year 2020 (or "PY 2020"). The CAPER describes the activities undertaken during this time period for funding from the U.S. Department of Housing and Urban Development (HUD) under the HOME Investment Partnership Program (HOME). The projects/activities and accomplishments described in this CAPER principally benefited low- and moderate-income households.

The Orange County, North Carolina, HOME Consortium is a Participating Jurisdiction under the U.S. Department of Housing & Urban Development (HUD) HOME Investment Partnerships Program (HOME). Under the HOME Program, local governments are able to join together to form a consortium in order to receive HOME funding for affordable housing. The Orange County HOME Consortium is made up of four members: Orange County, the Town of Carrboro, the Town of Chapel Hill, and the Town of Hillsborough. The Town of Chapel Hill also receives Federal Community Development Block Grant (CDBG) funding each year.

The following is the overall program narrative based on the Five Year Consolidated Plan and Annual Action Plans. This is the CAPER for the first year of the 2020-2025 Five Year Consolidated Plan. It provides information on how the funds received by the County through the HUD programs were used, including an explanation on the leveraging and matching of funds.

### Funds Available

Orange County had the following grant funds available during Program Year (PY) 2020, the time period of July 1, 2020 through June 30, 2021. This chart only includes funds received during PY 2020. Any other prior program year funds that were spent during PY 2020 are not included.

|                              | HOME                |
|------------------------------|---------------------|
| PY 2020 Entitlement Grant    | \$374,761.00        |
| Program Income               | \$13,306.32         |
| Local Match                  | \$84,334.00         |
| <b>Total Funds Available</b> | <b>\$472,401.32</b> |

### Funds Expended

The funds shown in the following chart were expended during the time period of July 1, 2020 through June 30, 2021. The only expenditures from Program Year (PY) 2020 funds were for administration; all other funds expended were prior program year funds that had not been drawn down until this time period.

|         | HOME        | Match  |
|---------|-------------|--------|
| PY 2020 | \$37,476.10 | \$0.00 |

|                             |                     |                    |
|-----------------------------|---------------------|--------------------|
| PY 2019                     | \$84,500.00         | \$25,500.00        |
| PY 2018                     | \$70,617.59         | \$17,654.40        |
| PY 2016                     | \$6,580.32          | \$1,645.08         |
| <b>Total Funds Expended</b> | <b>\$199,174.01</b> | <b>\$44,799.48</b> |

### Regulatory Caps and Set Asides

Orange County's program administration expenditures were within the regulatory cap for the HOME programs. This is shown in the table below:

|                                  |              |
|----------------------------------|--------------|
|                                  | <b>HOME</b>  |
| PY 2020 Entitlement Grant        | \$374,761.00 |
| PY 2020 Program Income           | \$13,306.32  |
| Administrative Cap Percentage    | 10%          |
| Maximum Allowable Expenditures   | \$37,476.10  |
| Total Administration Expenditure | \$37,476.10  |
| <b>Administrative Percentage</b> | <b>10%</b>   |

### HOME CHDO Set-Aside

The Consortium expended \$0 of its PY 2020 CHDO funds during this CAPER period.

|                                   |                    |
|-----------------------------------|--------------------|
|                                   | <b>HOME</b>        |
| PY 2020 Entitlement Grant         | \$374,761.00       |
| CHDO Set-Aside Minimum Percentage | 15%                |
| Minimum Allowable Set-Aside       | \$56,214.15        |
| <b>Actual CHDO Set-Aside</b>      | <b>\$56,228.00</b> |

### Program Year 2020 HOME Budget

The Orange County HOME Consortium received \$374,761 in HOME entitlement funds for Program Year (PY) 2020. The Consortium also received \$13,306.32 in HOME program income and Consortium members collectively provided \$84,334 in HOME Match.

The chart below lists the PY 2020 HOME activities that were funded.

| Project ID Number | Project Title/Description                       | 2020 HOME Budget    | 2019 HOME Expenditures |
|-------------------|---|---------------------|------------------------|
| HOME-20-01        | Habitat for Humanity – Homeownership Assistance | \$94,138.00         | \$0.00                 |
| HOME-20-02        | CASA – Rental Development                       | \$200,000.00        | \$0.00                 |
| HOME-20-03        | EmPOWERment, Inc. – Rental Development          | \$56,228.00         | \$0.00                 |
| N/A*              | Orange County – Tenant-Based Rental Assistance* | \$84,334.00*        | \$0.00                 |
| HOME-20-04        | Administration                                  | \$37,476.10         | \$37,476.10            |
|                   | <b>Total</b>                                    | <b>\$472,176.10</b> | <b>\$37,476.10</b>     |

\*Only HOME Match budgeted for this project, no 2020 HOME Entitlement funds. As such, this activity is not set up in HUD's reporting system, IDIS, and does not have a project ID number.

Orange County spent \$0 of its PY 2020 HOME allocation on direct project costs. The County spent all of the PY 2020 admin funds (\$37,476.10) on personnel costs and overhead. During the 2020 CAPER period, the County expended \$199,174.01 in Entitlement Funds from prior Program Years, plus \$44,799.48 in local Match.

As shown above, of the funds that were awarded in the 2020 Program Year (in May of 2020), only administration funds were actually disbursed in that program year. This is typical of projects that apply for and are awarded Orange County HOME funds. Organizations typically apply for HOME funds well in advance of when they actually need them, so most projects do not begin the Environmental Review process or enter into Development Agreements until near the end of the program year in which they applied (e.g., spring or summer of the following year).

Below is an example of a typical timeline for the Orange County HOME Program:

|  |  |
|--|--|
| Orange County releases HOME Program application for upcoming year  | <b>December (prior year)</b>   |
| HUD releases HOME allocations for Participating Jurisdictions and Consortia  | <b>February/March</b>  |
| Orange County HOME Program applications are due  | <b>February</b>  |
| The Collaborative reviews HOME applications and creates a funding recommendation for the elected bodies of each jurisdiction                       | <b>March/April</b>   |
| The Collaborative's funding recommendations go before the elected bodies for approval  | <b>April/May</b>   |
| Orange County HOME Program Year (for reporting purposes) officially starts (aligned with the County Fiscal Year)                                   | <b>July</b>  |
| The County may begin conducting Environmental Reviews of HOME Awardees' projects*  | <b>July*</b>   |
| Organizations awarded HOME funds (HOME Awardees) may begin executing HOME Written Agreements with the County (also called Development Agreements)* | <b>July*</b>   |
| Other HUD-required items (depending on the type of HOME project):  | <b>Once Environmental Review and Development Agreement are complete (often 9-12 months after start of the program year, depending on the HOME Awardee's project timeline)*</b> |
| <u>Homebuyer Assistance</u>  |  |
| • Executed HOME Written Agreement between the HOME Awardee and homebuyer   |  |
| • Homebuyer Underwriting   |  |
| • Homebuyer Counseling   |  |
| • Property Appraisal   |  |
| <u>Rental or Ownership Acquisition</u>   |  |
| • Property Appraisal   |  |
| <u>Tenant-Based Rental Assistance</u>  |  |
| • Income Verification Forms  |  |
| • HOME Rental Assistance Agreement   |  |
| • HOME Rent Reasonableness Certification   |  |

- Minimum Habitability Checklist
- HOME Lease Addendum

The County disburses HOME funds to HOME awardees

**Once the above requirements are met**

*\*Typically, organizations apply for HOME funds well in advance of when they actually need them, so most projects do not begin the Environmental Review process or enter into Development Agreements until near the end of the program year in which they applied (e.g., spring or summer of the following calendar year)*

### **Public Input Process and Public Comments Received**

The draft Orange County Program Year 2020 Consolidated Annual Performance and Evaluation Report (CAPER) was made available for public display and comment on the OCHCD website at [www.orangecountync.gov/2336/HOME-Program](http://www.orangecountync.gov/2336/HOME-Program) and available upon request at the Orange County Housing and Community Development Department (OCHCD) office. A Public Hearing on the draft CAPER was held on November 16, 2021 and public notice of the hearing and on the public comment period was published in *The Herald Sun* on Friday, October 29, 2021 and in *La Notícia* on Wednesday, November 3, 2021. The public comment period ran November 16 – December 1, 2021.

Public comments received on the 2020 CAPER and responses from the Orange County HOME Consortium are below.

**PUBLIC COMMENT:** TBD

**RESPONSE:** TBD

## CR-05 - Goals and Outcomes

**Progress the jurisdiction has made in carrying out its strategic plan and its action plan.**

### 91.520(a)

This year's CAPER reports on the actions and achievements the HOME Consortium accomplished in Program Year (PY) 2020.

The 2020 CAPER outlines which activities the County undertook with HOME funds during PY 2020 (July 1, 2020 - June 30, 2021). Orange County is the lead entity and administrator for the HOME funds. The Orange County HOME Consortium received \$374,761 in HOME entitlement funds for PY 2020; \$13,306.32 in HOME program income; and Consortium members collectively provided \$84,334 in HOME Match. In PY 2020, the County budgeted and expended PY 2020 HOME funds to address the following goals:

- **Rental Construction** – Budget \$256,228 | Expended \$0
- **Rental Assistance** – Budget \$84,334 | Expended \$0
- **Home Buyer Assistance** – Budget \$94,138 | Expended \$0
- **Grant Administration** – Budget \$37,476.10 | Expended \$37,476.10

Additionally, the County expended HOME funds from prior Program Years on the following strategies:

- **Rental Assistance** – Expended \$96,497.39 (\$6,580.32 PY 2016 Entitlement funds, \$70,617.59 PY 2018 Entitlement funds, and \$19,299.48 Match)
- **Home Buyer Assistance** – Expended \$110,000 (\$84,500 PY 2019 Entitlement funds and \$25,500 Match)

During this 2020 CAPER period, the County expended \$37,476.10 in PY 2020 HOME and Match funds and \$206,497.39 in HOME and Match funds from prior Program Years.

| Goal                  | Category  | Source / Amount    | Indicator  | Unit of Measure        | Expected – Strategic Plan | Actual – Strategic Plan | Percent Complete | Expected – Program Year | Actual – Program Year | Percent Complete |
|-----------------------|---|--------------------|--|------------------------|---------------------------|-------------------------|------------------|-------------------------|-----------------------|------------------|
| Rental Construction   | Affordable Housing<br>Homeless<br>Non-Homeless<br>Special Needs | HOME:<br>\$502,131 | Rental Units Constructed                         | Household Housing Unit | 15                        | 0                       | 0.00%            | 6                       | 0                     | 0.00%            |
| Rental Assistance     | Affordable Housing<br>Homeless<br>Non-Homeless<br>Special Needs | HOME:<br>\$484,816 | Tenant-based Rental Assistance / Rapid Rehousing | Households Assisted    | 25                        | 12                      | 48.00%           | 0                       | 12                    | 100.00%          |
| Home Buyer Assistance | Affordable Housing  | HOME:<br>\$623,419 | Direct Financial Assistance to Homebuyers        | Households Assisted    | 22                        | 5                       | 22.72%           | 3                       | 5                     | 100.00%          |
| Grant Administration  | Other   | HOME:<br>\$177,485 | Other  | Other                  | 1                         | 1                       | 100.00%          | 1                       | 1                     | 100.00%          |

**Table 1 - Accomplishments – Program Year & Strategic Plan to Date**

**Assess how the jurisdiction’s use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.**

The goal of the Orange County HOME Consortium is to improve the quality of life for County residents by retaining and increasing the supply of affordable housing units for both owner occupants and renters and by providing homeownership opportunities for low- and moderate-income residents. During the 2020 HOME Program Year, the County proposes to address the following priority need categories identified in its Five Year Consolidated Plan. The priority ranking of needs for housing, homelessness, other special needs, community development, economic development, and anti-poverty are as follows:

**Housing for People Experiencing Homelessness (High Priority)**

There is a need to provide affordable rental housing for households experiencing homelessness.

**Goals/Strategies:**

**Rental Assistance:** Provide rental assistance to low-income households.

- The HOME Consortium did not propose to assist any households with tenant-based rental assistance using HOME Entitlement funds during this CAPER period (however, all \$84,334 in Match contributions were allocated for tenant-based rental assistance). The HOME Consortium assisted 12 households with tenant-based rental assistance during this CAPER period using prior Program Year funds.

**Grant Administration:** Administration, planning, and policy setting for CDBG and HOME funds.

- The HOME Consortium continued to use HOME funds to pay for administrative expenses. A new Director of Housing and Community Development for Orange County was hired in June 2021 and is working actively with staff, Consortium members, and HUD to improve HOME program operations.

**Housing for Low- and Moderate-Income Households (High Priority)**

There is a need to provide affordable housing (both rental and ownership) for households with moderate and low incomes, especially those with extremely low incomes.

**Goals/Strategies:**

**Rental Construction:** New construction of rental units that are affordable to people with low incomes.

- The HOME Consortium proposed to assist six households during this CAPER period by adding units of affordable rental housing (six units would be considered “HOME-assisted” out of a total of 56-58 units to be constructed). The HOME Consortium did not expend any PY 2020 or prior Program Year funds on rental construction during this CAPER period.

**Home Buyer Assistance:** Provide direct assistance to buyers to help them purchase affordable homes.

- The HOME Consortium proposed to assist a total of three households during this CAPER period. The HOME Consortium assisted five households with direct home buyer financial assistance during this CAPER period using prior Program Year funds.

**Grant Administration:** Administration, planning, and policy setting for CDBG and HOME funds.

- The HOME Consortium continued to use HOME funds to pay for administrative expenses. A new Director of Housing and Community Development for Orange County was hired in June 2021 and is working actively with staff, Consortium members, and HUD to improve HOME program operations.

DRAFT

**CR-10 - Racial and Ethnic composition of families assisted**

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

|                                    | HOME      |
|------------------------------------|-----------|
| White                              | 5         |
| Black or African American          | 11        |
| Asian                              | 1         |
| American Indian or American Native | 0         |
| Other Multi-racial                 | 0         |
| <b>Total</b>                       | <b>17</b> |
| Hispanic                           | 1         |
| Not Hispanic                       | 16        |

**Table 2 – Table of assistance to racial and ethnic populations by source of funds**

**Narrative**

Orange County HOME programs benefitted five White households, 11 Black or African American households, and one Asian household during this CAPER period. Of the families that benefitted from Orange County HOME programs in PY 2020, one was Hispanic and 16 were not Hispanic.

## CR-15 - Resources and Investments 91.520(a)

### Identify the resources made available

| Source of Funds | Source           | Resources Made Available | Amount Expended During Program Year |
|-----------------|------------------|--------------------------|-------------------------------------|
| HOME            | public - federal | \$472,401.32             | \$206,497.39                        |

Table 3 - Resources Made Available

### Narrative

Orange County received the following funds during the time period of July 1, 2020 through June 30, 2021:

- **PY 2020 HOME Allocation:** \$374,761.00
- **HOME Match:** \$84,334.00
- **HOME Program Income:** \$13,306.32
- **Total:** \$472,401.32

HOME Match received for PY 2020:

- **Town of Carrboro:** \$12,651.00
- **Town of Chapel Hill:** \$34,572.00
- **Town of Hillsborough:** \$4,217.00
- **Orange County:** \$32,894.00
- **Total:** \$84,334.00

HOME Program Income received in PY 2020:

- **Community Home Trust (repayment of mortgage for the Landings):** \$13,306.32
- **Total:** \$13,306.32

### Identify the geographic distribution and location of investments

| Target Area | Planned Percentage of Allocation | Actual Percentage of Allocation | Narrative Description   |
|-------------|----------------------------------|---------------------------------|---|
| County-wide | 100                              | 100                             | The County assisted 17 households during this CAPER period in this Target Area. |

Table 4 – Identify the geographic distribution and location of investments

### Narrative

The allocations and priorities were established by stakeholder meetings, follow-up surveys from service providers and public meeting.

## Leveraging

**Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.**

### HOME Match

- The Orange County HOME Consortium uses cash as its local match for HOME Funds. Cash match is contributed from the general funds of each of the four members of the Consortium (Orange County and the Towns of Carrboro, Chapel Hill, and Hillsborough). This year the local match contribution for the PY 2020 HOME award was \$84,334.
- HOME Match liability is incurred as HOME Entitlement funds are disbursed. In PY 2020 (July 1, 2020 – June 30, 2021), \$161,697.91 in HOME Entitlement funds were disbursed, incurring \$40,424.48 in Match liability. The actual amount of Match funds disbursed for PY 2020 was \$44,799.48.
- HUD officially tracks Match liability and contribution on the Federal fiscal year (October to September), not on Orange County HOME Consortium’s Program Year (July to June). This can lead to a mismatch in how Match liability is tracked by HUD versus the Consortium.
  - In Federal fiscal year 2020 (October 1, 2020 – September 30, 2021), a total of \$209,697.91 in HOME Entitlement funds was disbursed (the \$161,697.91 reported above, plus an additional \$48,000), incurring \$52,424.48 in Match liability (the \$40,424.48 reported above, plus an additional \$12,000).
  - The actual amount of Match funds disbursed for Federal fiscal year 2020 was \$56,799.48 (the \$44,799.48 reported above, plus an additional \$12,000).

### Other Resources Leveraged

- Orange County was awarded North Carolina Housing Finance Agency Essential Single-Family Rehabilitation Loan Pool (SFRLP) funds to rehabilitate households that are at or below 80% of AMI. The County received \$190,000 in SFRLP 2020 funds and also contributed \$50,000 in local match.
- Orange County was awarded North Carolina Housing Finance Agency Urgent Repair Program funds for emergency home repairs and modifications. The County received \$100,000 in URP 2020 funds and also contributed \$40,000 in local match.

| <b>Fiscal Year Summary – HOME Match</b>  |             |
|--|-------------|
| 1. Excess match from prior Federal fiscal year                                 | \$0         |
| 2. Match contributed during current Federal fiscal year                        | \$56,799.48 |
| 3. Total match available for current Federal fiscal year (Line 1 plus Line 2)  | \$56,799.48 |
| 4. Match liability for current Federal fiscal year                             | \$52,424.48 |
| 5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4) | \$4,375     |

**Table 5 – Fiscal Year Summary - HOME Match Report**

| Match Contribution for the Federal Fiscal Year    |                      |                            |                               |                              |                         |   |                |             |
|---|----------------------|----------------------------|-------------------------------|------------------------------|-------------------------|---|----------------|-------------|
| Project No. or Other ID                           | Date of Contribution | Cash (non-Federal sources) | Foregone Taxes, Fees, Charges | Appraised Land/Real Property | Required Infrastructure | Site Preparation, Construction Materials, Donated labor | Bond Financing | Total Match |
| <b>HOME-19-02</b><br>(Habitat - 308 Odie St)      | 5/26/2021            | \$5,000                    |                               |                              |                         |   |                | \$5,000     |
| <b>HOME-19-02</b><br>(Habitat - 312 Odie St)      | 6/1/2021             | \$5,000                    |                               |                              |                         |   |                | \$5,000     |
| <b>HOME-19-02</b><br>(Habitat - 545 Homemont Ave) | 6/1/2021             | \$7,500                    |                               |                              |                         |   |                | \$7,500     |
| <b>HOME-19-02</b><br>(Habitat - 300 Odie St)      | 6/28/2021            | \$4,000                    |                               |                              |                         |   |                | \$4,000     |
| <b>HOME-19-02</b><br>(Habitat - 302 Odie St)      | 6/28/2021            | \$6,000                    |                               |                              |                         |   |                | \$6,000     |
| <b>HOME-18-04</b><br>(Orange County - TBRA)       | 7/13/2021            | \$1,204.34                 |                               |                              |                         |   |                | \$1,204.34  |
| <b>HOME-18-04</b><br>(Orange County - TBRA)       | 7/20/2021            | \$435.20                   |                               |                              |                         |   |                | \$435.20    |
| <b>HOME-18-04</b><br>(Orange County - TBRA)       | 7/28/2021            | \$723.92                   |                               |                              |                         |   |                | \$723.92    |
| <b>HOME-18-04</b><br>(Orange County - TBRA)       | 8/5/2021             | \$405                      |                               |                              |                         |   |                | \$405       |
| <b>HOME-18-04</b><br>(Orange County - TBRA)       | 8/12/2021            | \$1,002.01                 |                               |                              |                         |   |                | \$1,002.01  |
| <b>HOME-18-04</b><br>(Orange County - TBRA)       | 8/18/2021            | \$262.62                   |                               |                              |                         |   |                | \$262.62    |
| <b>HOME-18-04</b><br>(Orange County - TBRA)       | 8/20/2021            | \$206.62                   |                               |                              |                         |   |                | \$206.62    |
| <b>HOME-18-04</b><br>(Orange County - TBRA)       | 9/14/2021            | \$1,264.63                 |                               |                              |                         |   |                | \$1,264.63  |
| <b>HOME-18-04</b><br>(Orange County - TBRA)       | 9/25/2021            | \$700                      |                               |                              |                         |   |                | \$700       |

| Match Contribution for the Federal Fiscal Year |                      |                            |                               |                              |                         |   |                |             |
|--|----------------------|----------------------------|-------------------------------|------------------------------|-------------------------|---|----------------|-------------|
| Project No. or Other ID                        | Date of Contribution | Cash (non-Federal sources) | Foregone Taxes, Fees, Charges | Appraised Land/Real Property | Required Infrastructure | Site Preparation, Construction Materials, Donated labor | Bond Financing | Total Match |
| <b>HOME-18-04</b><br>(Orange County - TBRA)    | 10/23/2021           | \$1,101.11                 |                               |                              |                         |   |                | \$1,101.11  |
| <b>HOME-18-04</b><br>(Orange County - TBRA)    | 11/2/2021            | \$786.80                   |                               |                              |                         |   |                | \$786.80    |
| <b>HOME-18-04</b><br>(Orange County - TBRA)    | 11/3/2021            | \$343.81                   |                               |                              |                         |   |                | \$343.81    |
| <b>HOME-18-04</b><br>(Orange County - TBRA)    | 11/25/2021           | \$1,635.04                 |                               |                              |                         |   |                | \$1,635.04  |
| <b>HOME-18-04</b><br>(Orange County - TBRA)    | 11/29/2021           | \$77.15                    |                               |                              |                         |   |                | \$77.15     |
| <b>HOME-18-04</b><br>(Orange County - TBRA)    | 12/14/2021           | \$739.70                   |                               |                              |                         |   |                | \$739.70    |
| <b>HOME-18-04</b><br>(Orange County - TBRA)    | 12/22/2021           | \$615.34                   |                               |                              |                         |   |                | \$615.34    |
| <b>HOME-18-04</b><br>(Orange County - TBRA)    | 12/31/2021           | \$107.62                   |                               |                              |                         |   |                | \$107.62    |
| <b>HOME-18-04</b><br>(Orange County - TBRA)    | 1/11/2021            | \$280                      |                               |                              |                         |   |                | \$280       |
| <b>HOME-18-04</b><br>(Orange County - TBRA)    | 1/20/2021            | \$1,458.44                 |                               |                              |                         |   |                | \$1,458.44  |
| <b>HOME-18-04</b><br>(Orange County - TBRA)    | 1/29/2021            | \$152.76                   |                               |                              |                         |   |                | \$152.76    |
| <b>HOME-18-04</b><br>(Orange County - TBRA)    | 2/2/2021             | \$167.80                   |                               |                              |                         |   |                | \$167.80    |
| <b>HOME-18-04</b><br>(Orange County - TBRA)    | 2/18/2021            | \$1,365.14                 |                               |                              |                         |   |                | \$1,365.14  |
| <b>HOME-18-04</b><br>(Orange County - TBRA)    | 2/26/2021            | \$91.49                    |                               |                              |                         |   |                | \$91.49     |

| Match Contribution for the Federal Fiscal Year     |                      |                            |                               |                              |                         |   |                |                    |
|--|----------------------|----------------------------|-------------------------------|------------------------------|-------------------------|---|----------------|--------------------|
| Project No. or Other ID                            | Date of Contribution | Cash (non-Federal sources) | Foregone Taxes, Fees, Charges | Appraised Land/Real Property | Required Infrastructure | Site Preparation, Construction Materials, Donated labor | Bond Financing | Total Match        |
| <b>HOME-18-04</b><br>(Orange County - TBRA)        | 3/23/2021            | \$977.54                   |                               |                              |                         |   |                | \$977.54           |
| <b>HOME-18-04</b><br>(Orange County - TBRA)        | 3/24/2021            | \$107.60                   |                               |                              |                         |   |                | \$107.60           |
| <b>HOME-18-04</b><br>(Orange County - TBRA)        | 3/29/2021            | \$320                      |                               |                              |                         |   |                | \$320              |
| <b>HOME-18-04</b><br>(Orange County - TBRA)        | 3/30/2021            | \$30.12                    |                               |                              |                         |   |                | \$30.12            |
| <b>HOME-18-04</b><br>(Orange County - TBRA)        | 4/20/2021            | \$977.54                   |                               |                              |                         |   |                | \$977.54           |
| <b>HOME-18-04</b><br>(Orange County - TBRA)        | 4/30/2021            | \$115.06                   |                               |                              |                         |   |                | \$115.06           |
| <b>HOME-16-03</b><br>(Orange County - TBRA)        | 5/19/2021            | \$977.54                   |                               |                              |                         |   |                | \$977.54           |
| <b>HOME-16-03</b><br>(Orange County - TBRA)        | 6/14/2021            | \$667.54                   |                               |                              |                         |   |                | \$667.54           |
| <b>HOME-19-02*</b><br>(Habitat - 208 Sunset St)    | 8/3/2021             | \$6,000                    |                               |                              |                         |   |                | \$6,000            |
| <b>HOME-19-02*</b><br>(Habitat - 580 Homemont Ave) | 9/24/2021            | \$6,000                    |                               |                              |                         |   |                | \$6,000            |
| <b>TOTAL</b>                                       |                      |                            |                               |                              |                         |   |                | <b>\$58,799.48</b> |

**Table 6 – Match Contribution for the Federal Fiscal Year**

*\*Included in the Match Contribution for the Federal Fiscal Year (October 1 – September 30) but not Orange County's Program Year (July 1 – June 30)*

## HOME Program Income

| <b>Program Income – Enter the program amounts for the reporting period</b> |  |  |                                 |   |
|--|--|--|---------------------------------|---|
| <b>Balance on hand at beginning of reporting period</b>                    | <b>Amount received during reporting period</b> | <b>Total amount expended during reporting period</b> | <b>Amount expended for TBRA</b> | <b>Balance on hand at end of reporting period</b> |
| <b>\$</b>  | <b>\$</b>                                      | <b>\$</b>  | <b>\$</b>                       | <b>\$</b>   |
| \$111,004.47   | \$13,306.32                                    | \$0  | \$0                             | \$124,310.79                                      |

Table 7 – Program Income

## HOME MBE/WBE report

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| <b>Minority Business Enterprises and Women Business Enterprises – Indicate the number and dollar value of contracts for HOME projects completed during the reporting period</b> |       |                                   |                           |                    |          |                    |
|---|-------|-----------------------------------|---------------------------|--------------------|----------|--------------------|
|   | Total | Minority Business Enterprises     |                           |                    |          | White Non-Hispanic |
|   |       | Alaskan Native or American Indian | Asian or Pacific Islander | Black Non-Hispanic | Hispanic |                    |
| <b>Contracts</b>  |       |                                   |                           |                    |          |                    |
| Number  | 0     | 0                                 | 0                         | 0                  | 0        | 0                  |
| Dollar Amount   | 0     | 0                                 | 0                         | 0                  | 0        | 0                  |
| <b>Sub-Contracts</b>  |       |                                   |                           |                    |          |                    |
| Number  | 0     | 0                                 | 0                         | 0                  | 0        | 0                  |
| Dollar Amount   | 0     | 0                                 | 0                         | 0                  | 0        | 0                  |
|   | Total | Women Business Enterprises        | Male                      |                    |          |                    |
| <b>Contracts</b>  |       |                                   |                           |                    |          |                    |
| Number  | 0     | 0                                 | 0                         |                    |          |                    |
| Dollar Amount   | 0     | 0                                 | 0                         |                    |          |                    |
| <b>Sub-Contracts</b>  |       |                                   |                           |                    |          |                    |
| Number  | 0     | 0                                 | 0                         |                    |          |                    |
| Dollar Amount   | 0     | 0                                 | 0                         |                    |          |                    |

Table 8 - Minority Business and Women Business Enterprises

| <b>Minority Owners of Rental Property – Indicate the number of HOME assisted rental property owners and the total amount of HOME funds in these rental properties assisted</b> |       |                                   |                           |                    |          |                    |
|--|-------|-----------------------------------|---------------------------|--------------------|----------|--------------------|
|  | Total | Minority Property Owners          |                           |                    |          | White Non-Hispanic |
|  |       | Alaskan Native or American Indian | Asian or Pacific Islander | Black Non-Hispanic | Hispanic |                    |
| Number   | 0     | 0                                 | 0                         | 0                  | 0        | 0                  |
| Dollar Amount  | 0     | 0                                 | 0                         | 0                  | 0        | 0                  |

Table 9 – Minority Owners of Rental Property

| <b>Relocation and Real Property Acquisition</b> – Indicate the number of persons displaced, the cost of relocation payments, the number of parcels acquired, and the cost of acquisition |       |                                   |                           |                    |          |                    |
|--|-------|-----------------------------------|---------------------------|--------------------|----------|--------------------|
| Parcels Acquired   |       | 0                                 |                           | 0                  |          |                    |
| Businesses Displaced   |       | 0                                 |                           | 0                  |          |                    |
| Nonprofit Organizations Displaced  |       | 0                                 |                           | 0                  |          |                    |
| Households Temporarily Relocated, not Displaced  |       | 0                                 |                           | 0                  |          |                    |
| Households Displaced   | Total | Minority Property Enterprises     |                           |                    |          | White Non-Hispanic |
|  |       | Alaskan Native or American Indian | Asian or Pacific Islander | Black Non-Hispanic | Hispanic |                    |
| Number   | 0     | 0                                 | 0                         | 0                  | 0        | 0                  |
| Cost   | 0     | 0                                 | 0                         | 0                  | 0        | 0                  |

Table 10 – Relocation and Real Property Acquisition

## CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

|  | One-Year Goal | Actual    |
|--|---------------|-----------|
| Number of Homeless households to be provided affordable housing units      | 0             | 12        |
| Number of Non-Homeless households to be provided affordable housing units  | 9             | 5         |
| Number of Special-Needs households to be provided affordable housing units | 0             | 0         |
| <b>Total</b>   | <b>9</b>      | <b>17</b> |

Table 11 – Number of Households

|  | One-Year Goal | Actual    |
|--|---------------|-----------|
| Number of households supported through Rental Assistance             | 0             | 12        |
| Number of households supported through The Production of New Units   | 6             | 0         |
| Number of households supported through Rehab of Existing Units       | 0             | 0         |
| Number of households supported through Acquisition of Existing Units | 3             | 5         |
| <b>Total</b>   | <b>9</b>      | <b>17</b> |

Table 12 – Number of Households Supported

**Discuss the difference between goals and outcomes and problems encountered in meeting these goals.**

- HOME-20-01 – Habitat for Humanity – Homeownership Assistance:** Funds were allocated to Habitat for Humanity of Orange County to provide deferred payment, zero interest second mortgage loans for an estimated three households to purchase newly constructed homes in the Fairview community in Hillsborough and the Northside neighborhood in Carrboro/Chapel Hill. Five households received direct home buyer assistance during the PY 2020 CAPER period using funds from prior program years.
- HOME-20-02 – CASA – Rental Development:** Funds were allocated to CASA as gap financing for a 48-unit rental community on Merritt Mill Road in Carrboro/Chapel Hill. Five of these units would be considered HOME-assisted based on the proportion of HOME funds to total funding in the project. Nine units total will be set aside for people with disabilities, with priority for people experiencing homelessness. No funds were disbursed for this project during the PY 2020 CAPER

period, and no households were assisted. In the spring of 2021, CASA returned the \$200,000 HOME award because the project received a Low Income Housing Tax Credit award and the HOME funds were no longer needed. The returned 2020 HOME funds were reallocated during the Consortium's 2021 HOME Program application cycle to Habitat for Humanity, to be used for home buyer assistance. As such, this project is no longer considered a HOME-assisted project.

- **HOME-20-03 – EmPOWERment, Inc. – Rental Development:** Funds were allocated to EmPOWERment for development of an eight- to ten-unit rental community on Johnson Street in Chapel Hill. One of these units would be considered HOME-assisted based on the proportion of HOME funds to total funding in the project. No funds were disbursed for this project during the PY 2020 CAPER period, and no households were assisted.
- **N/A – Orange County – Tenant-Based Rental Assistance\*:** The Consortium's PY 2020 HOME Match contribution of \$84,334 was allocated to be used for tenant-based rental assistance in a Rapid Rehousing program operated by the Orange County Housing and Community Development Department. Twelve households were assisted with tenant-based rental assistance during the PY 2020 CAPER period using funds from prior program years.
- **HOME-20-04 – Administration:** Funds were allocated to provide program management and oversight for the successful administration and leveraging of Federal, State and local funded programs, including support of collaborative initiatives, research and planning services for special studies, environmental clearance, fair housing and compliance with all federal, state and local laws and regulations.

*\*Only HOME Match budgeted for this project, no 2020 HOME Entitlement funds*

Orange County proposed to assist a total of nine households in the 2020 Annual Action Plan (this number includes: three home buyers for the Habitat project, five HOME-assisted units in the CASA project, and one HOME-assisted unit in the EmPOWERment project; it does not include the tenant-based rental assistance, as this is to be funded with 2020 HOME Match rather than HOME Entitlement funds). During this CAPER period, the County assisted 17 households in total with funds from previous program years (including households assisted by tenant-based rental assistance).

#### **Discuss how these outcomes will impact future annual action plans.**

Orange County is working toward achieving its goal of providing decent, safe, and affordable housing for its low- and moderate-income residents. In future Annual Action Plans, Orange County will continue to provide funding for projects that increase the supply, availability, and quality of affordable housing units through partnerships with community organizations.

#### **Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.**

| <b>Number of Households Served</b> | <b>HOME Actual</b> |
|------------------------------------|--------------------|
| Extremely Low-income (0-30% AMI)   | 12                 |
| Low-income (31-50% AMI)            | 4                  |
| Moderate-income (51-60% AMI)       | 1                  |

|              |    |
|--------------|----|
| <b>Total</b> | 17 |
|--------------|----|

**Table 13 – Number of Households Served**

### **Narrative Information**

During this CAPER period, Orange County HOME Consortium used HOME funds to assist 17 households, of which 12 were Extremely Low-Income (earning no more than 30% of the area median income, or “AMI”), four were Low-Income (earning 31-50% AMI) and one was Moderate-Income (earning 51-60% AMI).

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## **CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)**

**Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:**

### **Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs**

The Orange County Partnership to End Homelessness (OCPEH) coordinates among homeless service providers, directs grant activities for the Continuum of Care (CoC) and Emergency Solutions Grant (ESG) annual competition, and administers four direct service programs. The latest Orange County Plan to End Homelessness was adopted in May of 2019. The plan is structured into eight main objectives with 12 action steps to ensure that homelessness is a rare, brief and one-time experience and to sustain an end to homelessness in Orange County. The plan is available at: <https://www.ocpehnc.com/plan>.

The Continuum of Care completes an annual "Point in Time Count" each January to determine the number of people experiencing homelessness on one night in Orange County. The 2021 Point-In-Time Count was conducted in January of 2021. This count identified 176 people who experienced homelessness in Orange County, including 12 veterans. There were 36 people living unsheltered and 140 people in shelters.

The Orange County Partnership to End Homelessness provides Coordinated Entry via a centralized access point, the Housing Helpline, which connects residents with housing resources and other services. The Helpline is accessible by phone (919-245-2655) or e-mail ([housinghelp@orangecountync.gov](mailto:housinghelp@orangecountync.gov)) and in-person on a limited basis due to the Covid pandemic. In order to provide the needed resources to County residents, the Department and Housing Helpline staff collaborate with other community service providers, including: the Orange County Departments of Social Services, Aging, and Health; Habitat for Humanity; CASA; EmPOWERment; Community Home Trust; Compass Center; Inter-Faith Council for Social Services; Durham Veterans Affairs Healthcare; UNC Hospitals, Community Empowerment Fund; and the two County public school districts. Housing Helpline staff direct people to the resources they need to prevent homelessness, to divert people from homelessness, to emergency housing referrals, and to permanent housing referrals via case conferencing using a by-name list at the HOME Committee. Permanent housing referrals are available for veterans programs, including HUD-VASH and SSVF, for Housing Choice Vouchers, for Permanent Supportive Housing, and for Rapid Re-housing.

In the fall of 2020, in partnership with the Orange County Criminal Justice Resource Department, OCPEH launched the Street Outreach, Harm Reduction and Deflection program. The program connects people living unsheltered in Orange County with housing and services. The three team members, including two peer navigators and a clinical coordinator, use a relationship-based model, provide ongoing engagement, response, and case management to people living unsheltered with the goal of reducing harm and deflecting individuals from criminal justice system involvement.

OCPEH has also completed a Homeless System Gaps Analysis (<https://www.ocpehnc.com/gaps-analysis>) inclusive of input from people with lived experience of homelessness and housing insecurity.

### **Addressing the emergency shelter and transitional housing needs of homeless persons**

Of the 140 people in shelters or transitional housing programs counted in the 2021 Point-in-Time Count, 76 of those were in emergency shelters and 64 were in transitional housing.

The Orange County Partnership to End Homelessness reported the following number of beds on in the 2021 Housing Inventory Count:

- Transitional Housing: 65 beds
- Emergency Shelter: 85 beds
- Permanent Supportive Housing: 89 beds
- Rapid Re-Housing: 41 beds

Orange County does not have a domestic violence shelter, but the domestic violence service provider, Compass Center, started an emergency housing program in scattered site apartments in 2020 for three households.

**Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.**

OCPEH works on homelessness prevention and diversion extensively. Flexible homelessness diversion funding is available via the Housing Helpline and any households who have less than two weeks of stable housing or who have been experiencing homelessness for two week or less are guided through a structured conversation to determine if there are any safe places, other than shelter, that the household can go. Coupled with the flexible diversion funding, these conversations have led to about 20% of eligible households being diverted from homelessness.

OCPEH partners with the Local Reentry Council to offer services and housing referrals to people exiting jail or prison. OCPEH partners with DSS to help youth exiting foster care to connect with resources available and avoid homelessness. OCPEH partners with UNC Healthcare to find short- and long-term housing options for people exiting health care settings. OCPEH partners with Freedom House and other mental health service providers to connect their clients with services and housing. OCPEH partners with the wide network of human services agencies in Orange County to ensure anyone with housing needs are connected with emergency and permanent housing referrals as needed.

**Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that**

**individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again**

OCPEH works on many different fronts to increase exits to permanent housing and decrease the length of time homeless for households in our system, and average and median lengths of time homeless system-wide. As part of coordinated entry, OCPEH administrates the by-name list and manages regular case conferencing meetings to ensure people are connected to resources, ensure people do not fall through the cracks in the human service system, and coordinate permanent housing referrals. OCPEH prioritizes Permanent Supportive Housing referrals for people experiencing chronic homelessness. OCPEH coordinates the monthly standing meeting of the Orange County Veterans Experiencing Homelessness Working Group to review the veteran by-name list. OCPEH also administers a Rapid Re-Housing Program with State ESG and HOME TBRA funds. During the veteran and other coordinated entry processes, OCPEH also connects households to other housing programs available in the community, including the Section 8/Housing Choice Voucher program, veterans programs like SSVF and HUD-VASH, the Targeting/Key program, and the Transitions to Community Living Initiative. The CoC's Plan to End Homelessness and its overall approach to ending and preventing homelessness is based on the HEARTH Act and Federal Strategic Plan to End Homelessness goals and strategies.

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## **CR-30 - Public Housing 91.220(h); 91.320(j)**

### **Actions taken to address the needs of public housing**

Public housing in Orange County is provided by two entities—the Orange County Housing Authority (OCHA) and the Town of Chapel Hill’s Office of Housing and Community. Housed within the Orange County Department of Housing and Community Development, OCHA does not manage any public housing units, but oversees 643 Housing Choice Vouchers (HCV, commonly known as Section 8), all of which are tenant-based. OCHA currently has 20 HUD-VASH vouchers and is applying for five Foster Youth to Independence (FYI) vouchers. OCHA is also exploring the possibility of implementing project-based vouchers within the next year. OCHA is overseen by a seven-member Board.

The Orange County HOME Consortium undertook the following to address the needs of HCV holders:

- In partnership with the Towns and local nonprofits, the County worked to increase the number of landlords willing to participate in the HCV Program. In spring of 2020, a Housing Access Coordinator was hired specifically to recruit more landlords to accept vouchers and to help connect voucher holders and other low-income households with affordable housing options.
- The County worked to streamline the design and administration of the housing stabilization funds (designed to help low-income renters, including HCV holders, secure and maintain stable housing) offered by the County and each of the Towns. In spring of 2020, a streamlined program called the Emergency Housing Assistance program was created using funds from the County and Towns, as well as Coronavirus Relief Funds and other state and federal funding sources.
- OCHA ensured units in which households in the HCV Program live are safe and healthy by conducting Quality Control inspections on a subset of units.
- The County laid the groundwork to implement a "Move On" program, in which people with Permanent Supportive Housing Vouchers (PSHVs) whose service needs have lowered considerably and/or who no longer need services are transitioned to HCVs, freeing up PSHVs for more vulnerable individuals with higher service needs.

### **Actions taken to encourage public housing residents to become more involved in management and participate in homeownership**

OCHA does not own any public housing units. However, OCHA has HCV holder involvement on its Board and encourages HCV holders to become homeowners. The Chapel Hill Office of Housing and Community provides programs and services for public housing residents, as well as the broader neighborhood and community. These include community clean-ups, neighborhood pop-ups, a weekly food bank program, a Reading Partners program, National Night Out, senior bingo (in conjunction with the Hargraves Community Center), an International Potluck, and a 2020 Census Information Center.

### **Actions taken to provide assistance to troubled PHAs**

OCHA is not designated as troubled. OCHA’s current rating is “High Performer” and received a score of 93% in its 2019 SEMAP rating.

### **CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)**

**Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)**

The Analysis of Impediments to Fair Housing in Orange County, completed in April 2020, recommends a combination of strategies to address barriers to fair housing, including amending land use policies that create barriers to affordable housing. The following strategies are discussed in the AI report:

- Seek additional funding for subsidized housing.
- Encourage the development of some subsidized housing outside of Chapel Hill and Carrboro.
- Educate landlords, property managers, and other housing providers about fair housing law and reasonable accommodation, especially as they pertain to persons with disabilities.
- Offer educational courses on mortgage lending and building credit scores that are geared toward African American and Hispanic borrowers.
- Encourage cooperation and coordination between the affordable housing advisory boards in the county.
- Explore funding options for a best-practices Rapid Rehousing program to serve homeless individuals and families in Orange County.
- Identify ways to protect residents of mobile home parks who may be under threat of displacement.
- Consider areas to strategically up-zone to promote the development of affordable housing.

Much of the county is zoned for low-density residential, which can be more expensive to build upon and thus inhibits the construction of affordable housing units. The Towns of Chapel Hill and Carrboro have enacted Inclusionary Zoning Ordinances to encourage developers to set-aside 15% of new units in residential developments that have more than five (5) units for people with low-and-moderate incomes. The Town of Chapel Hill's Inclusionary Zoning Ordinance also incentivizes affordable housing by providing development bonuses including density bonuses and floor area bonuses and waiving certain development-related fees for the affordable units. In recent years, voters in Orange County and the Town of Chapel Hill have approved affordable housing bonds to fund the development of new affordable units. Orange County passed a \$5 million bond in 2016 and the Town of Chapel Hill passed a \$10 million bond in 2018. These measures to increase affordable housing could be coupled with additional strategies to up-zone land and promote more housing development, particularly in areas with low transportation costs and access to services.

### **Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)**

Despite County and service provider efforts, there remain significant obstacles to meeting underserved needs. The following are obstacles to meeting these needs in Orange County:

- The demand created by a continued population growth, including growth from the University, creates a housing shortage.
- A tight rental housing market and escalating rental rates in the urban areas of the County increases costs for all income levels.
- There is a lack of housing choice for people aging in place.

Furthermore, the COVID-19 pandemic increased housing instability for many County residents due to business closures and job losses, creating the need for significant scale-up in the County's provision of emergency rent and utility assistance (through the Emergency Housing Assistance program), housing resource navigation and referrals (through the Housing Helpline), and non-congregate shelter for people experiencing homelessness.

Orange County's population is growing, with population growth concentrated mainly in the higher income household category. This growth has raised the value of housing, both owner- and renter-occupied, and created a shortage of decent, safe and affordable housing for very low-, low-, and moderate-income persons. Orange County's highest priority is to address issues of affordable housing in the County. During this CAPER period, the County used its limited financial resources to address affordable housing issues and other needs addressed in this plan by funding the projects that would create more housing opportunities for County residents.

In PY 2020, the Orange County HOME Consortium funded the following activities to increase affordable housing opportunities:

- HOME-20-01 – Habitat for Humanity – Homeownership Assistance
- HOME-20-02 – CASA – Rental Development
- HOME-20-03 – EmPOWERment, Inc. – Rental Development
- N/A\* – Orange County – Tenant-based Rental Assistance

*\*Only HOME Match budgeted for this project, no 2020 HOME Entitlement funds*

### **Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)**

In Orange County, evaluations (risk assessments) of lead-based paint in housing units were conducted on a case-by-case basis and lead abatement was prescribed as needed for dwellings assisted with rehabilitation funds. In addition, all assisted housing tenants were informed of the hazards of lead-based paint. The Orange County Health Department provided ongoing consultation to local housing staff. During this CAPER period, no units were abated for lead-based paint in the County using HOME funds.

### **Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)**

The latest HUD CHAS data (2014-2018) indicates that 29% of Orange County households (both renters and home owners) are cost burdened, meaning they spend more than 30% of their income on housing. Of all renters and homeowners in Orange County, about 15% are severely cost burdened, spending more than half of their income on housing. Cost burden is most prevalent among extremely low-income households earning 30% or below the area median income. Three-quarters (75%) of all very low income

households are cost burdened by their housing, with 69% of these very low-income households spending over half of their income on housing. While extremely low-income households only represent 13% of all households in the county, they constitute 33% of all cost burdened households 60% of all severely cost burdened households. These statistics demonstrate the urgent and ongoing need for more affordable housing options in Orange County for low- and moderate-income households.

The Orange County HOME Consortium continued to address issues of affordable housing in the County through funding the following activities in program year 2020:

- HOME-20-01 – Habitat for Humanity – Homeownership Assistance
- HOME-20-02 – CASA – Rental Development
- HOME-20-03 – EmPOWERment, Inc. – Rental Development
- N/A\* – Orange County – Tenant-based Rental Assistance

*\*Only HOME Match budgeted for this project, no 2020 HOME Entitlement funds*

#### **Actions taken to develop institutional structure. 91.220(k); 91.320(j)**

The Orange County Housing and Community Development Department continued to coordinate activities among public and private agencies and organizations in the county to ensure the goals established in the latest Five Year Consolidated Plan are consistently met and addressed by more than one agency. The Housing and Community Development Department continued to facilitate and coordinate the linkages between these public-private partnerships and developed new partnership opportunities.

The private sector was an important collaborator in the services and programs associated with the Five Year Consolidated Plan. The private sector brought additional resources and expertise that was used to supplement existing services or fill gaps in the system. Lenders, affordable housing developers, business and economic development organizations, and private service providers offered a variety of assistance to residents such as health care, small business assistance, home loan programs, and assisted housing, among others. The County continued to collaborate with local financial institutions, private housing developers, and local realtors.

The Orange County Partnership to End Homelessness (OCPEH) has thoroughly analyzed the institutional structure and service delivery system, identified fourteen gaps in the system, and calculated the costs of filling those gaps. OCPEH has either identified existing programs and partners, or worked to set up the necessary infrastructure, through which to fill most of these gaps, and some funding has already been secured. In addition to filling the homeless system gaps, OCPEH also aims to improve existing projects and processes and improve the quality of homeless service delivery.

#### **Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)**

Orange County works with the following agencies to enhance coordination:

- **Orange County Housing Authority** – Administers and operates the Section 8 Housing Choice Voucher Program.
- **Social Services Agencies** – Administers programs and support services to low- and moderate-income persons.
- **Housing Providers** – Rehabilitates and develops affordable housing and provides housing options for low- and moderate-income households.
- **Orange County Partnership to End Homelessness** – Coordinates the County’s homeless outreach and prevention effort.

Each year, as part of the HOME application planning process, local agencies and organizations are invited to submit proposals for HOME funds for eligible activities. These groups participate in the planning process by attending the public hearings, informational meetings, question and answer meetings, and completing survey forms.

### **Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)**

Orange County prepared an Analysis of Impediments to Fair Housing Choice in 2020 to coincide with the Consortium’s FY 2020-2025 Five Year Consolidated Plan. The report identified the following five main impediments to fair housing:

- A lack of affordable housing has resulted in severe rent burdens among many renters, especially those with low and moderate incomes.
- African Americans and Hispanics face difficulties receiving conventional mortgage loans.
- Based on the number of fair housing complaints filed, disabled persons face difficulties accessing fair housing.
- There exists a lack of subsidized rental properties outside the Towns of Chapel Hill and Carrboro.
- Zoning throughout the county largely restricts the development of denser, more affordable housing.

Based on the fair housing impediments identified, the AI recommends the following strategies to address these barriers:

- Seek more funds for subsidized housing. Low- and moderate-income households are disproportionately rent-burdened, and recently, rents have increased faster than wages.
- Encourage development of some subsidized housing outside of Chapel Hill and Carrboro.
- Educate landlords, property managers, and other housing providers about fair housing law and reasonable accommodation, especially as they pertain to persons with disabilities.
- Offer educational courses on mortgage lending and building credit scores that are geared toward African American and Hispanic borrowers.
- Encourage cooperation and coordination between the affordable housing advisory boards in the

county.

- Explore funding options for a best-practices Rapid Rehousing program to serve homeless individuals and families in Orange County.
- Identify ways to protect residents of mobile home parks who may be under threat of displacement.
- Consider areas to strategically up-zone to promote the development of affordable housing

The Orange County Human Rights and Relations Department implemented an Eviction Diversion Program in 2020 to assist residents with housing legal issues and eviction cases. This Department also handles discrimination and fair housing complaints for the County, education and outreach, and provides fair housing resources for the community.

DRAFT

## **CR-40 - Monitoring 91.220 and 91.230**

**Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements**

The Orange County Department of Housing and Community Development (OCHCD) will be responsible for collecting data internally and from HOME Awardees, including subrecipients, developers, owners, sponsors, and CHDOs.

OCHCD will use a risk analysis matrix for monitoring HOME Awardees, based on guidance in CPD Notice 04-01 and CPD 02-11, which outline factors by which to determine the risk level of HOME recipients.

Once projects have been approved and HOME Awardees have signed Written Agreements, staff will enter projects into a HOME Project Monitoring spreadsheet, which uses a scoring system to conduct a risk analysis of each project. Based on its score, each subrecipient will be considered low risk, moderate risk, or high risk.

OCHCD will use these scores to determine its annual monitoring schedule. As a general rule, staff will annually conduct onsite monitoring for all high risk HOME Awardees. Conversely, moderate and low risk HOME Awardees will be monitored onsite every other Program Year, and desk reviews will be conducted throughout the year.

### **During Project Development**

OCHCD will monitor new construction and rehab projects that are solely administered by the Consortium. If a project has multiple funding sources, OCHCD will work with the other funders to determine who will take the lead for construction monitoring. Monitoring will include:

- A review of any bid documents (negotiated, informal or formal) before they are finalized to determine if application federal, state or local requirements are included;
- Documentation of labor standards;
- Review of change orders;
- Review of payment requests and supporting documentation;
- Periodic inspection of the work being done; and
- Final inspection before final invoice is approved.

During project development, all HOME Awardees will be required to submit quarterly reports that describe the progress of their projects, using a template provided by OCHCD on its website. At project completion, OCHCD will conduct an on-site inspection of each project to determine the projects meets the applicable property standards. This inspection will occur before marking the project complete in the disbursement and information system established by HUD (IDIS).

### **Ongoing Monitoring for Rental Housing**

Annual reports and periodic onsite inspections (at least once every three years) will be required after the project is completed for the duration of the HOME Affordability Period.

If there are observed deficiencies for any of the inspectable items in the property standards, a follow-up onsite inspection to verify that deficiencies are corrected must occur within 12 months. Health and safety deficiencies must be corrected immediately. For properties that have been found to have health and safety deficiencies, OCHCD will conduct inspections every year for three years; after three years, if no new health and safety deficiencies have been found, the three-year onsite inspection schedule will resume.

The property owner must annually certify to the Consortium that each building and all HOME- assisted units in the project are suitable for occupancy.

OCHCD will monitor projects for compliance with the requirements of the contract documents including rent and occupancy, maintenance of the property, ongoing financial feasibility of the project, maintenance and use of reserves, and recordkeeping.

#### **Tenant-Based Rental Assistance**

All housing occupied by tenants receiving HOME tenant-based rental assistance must meet Housing Quality Standards (HQS). OCHCD staff perform annual onsite inspections of rental housing occupied by tenants receiving HOME-assisted TBRA to determine compliance with these standards.

#### **Recordkeeping and Reporting**

HOME Awardees must maintain records demonstrating compliance with HOME requirements.

#### **Description of the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.**

The Citizen Participation Plan describes the County's process for involving residents in planning and funding decisions for Federal housing and community development funds. The Plan is available online at: <http://orangecountync.gov/2336/HOME-Program>.

The guidelines in the Citizen Participation Plan were followed in preparing the 2020 CAPER.

## **CR-50 - HOME 91.520(d)**

### **Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations**

Please list those projects that should have been inspected on-site this program year based upon the schedule in §92.504(d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.

The Orange County HOME Consortium did not inspect any units in PY 2020 due to the COVID-19 pandemic. The Orange County's Department of Housing and Community Development's three certified housing inspectors will perform all future inspections. The County's goal is to develop a timetable to inspect all its HOME-assisted rental units that are still within their period of affordability and submit this timetable to HUD.

### **Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units. 92.351(b)**

Orange County HOME Consortium continued to follow its Affirmative Marketing Policies and Procedures. The Affirmative Marketing Policy is in all of the HOME Subrecipient Agreements and is applicable to projects that have contained five or more units. Most of the Consortium's HOME projects that have been developed do not meet this threshold. Orange County HOME Consortium provided all HOME funded projects and all sub-recipients with the Affirmative Marketing Policy, when applicable. The marketing of units is the responsibility of the housing provider to undertake in accordance with the Affirmative Marketing Policy.

### **Refer to IDIS reports to describe the amount and use of program income for projects, including the number of projects and owner and tenant characteristics**

The HOME Consortium received \$13,306.32 in program income this program year.

### **Describe other actions taken to foster and maintain affordable housing. 91.220(k) (STATES ONLY: Including the coordination of LIHTC with the development of affordable housing). 91.320(j)**

The Orange County HOME Consortium worked in cooperation with the non-profit housing providers to address the County's affordable housing needs through the use of HOME funds, Low-Income Housing Tax Credits, and other State and Federal funds. The HOME Consortium funded the following projects to address the Consortium's housing needs:

- HOME-20-01 – Habitat for Humanity – Homeownership Assistance
- HOME-20-02 – CASA – Rental Development
- HOME-20-03 – EmPOWERment, Inc. – Rental Development

- N/A\* – Orange County – Tenant-based Rental Assistance

*\*Only HOME Match budgeted for this project, no 2020 HOME Entitlement funds*

Orange County's population is growing. However, the population growth is mainly in the higher income household category. This raises the value of both owner- and renter-occupied housing, and creates a shortage of decent, safe and affordable housing for low- and moderate-income households. HUD CHAS data on housing cost burden indicates that Orange County is facing an affordability crisis for lower income persons who cannot afford to live in the southern and eastern parts of the County. Targeting HOME funds to these projects will help the HOME Consortium reach the top priorities identified in the 2020-2025 Consolidated Plan of providing housing for people experiencing homelessness and providing housing for low- and moderate-income households.

DRAFT



## Understanding the Funding Timelines for the Orange County HOME Program

### HOME Program Overview

The U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnerships Program (HOME Program) provides formula grants to states and localities, called Participating Jurisdictions, to fund a wide range of affordable housing activities including building, buying, and/or rehabilitating affordable housing for rent or ownership.

In Orange County, the HOME Participating Jurisdiction is a Consortium consisting of Orange County and the Towns of Carrboro, Chapel Hill, and Hillsborough, with the County acting as lead entity. In 2017, the Consortium was renamed the Orange County Local Government Affordable Housing Collaborative.

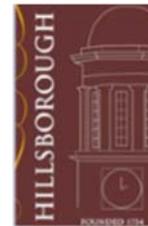
The Collaborative coordinates the funding process for the HOME program, accepts and reviews applications from local organizations, and presents recommendations to the elected bodies of each jurisdiction for funding approval. Examples of activities that have used Orange County HOME funds include:

- Provision of down payment assistance to low-income homebuyers
- Acquisition and development of affordable homes for rent or ownership
- Rehabilitation of affordable housing units
- Provision of tenant-based rental assistance

### HOME Funding Timeline

Below is an example of a typical timeline for the Orange County HOME Program:

|  |                              |
|--|------------------------------|
| Orange County releases HOME Program application for upcoming year  | <b>December (prior year)</b> |
| HUD releases HOME allocations for Participating Jurisdictions and Consortia  | <b>February/March</b>        |
| Orange County HOME Program applications are due  | <b>February</b>              |
| The Collaborative reviews HOME applications and creates a funding recommendation for the elected bodies of each jurisdiction | <b>March/April</b>           |
| The Collaborative's funding recommendations go before the elected bodies for approval  | <b>April/May</b>             |



Orange County HOME Program Year (for reporting purposes) officially starts (aligned with the County Fiscal Year)

**July**

The County may begin conducting Environmental Reviews of HOME Awardees' projects\*

**July\***

Organizations awarded HOME funds (HOME Awardees) may begin executing HOME Written Agreements with the County (also called Development Agreements)\*

**July\***

Other HUD-required items (depending on the type of HOME project):

Homebuyer Assistance

- Executed HOME Written Agreement between the HOME Awardee and homebuyer
- Homebuyer Underwriting
- Homebuyer Counseling
- Property Appraisal

Rental or Ownership Acquisition

- Property Appraisal

Tenant-Based Rental Assistance

- Income Verification Forms
- HOME Rental Assistance Agreement
- HOME Rent Reasonableness Certification
- Minimum Habitability Checklist
- HOME Lease Addendum

**Once Environmental Review and Development Agreement are complete (often 9-12 months after start of the program year, depending on the HOME Awardee's project timeline)\***

The County disburses HOME funds to HOME awardees

**Once the above requirements are met**

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*\*Typically, organizations apply for HOME funds well in advance of when they actually need them, so most projects do not begin the Environmental Review process or enter into Development Agreements until near the end of the program year in which they applied (e.g., spring or summer of the following calendar year)*



## HOME Project Status Update

### Funds Awarded in the 2020 HOME Program Year

In the 2020 HOME Program Year, the following awards were made (HOME Entitlement, local Match, and Program Income funds combined).

| Project ID Number | Project Title/Description                        | 2019 HOME Budget    | 2019 HOME Expenditures |
|-------------------|--|---------------------|------------------------|
| HOME-20-01        | Habitat for Humanity – Home Ownership Assistance | \$94,138.00         | \$0                    |
| HOME-20-02        | CASA – Rental Development                        | \$200,000.00        | \$0                    |
| HOME-20-03        | EmPOWERment, Inc. – Rental Development           | \$56,228.00         | \$0                    |
| N/A*              | Orange County – Tenant-based Rental Assistance   | \$84,334.00         | \$0                    |
| HOME-20-04        | Administration                                   | \$37,476.10         | \$37,476.10            |
| <b>Total</b>      |  | <b>\$472,176.10</b> | <b>\$37,476.10</b>     |

\* Only HOME Match budgeted for this project, no 2020 HOME Entitlement funds. As such, this activity is not set up in HUD's reporting system, IDIS, and does not have a project ID number.

As shown above, of the funds that were awarded in the 2020 Program Year (in May of 2020), only administration funds were actually disbursed in that program year. This is typical of projects that apply for and are awarded Orange County HOME funds. Organizations typically apply for HOME funds well in advance of when they actually need them, so most projects do not begin the Environmental Review process or enter into Development Agreements until near the end of the program year in which they applied (e.g., spring or summer of the following year).

The current statuses of the 2020 projects are summarized below.

| Project ID Number | Project Title/Description                        | Status   |
|-------------------|--|--|
| HOME-20-01        | Habitat for Humanity – Home Ownership Assistance | <b>In Progress</b><br><i>(spending down 2019 funds first)</i>  |
| HOME-20-02        | CASA – Rental Development                        | <b>Funds Returned</b><br><i>(returned in spring of 2021; no longer needed due to receipt of LIHTC award)</i> |
| HOME-20-03        | EmPOWERment, Inc. – Rental Development           | <b>In Progress</b><br><i>(currently in pre-development phase)</i>  |
| N/A*              | Orange County – Tenant-based Rental Assistance   | <b>In Progress</b><br><i>(spending down 2016 and 2018 funds first)</i>                                       |
| HOME-20-04        | Administration                                   | <b>Complete</b>  |



### Funds Expended in the 2020 HOME Program Year

While HOME funds awarded in a given program year may not be spent in that same year, significant HOME funds are disbursed each program year (most of which were typically awarded in prior years).

In the 2020 HOME Program Year, the following expenditures were made (HOME Entitlement, local Match, and Program Income funds combined).

| Project ID Number | Project Title/Description                       | HOME Budget  | 2020 HOME Expenditures | Remaining Funds as of 6/30/21 |
|-------------------|---|--------------|------------------------|-------------------------------|
| HOME-20-04        | Administration                                  | \$37,476.10  | \$37,476.10            | \$0.00                        |
| HOME-19-02        | Habitat for Humanity – Homeownership Assistance | \$181,392.00 | \$110,000.00           | \$71,392.00                   |
| HOME-18-04        | Orange County - County-wide TBRA                | \$139,613.00 | \$88,271.99            | \$43,516.31                   |
| HOME-16-03        | Orange County - County-wide TBRA                | \$114,655.00 | \$8,225.40             | \$106,429.60                  |
| <b>Total</b>      |   |              | <b>\$243,973.49</b>    |                               |

The current statuses of the other projects from the table above are summarized below.

| Project ID Number | Project Title/Description   | Status   |
|-------------------|---|--|
| HOME-20-04        | Administration  | <b>Complete</b>                                |
| HOME-19-02        | Habitat for Humanity – Homeownership Assistance<br><i>(funds disbursed for 300, 302, 308, and 312 Odie St and 545 Homemont Ave)</i> | <b>In Progress</b>                             |
| HOME-18-04        | Orange County - County-wide TBRA<br><i>(County-wide)</i>  | <b>In Progress</b><br><i>(ongoing program)</i> |
| HOME-16-03        | Orange County - County-wide TBRA<br><i>(County-wide)</i>  | <b>In Progress</b><br><i>(ongoing program)</i> |

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 16, 2021

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

**SUBJECT:** Public Hearing on Orange County's HOME-ARP Allocation Plan

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**DEPARTMENT:** Housing and Community  
Development

**ATTACHMENT(S):**  
Attachment 1: Draft HOME-ARP Allocation  
Plan

**INFORMATION CONTACT:**  
Corey Root, Director, Housing and  
Community Development, (919) 245-  
2490

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**PURPOSE:** To hold a public hearing on Orange County's HOME-ARP Allocation Plan.

**BACKGROUND:** The American Rescue Plan Act of 2021 appropriated \$5 billion nationwide to provide housing, services, and shelter to individuals experiencing homelessness and other vulnerable populations. The funds were allocated by formula to jurisdictions through the U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnership (HOME) Program. This funding is called "HOME-ARP". In September 2021, HUD awarded the Orange County HOME Consortium (which consists of the County – the "lead entity" for the Consortium – and the Towns of Carrboro, Chapel Hill, and Hillsborough) \$1,371,401 in HOME-ARP funds.

HOME-ARP can fund the following eligible activities:

- (1) development of affordable housing;
- (2) tenant-based rental assistance;
- (3) provision of supportive services (such as housing counseling, homelessness prevention, moving costs) and;
- (4) acquisition and/or development of non-congregate shelter units.

Funds must primarily benefit individuals and households in the following "Qualifying Populations":

- Experiencing homelessness
- At risk of homelessness
- Fleeing domestic violence, dating violence, sexual assault, stalking, or human trafficking
- Other populations with high risk of housing instability (including highly cost-burdened low-income households, households who have moved two or more times in the last 60 days, and households living in a hotel)

Led by the Local Government Affordable Housing Collaborative (a group made up of one elected official from each jurisdiction that comprises the Consortium), the Orange County HOME Consortium must develop an Allocation Plan to identify priority housing and service needs in the

community that may be supported with HOME-ARP funds and to describe the process that will be used to distribute HOME-ARP funds. The Consortium's \$1.3 million in HOME-ARP may not be used for eligible housing projects or activities until an Allocation Plan is approved by HUD. It is not expected that any funds will be committed or disbursed in the near future, since the Consortium is just now starting the planning process. The Allocation Plan will determine how the HOME-ARP funds will be awarded to projects or activities and lay out, broadly, which types of eligible uses the Consortium plans to prioritize.

Once the Allocation Plan is created, staff will follow the process outlined in the Plan. For example, if (based on the community engagement and needs assessment process) the Collaborative decides to distribute HOME-ARP funds through a competitive application process and to prioritize development of affordable housing, staff would then issue a funding application for affordable housing development projects.

As part of the development of the Plan, Orange County must consult with stakeholders that work with the "Qualifying Populations" listed above. County and Town staff are actively engaging stakeholders by presenting at meetings, soliciting feedback through a survey, and incorporating feedback from the Towns' community engagement processes around ARPA funding.

As the lead entity of the Consortium, the County must hold a public hearing to obtain residents' comments and feedback on how the HOME-ARP funds should be awarded. Members of the public may submit comments at the public hearing and during the public comment period (November 16 – December 1, 2021) to Erika Brandt, Community Development Manager, by email ([ebrandt@orangecountync.gov](mailto:ebrandt@orangecountync.gov)), by mail (PO Box 8181, Hillsborough, NC 27278) or by telephone (919-245-4331).

The County will hold a second public hearing in the next 3-6 months. Between the first and second public hearings, staff will develop a draft HOME-ARP Allocation Plan based on the feedback received during the first public hearing and public comment period, from the other community engagement and stakeholder consultation efforts (including a survey and presentations at community meetings), and from the ARPA public participation processes being conducted by the Towns of Carrboro and Chapel Hill.

After the second public hearing on the draft HOME-ARP Allocation Plan, staff will incorporate public feedback into the Plan and present a final version for approval by the Collaborative. Once the Collaborative approves, the four governing boards of the jurisdictions that comprise the HOME Consortium (the Towns and the County) must approve the Plan and authorize Orange County, as lead entity, to submit the Plan to HUD. HUD is responsible for final approval of the Plan, at which point, the Consortium may begin to use its HOME-ARP funds. To use the funds, the County will submit draw requests to HUD through its finance system on a reimbursement basis. Any HOME-ARP funds not disbursed by September 30, 2030 will revert back to HUD.

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

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

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

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

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

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

- **GOAL: CREATE A SAFE COMMUNITY**

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

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

**RECOMMENDATION(S):** The Manager recommends that the Board open the public hearing, accept comments on the draft HOME-ARP Allocation Plan, and close the public hearing. Members of the public may also submit any additional comments to the County through the methods noted above by December 1, 2021.

## **DRAFT Orange County (NC) HOME-ARP Allocation Plan**

**Participating Jurisdiction:** Orange County, NC HOME Consortium

**Date:**

### **Background**

The American Rescue Plan Act of 2021 appropriated \$5 billion to provide housing, services, and shelter to individuals experiencing homelessness and other vulnerable populations. These funds were allocated by formula to jurisdictions that qualified for funding through the HOME Investment Partnership Program (HOME Program) from the U.S. Department of Housing and Urban Development (HUD). This special round of funding is called the "HOME-ARP" program. In September 2021, HUD awarded the Orange County, NC HOME Consortium (which consists of Orange County and the Towns of Carrboro, Chapel Hill, and Hillsborough) \$1,371,401 in HOME-ARP funds.

Eligible activities that may be funded with HOME-ARP include: (1) development and support of affordable housing; (2) tenant-based rental assistance; (3) provision of supportive services (such as housing counseling, homelessness prevention, child care, job training, legal services, case management, moving costs, rental applications, and rent assistance); and (4) acquisition and development of non-congregate shelter units.

Funds must primarily benefit individuals and households in the following qualifying populations:

- Experiencing homelessness (as defined in 24 CFR 91.5 "Homeless" (1), (2), or (3))
- At risk of homelessness (as defined in 24 CFR 91.5 "At risk of homelessness")
- Fleeing domestic violence, dating violence, sexual assault, stalking, or human trafficking, (as defined in 24 CFR 5.2003)
- Other populations with high risk of housing instability (including highly cost-burdened low-income households, households who have moved two or more times in the last 60 days, and households living in a hotel/motel)

### **Consultation**

Before developing its plan, the Orange County, NC HOME Consortium must consult with the local Continuum of Care (CoC), homeless and domestic violence service providers, veterans' groups, public housing agencies (PHAs), public agencies that address the needs of the qualifying populations, and public or private organizations that address fair housing, civil rights, and the needs of persons with disabilities.

#### **Summary of the consultation process**

- An electronic survey was widely distributed to agencies and organizations that work with people experiencing homelessness, people fleeing domestic violence, justice-involved individuals, veterans, people with low incomes, and other qualifying populations.
- Staff from the Orange County Department of Housing and Community Development attended standing meetings of several relevant groups to present on HOME-ARP and solicit input on priority needs.



## Public Participation

*The Orange County, NC HOME Consortium must provide for and encourage citizen participation in the development of the HOME-ARP allocation plan. Before submission of the plan, the Consortium must provide residents with reasonable notice and an opportunity to comment on the proposed HOME-ARP allocation plan of **no less than 15 calendar days**. The Consortium must follow its adopted requirements for “reasonable notice and an opportunity to comment” for plan amendments in its current citizen participation plan. In addition, the Consortium must hold **at least one public hearing** during the development of the HOME-ARP allocation plan and prior to submission.*

**Public comment period:** The draft Orange County HOME-ARP Allocation Plan was made available for public display and comment on the OCHCD website at [www.orangecountync.gov/2336/HOME-Program](http://www.orangecountync.gov/2336/HOME-Program) and available in hard copy upon request at the Orange County Housing and Community Development Department (OCHCD) office. The public comment period ran November 16 – December 1, 2021. Public notice of the public comment period was published in English in *The Herald Sun* on Friday, October 29, 2021 and in Spanish in *La Noticia* on Wednesday, November 3, 2021.

**Public hearing:** A Public Hearing on the draft CAPER was held on November 16, 2021. Public notice of the hearing was published in English in *The Herald Sun* on Friday, October 29, 2021 and in Spanish in *La Noticia* on Wednesday, November 3, 2021. The public comment period ran November 16 – December 1, 2021.

### **Description of efforts to broaden public participation**

Information about Orange County’s HOME-ARP funding was widely distributed, through traditional avenues such as public notices, as well as

*The Consortium must consider any comments or view of residents received in writing, or orally at a public hearing, when preparing the HOME-ARP allocation plan.*

### **Summary of comments and recommendations received through the public participation process**

TBD

### **Summary of comments or recommendations not accepted and reasons why**

All comments or recommendations will be accepted and a response to each comment will be provided.

## Needs Assessment and Gaps Analysis

*The Orange County, NC HOME Consortium must evaluate the size and demographic composition of qualifying populations within its boundaries and assess the unmet needs of those populations. In addition, the Consortium must identify any gaps within its current shelter and housing inventory as well as the service delivery system. The Consortium should use current data, including Point in Time Count, Housing Inventory Count, or other data available through the Continuum of Care (CoC), and consultations with service providers to quantify the individuals and families in the qualifying populations and their need for additional housing, shelter, or services.*

## Homeless Needs Inventory and Gap Analysis Table

| Homeless                     |                   |            |             |            |           |                              |                      |      |               |               |            |             |            |
|------------------------------|-------------------|------------|-------------|------------|-----------|------------------------------|----------------------|------|---------------|---------------|------------|-------------|------------|
|                              | Current Inventory |            |             |            |           | Homeless Population          |                      |      |               | Gaps Analysis |            |             |            |
|                              | Family            |            | Adults Only |            | Vets      | Family HH (at least 1 child) | Adult HH (w/o child) | Vets | Victims of DV | Family        |            | Adults Only |            |
|                              | # of Beds         | # of Units | # of Beds   | # of Units | # of Beds |                              |                      |      |               | # of Beds     | # of Units | # of Beds   | # of Units |
| Emergency Shelter            | TBD               | TBD        | TBD         | TBD        | TBD       |                              |                      |      |               |               |            |             |            |
| Transitional Housing         | TBD               | TBD        | TBD         | TBD        | TBD       |                              |                      |      |               |               |            |             |            |
| Permanent Supportive Housing | TBD               | TBD        | TBD         | TBD        | TBD       |                              |                      |      |               |               |            |             |            |
| Other Permanent Housing      |                   |            |             |            |           | TBD                          | TBD                  | TBD  | TBD           |               |            |             |            |
| Sheltered Homeless           |                   |            |             |            |           | TBD                          | TBD                  | TBD  | TBD           |               |            |             |            |
| Unsheltered Homeless         |                   |            |             |            |           | TBD                          | TBD                  | TBD  | TBD           |               |            |             |            |
| <b>Current Gaps</b>          |                   |            |             |            |           |                              |                      |      |               | TBD           | TBD        | TBD         | TBD        |

<sup>1</sup>CoC Housing Inventory Count, 2021 | <sup>2</sup>CoC Point in Time Count, 2021

## Housing Needs Inventory and Gap Analysis Table

| Non-Homeless   |                   |  |                 |  |                      |                       |
|--|-------------------|--|-----------------|--|----------------------|-----------------------|
|  | Current Inventory |  | Level of Need   |  | Gap Analysis         |                       |
|  | # of Units        |  | # of Households |  | # of 0-30% AMI Units | # of 31-50% AMI Units |
| Total Rental Units   | TBD               |  |                 |  |                      |                       |
| Rental Units Affordable to HH at 0-30% AMI (At-Risk of Homelessness)               | TBD               |  |                 |  |                      |                       |
| Rental Units Affordable to HH at 31-50% AMI (Other Populations)                    | TBD               |  |                 |  |                      |                       |
| 0-30% AMI Renter HH w/ 1 or More Severe Housing Problems (At-Risk of Homelessness) |                   |  | TBD             |  |                      |                       |
| 31-50% AMI Renter HH w/ 1 or More Severe Housing Problems (Other Populations)      |                   |  | TBD             |  |                      |                       |
| <b>Current Gaps</b>  |                   |  |                 |  | TBD                  | TBD                   |

<sup>1</sup>Comprehensive Housing Affordability Strategy (CHAS) data, 2014-2018; Table 18C | <sup>2</sup>Comprehensive Housing Affordability Strategy (CHAS) data, 2014-2018; Table 14B | <sup>3</sup>Comprehensive Housing Affordability Strategy (CHAS) data, 2014-2018; Table 1

***The size and demographic composition of qualifying populations within Orange County boundaries***

The 2021 Point in Time Count reports that there were 176 people (in 154 households) experiencing homelessness in Orange County on one night in January 2021. People experiencing homelessness are disproportionately people of color; 67% of people experiencing homelessness in the 2021 Point in Time Count were Black or African-American, whereas just 12% of people in Orange County overall are Black or African-American.

To be continued – data on people at risk of homelessness, fleeing domestic violence, vulnerable to housing instability

***Unmet housing and service needs of qualifying populations, including but not limited to: sheltered and unsheltered homeless populations; those currently housed populations at risk of homelessness; other families requiring services or housing assistance to prevent homelessness; and those at greatest risk of housing instability or in unstable housing situations***

TBD – from consultation survey and meeting feedback

***Current resources available to assist qualifying populations, including congregate and non-congregate shelter units, supportive services, tenant-based rental assistance, and affordable and permanent supportive rental housing***

TBD

***Gaps within the current shelter and housing inventory as well as the service delivery system***

TBD

***Characteristics of housing associated with instability and an increased risk of homelessness (if the Consortium will include such conditions in its definition of “other populations”)***

TBD – from consultation survey and meeting feedback

***Priority needs for qualifying populations***

TBD – from consultation survey and meeting feedback

***How the level of need and gaps in shelter and housing inventory and service delivery systems based on the data presented in the plan were determined***

TBD

## **HOME-ARP Activities**

***Description of the method for soliciting applications for funding and/or selecting developers, service providers, subrecipients and/or contractors and whether the Consortium will administer eligible activities directly***

TBD

*The Orange County, NC HOME Consortium must indicate the amount of HOME-ARP funding that is planned for each eligible HOME-ARP activity type and demonstrate that any planned funding for nonprofit organization operating assistance, nonprofit capacity building, and administrative costs is within HOME-ARP limits.*

**Use of HOME-ARP Funding**

|  | <b>Funding Amount</b> | <b>Percent of the Grant</b> | <b>Statutory Limit</b> |
|--|-----------------------|-----------------------------|------------------------|
| Supportive Services                                    | TBD                   |                             |                        |
| Acquisition and Development of Non-Congregate Shelters | TBD                   |                             |                        |
| Tenant-Based Rental Assistance                         | TBD                   |                             |                        |
| Development of Affordable Rental Housing               | TBD                   |                             |                        |
| Nonprofit Operating                                    | TBD                   |                             | 5%                     |
| Nonprofit Capacity Building                            | TBD                   |                             | 5%                     |
| Administration and Planning                            | \$205,710             | 15%                         | 15%                    |
| <b>Total HOME-ARP Allocation</b>                       | <b>\$1,371,401</b>    |                             |                        |

*How the characteristics of the shelter and housing inventory, service delivery system, and the needs identified in the gaps analysis provided a rationale for the plan to fund eligible activities*

TBD

**HOME-ARP Production Housing Goals**

*Estimate of the number of affordable rental housing units for qualifying populations that the Consortium will produce or support with its HOME-ARP allocation*

TBD

*Specific affordable housing rental production goal that the Consortium hopes to achieve and how it will address the Consortium’s priority needs*

TBD

**Preferences**

**Identify whether the Consortium intends to give preference to one or more qualifying populations or a subpopulation within one or more qualifying populations for any eligible activity or project**

- **Preferences cannot violate any applicable fair housing, civil rights, and nondiscrimination requirements, including but not limited to those requirements listed in 24 CFR 5.105(a)**
- **The Consortium is not required to describe specific projects to which the preferences will apply**

**TBD**

**(If a preference was identified) How the use of a preference or method of prioritization will address the unmet need or gap in benefits and services received by individuals and families in the qualifying population or category of qualifying population, consistent with the Consortium's needs assessment and gaps analysis**

**TBD**

**(If a preference was identified) How the Consortium will use HOME-ARP funds to address the unmet needs or gaps in benefits and services of the other qualifying populations that are not included in the preference**

**TBD**

## **HOME-ARP Refinancing Guidelines**

**If the Orange County, NC HOME Consortium intends to use HOME-ARP funds to refinance existing debt secured by multifamily rental housing that is being refinanced with HOME-ARP funds, the Consortium must state its HOME-ARP refinancing guidelines in accordance with 24 CFR 92.206(b). The guidelines must describe the conditions under which the Consortium will refinance existing debt for a HOME-ARP rental project.**

**Minimum level of rehabilitation per unit or required ratio between rehabilitation to refinancing to demonstrate that rehabilitation of HOME-ARP rental housing is the primary eligible activity**

**TBD**

**Required review of management practices to demonstrate that disinvestment in the property has not occurred; that the long-term needs of the project can be met; and that the feasibility of serving qualified population for the minimum compliance period can be demonstrated**

**TBD**

**State whether the new investment is being made to maintain current affordable units, create additional affordable units, or both**

**TBD**

**Required compliance period (whether it is the minimum 15 years or longer)**

**TBD**

**State that HOME-ARP funds cannot be used to refinance multifamily loans made or insured by any federal programs, including CDBG**

HOME-ARP funds cannot be used to refinance multifamily loans made or insured by any federal programs, including CDBG.

***Other requirements in the guidelines, if applicable***

DRAFT

**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
ACTION AGENDA ITEM ABSTRACT**  
**Meeting Date:** November 16, 2021

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

**SUBJECT:** Greene Tract Resolution Approving the Draft Recombination Plat and Conceptual Plan

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**DEPARTMENT:** Planning and Inspections

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**ATTACHMENT(S):**

1. Proposed 2021 Joint Resolution
2. Greene Tract Vicinity Map
3. Proposed Modified Parcel Lines Map
4. Land Ownership Status and Transfer Map
5. Greene Tract Update

**INFORMATION CONTACT:**

Craig Benedict, Planning Director, 919-245-2575  
Ashley Moncado, Planner II, 919-245-2589

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**PURPOSE:** To consider approval of the Greene Tract *Resolution Approving the Draft Recombination Plat and Conceptual Plan for the 60-acre Portion of the Greene Tract in County Ownership and the 107-acre Portion of the Greene Tract in Joint Ownership* between Orange County, the Town of Chapel Hill, and the Town of Carrboro.

**BACKGROUND:** The Greene Tract is a 167 acre parcel of which 107 acres is jointly owned by Orange County/Chapel Hill/Carrboro and 60 acres owned by Orange County (Headwaters Preserve). The parcel is located east of the Rogers Road community within the Town of Chapel Hill's ETJ (Extra-Territorial Jurisdiction) – see vicinity map in Attachment 2.

In May 2017, a joint staff work group began to examine the preservation and development potential of the Greene Tract. This process included specific elements and goals including, but not limited to:

- Incorporate a future elementary school and park site,
- Preserve valuable environmental features and corridors,
- Protect historical and cultural resources,
- Encourage cost effective infrastructure, and
- Identify areas for future development.

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

**Greene Tract Resolution for a Path Forward**

In January 2020, the Towns and County adopted the 2020 Greene Tract resolution. Not only did this resolution identify land use acreages for the Greene Tract and initiate an environmental assessment, but it also initiated the drafting of an Interlocal Agreement between the three jurisdictions.

## **Greene Tract Environmental Assessment**

The Greene Tract Resolution for a Path Forward initiated the drafting of an environmental assessment in order to obtain site-specific information on environmental and cultural conditions present on the Greene Tract. Following a Request for Proposal (RFP) and bid process, SynTerra was selected to complete the Environmental Assessment. Beginning in May 2020, SynTerra reviewed background information, conducted fieldwork, and completed an environmental analysis of the Greene Tract. The final assessment was presented to the local governments in July 2020 and can be found at the following link: <https://www.orangecountync.gov/DocumentCenter/View/14103/2020-Greene-Tract-Environmental-Assessment>.

## **2021 Greene Tract Interlocal Agreement**

The *Interlocal Agreement Between Orange County and the Towns of Carrboro and Chapel Hill Regarding the Current and Future Use of the Jointly Owned Greene Tract* adopted by the three local governments in April 2021 provided a decision-making process for the three local governments and other key elements including:

- Required that the parties act jointly in selecting professional services; entering into development agreements; engaging in public outreach; receiving public input; assigning the Mayors, Chair, and Managers to form a working group to negotiate ultimate uses of the Greene Tract before submitting their recommendations to the governing boards of the parties; and reaching final determinations of the ultimate uses of the property within 18 months of execution of the Agreement;
- Agreed that the initial intent of the parties is for the property to include mixed use (e.g. residential and/or low intensity commercial, service uses, and maker/incubator space, which serve the needs of the surrounding neighborhoods) affordable housing, a school site with a public recreation component, a joint preserve area, and connectivity (pedestrian, vehicular, utility, transportation).

## **Modifications to the County-Owned (Headwaters Preserve) and Joint-Owned Tracts**

Over the summer, planning, environmental, stormwater, transportation, surveying, and engineering staff met to review the findings of the Greene Tract Environmental Assessment and discuss other key elements (i.e. connectivity, green space, infrastructure, land use, transit, etc.) in order to assist in determining the modified parcel lines of the County-owned (60 acres) and Joint-owned (107 acres) tracts.

One of the main goals of this process was to encompass the most environmentally sensitive features of the Greene Tract within the County-owned (Headwaters Preserve) or future Greene Tract Preserve areas. The purpose of this was to protect and preserve these areas in the future while balancing development goals of the Greene Tract related to affordable and mixed income housing (housing which is affordable to residents at different income levels) needs and the public school and recreational site. In order to achieve this, environmental staff reviewed preservation plans from 2019 and the Environmental Assessment, completed fieldwork, and drafted new parcel lines for the County-owned and Joint-owned tracts. The proposed parcel lines were presented to the MMC for their review. Based on comments received from the MMC, land use acreages designated in the 2020 Resolution, and additional analysis and fieldwork, modified parcel lines for the County- and Joint-owned tracts were drafted (Attachment 3). The final draft of the proposed County-owned and Joint-owned parcels was utilized in preparing the draft recombination plat and conceptual plan contained in Attachment 1.

### **September 30 and October 21 Managers, Mayors, and Chair (MMC) Meetings**

The Greene Tract staff work group presented the draft Resolution and conceptual plan for review and comment. In addition, the group reviewed and outlined next steps including community outreach meetings.

### **November 2021 Community Open House and Virtual Meeting**

Local government staff members conducted two outreach events in order to update the community on the status of the Greene Tract, present the draft resolution and conceptual plan, review next steps, and receive any questions or comments.

- Sunday, November 7 - In-person Open House at RENA Community Center
- Monday, November 8 - Virtual Engagement Session

Information regarding these events, including comments and questions received at both events, can be found at the following link: <https://www.orangecountync.gov/2127/Greene-Tract>. A summary of key themes and comments received at these events will be shared at the BOCC meeting.

### **Greene Tract Resolution Approving the Draft Recombination Plat and Conceptual Plan**

The proposed Resolution (Attachment 1) continues efforts outlined in the 2020 *Greene Tract Resolution for a Path Forward* and the 2021 Interlocal Agreement. Furthermore, this resolution includes a culmination of work and contribution including the community, planning, environmental, surveying, transportation, and engineering staff, and the Managers, Mayors, and Chair (MMC) group. The main elements of the resolution include the following:

1. Approve the draft recombination plat contained in Exhibit 1 of Attachment 1.
  - This will allow for modifications to the County-owned tract (60 acres) and Joint-owned tract (approximately 107 acres). Additional maps illustrating the modifications to the existing Greene Tract parcel lines are contained in Attachments 3 and 4. Attachment 4 illustrates the exchange of acreage from Joint ownership to County ownership and County ownership to Joint ownership. This map is related to land owner and transfer changes, which may occur through the recombination process.
2. Approve the Greene Tract Conceptual Plan contained in Exhibit 2 of Attachment 1.
  - This will allow for land uses and acreages, originally designated in the 2020 Greene Tract Resolution, to be identified and located on a conceptual plan. Please note the proposed land uses identified and sited on the Joint-owned portion of the Greene Tract contains net acreage totaling approximately 104 acres. This total excludes approximately 3 acres which is contained within the railway right of way.
  - The Greene Tract Conceptual Plan is a proposed schematic for future planning purposes and shall not be considered a development plan or application. The following land uses and acreages are designated on the plan:
    - Headwaters Preserve – 60 acres
    - Greene Tract Preserve – 22 acres
    - Development – 66 acres
    - Public School and Recreational site – 16 acres
3. Authorize Managers to sign the final recombination plat as the property owners for the three local governments.
  - Once the draft recombination plat is approved as part of this Resolution, Town of Chapel Hill Surveying staff will move forward with completing the final recombination plat. This action will allow for the County and Town Managers to

sign the recombination plat as owners. Once signed, the final recombination plat will be reviewed by the Town of Chapel Hill Planning staff before final recordation at the Orange County Register of Deeds Office.

4. Continue to solicit input from the public, governing boards, specialized staff, and housing partners, during the master plan and development agreement process.

The Joint Resolution is planned for adoption consideration at the November 16 Carrboro Town Council meeting and the November 17 Chapel Hill Town Council meeting. Any amendments to the Joint Resolution by the Town of Chapel Hill or the Town of Carrboro would prompt a return to the BOCC for consideration.

### **Greene Tract Update**

Additional information on the Greene Tract is contained in Attachment 5. Staff will not present the update at the BOCC meeting, but will be available to address any questions. Additional background information related to the Greene Tract, including the 2020 Resolution and 2021 Interlocal Agreement, can be found at this link: <https://www.orangecountync.gov/2127/Greene-Tract>.

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

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

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

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

- **RESULTANT IMPACT ON NATURAL RESOURCES AND AIR QUALITY**  
Assess and where possible mitigate adverse impacts created to the natural resources of the site and adjoining area. Minimize production of greenhouse gases.

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

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

**RESOLUTION****A RESOLUTION APPROVING THE DRAFT RECOMBINATION PLAT AND CONCEPTUAL PLAN FOR THE 60-ACRE PORTION OF THE GREENE TRACT IN COUNTY OWNERSHIP AND THE 107-ACRE PORTION OF THE GREENE TRACT IN JOINT OWNERSHIP**

**WHEREAS**, in 1984, Orange County and the Towns of Carrboro and Chapel Hill jointly purchased the property known as the Greene Tract (167 acres more or less); and

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

**WHEREAS**, at that time, the remaining 107 acres were retained in joint ownership by the three governments (with the intent that the future uses of the property would be determined at a future time); and

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

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

**WHEREAS**, over the last 20 years, various joint planning studies and collaborations with the community and school district have suggested land use and acreage needs; and

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

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

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

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

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

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

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

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

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

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

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

**WHEREAS**, in January 2020, the three local governments adopted the 2020 Greene Tract Resolution for a Path Forward Process for Further Assessment of the Greene Tract, which consolidated the differences, superseded the resolutions adopted in 2019, and included the following:

- Initiated an environmental assessment of the entire Greene Tract to consider designating the most environmentally sensitive area as the Headwaters Preserve with a cost share Interlocal Agreement;
- Initiated the drafting of a Memorandum of Understanding between the three jurisdictions related to a decision making process;
- Delayed public engagement efforts until agreement on a Memorandum of Understanding; and

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

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

**WHEREAS**, the Greene Tract Environmental Assessment was completed by SynTerra Inc. in July 2020 and corresponding video presentation was completed in April 2021 which included an environmental analysis on existing conditions on the Greene Tract, site specific information on environmental and cultural conditions present on the Greene Tract, suitability analysis, and four

draft land use alternatives: and

**WHEREAS**, the Interlocal Agreement Regarding the Current and Future Use of the Jointly Owned Greene Tract between the Orange County and the Towns of Carrboro and Chapel Hill was adopted in April 2021; and

**WHEREAS**, the three local governments' elected officials and staff have met with community members, solicited survey responses, and conducted public meetings in order to encourage and collect input from the Orange County community; and

**WHEREAS**, the three local governments' elected officials and staff will continue to work with environmental staff, environmental partners, and community to identify, protect, and maintain the most cultural and environmentally sensitive features of the Greene Tract from future development and consider development guidelines exceeding regulatory standards preserving these areas; and

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

**WHEREAS**, each board will consider this resolution in November 2021 and provide direction to their respective staff.

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

1. Approve the draft recombination plat to modify the existing county owned (60 acres) and jointly owned (107 acres) portions of the Greene Tract as shown in Exhibit 1.
2. Approve the conceptual plan, as shown in Exhibit 2 for the joint owned portion of the Greene Tract which designates and defines the following future land uses:
  - a. 60 acres for the Headwaters Preserve (County owned)
  - b. Approximately 22 acres for Greene Tract Preserve
  - c. Approximately 66 acres for development
  - d. Approximately 16 acres for public school and public recreational site
3. Authorize the Manager to sign the final recombination plat as property owner for Orange County.
4. Continue to solicit input from the public, governing boards, specialized staff, and housing partners, during the master planning and development agreement process.

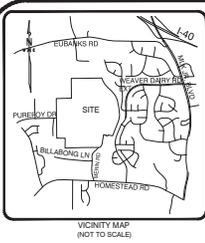
This the \_\_\_\_ day of \_\_\_\_\_, 2021.

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

ATTEST:

\_\_\_\_\_  
Laura Jensen, Clerk to the Board of County Commissioners

# Exhibit 1 - Draft Recombination Plat



**PRELIMINARY PLAT**  
 NOT FOR RECORDING, SALES  
 OR CONVEYANCE.  
 THIS DOCUMENT WAS PREPARED FOR  
 ILLUSTRATION PURPOSES ONLY.

| Line # | Direction     | Length  |
|--------|---------------|---------|
| L1     | S22° 21' 23"E | 112.17' |
| L2     | S27° 39' 27"E | 100.33' |
| L3     | S32° 52' 34"E | 104.98' |
| L4     | S38° 02' 21"E | 103.33' |
| L5     | S43° 07' 22"E | 104.04' |
| L6     | S46° 59' 38"E | 104.21' |
| L7     | S47° 27' 15"E | 101.24' |
| L8     | S45° 41' 42"E | 84.00'  |
| L9     | S40° 20' 52"E | 98.72'  |
| L10    | S34° 30' 38"E | 100.64' |
| L11    | S28° 42' 36"E | 100.39' |
| L12    | S22° 29' 40"E | 102.98' |
| L13    | S16° 24' 45"E | 99.39'  |
| L14    | S12° 17' 06"E | 61.25'  |
| L15    | S10° 31' 29"E | 102.64' |
| L16    | S8° 10' 26"E  | 125.23' |
| L17    | S2° 14' 37"E  | 104.57' |
| L18    | S4° 30' 07"W  | 107.07' |
| L19    | S11° 26' 59"W | 103.74' |
| L20    | S17° 19' 28"W | 103.66' |
| L21    | S20° 32' 56"W | 101.30' |
| L22    | S21° 31' 50"W | 100.98' |
| L23    | N80° 48' 20"W | 51.21'  |
| L24    | N80° 48' 20"W | 160.89' |
| L25    | N30° 38' 59"W | 80.36'  |
| L26    | S48° 09' 01"W | 41.07'  |
| L27    | S89° 50' 01"W | 14.50'  |
| L28    | N87° 48' 52"W | 86.87'  |
| L29    | S88° 38' 26"W | 4.77'   |
| L30    | N1° 11' 26"E  | 13.76'  |
| L31    | N0° 46' 15"W  | 60.11'  |

| Curve # | Length  | Radius  | Delta      | Chord         | Direction | Chord Length |
|---------|---------|---------|------------|---------------|-----------|--------------|
| C1      | 110.31' | 50.00'  | 126°24'13" | S72° 32' 51"W | 89.26'    |              |
| C2      | 31.41'  | 20.00'  | 89°58'58"  | N35° 38' 59"W | 28.28'    |              |
| C3      | 31.41'  | 20.00'  | 90°00'00"  | S54° 21' 01"W | 28.28'    |              |
| C4      | 195.59' | 304.55' | 36°47'52"  | S27° 44' 57"W | 192.25'   |              |

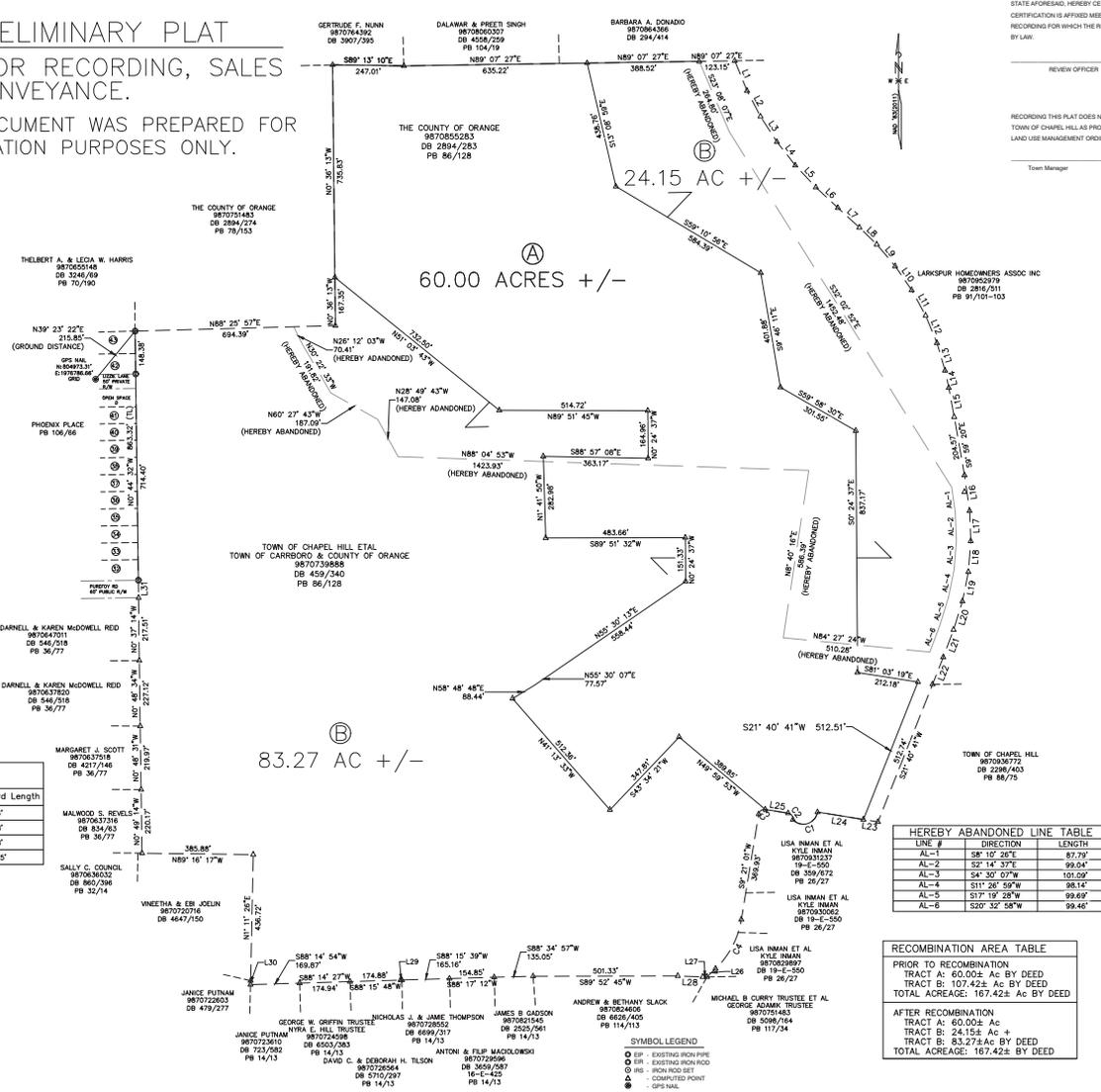
### SURVEYORS CERTIFICATE

I, JAMES W. HUGGINS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION FROM INFORMATION RECORDED AS SHOWN ON PLAT, THAT THE RATIOS OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000; THAT THE BOUNDARIES NOT ACTUALLY SURVEYED ARE SHOWN AS DOTTED LINES AS PLOTTED FROM INFORMATION FOUND IN RECORDED REFERENCES; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30, AS AMENDED; AND THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER RECOMBINATION TO THE SUBDIVISION OF SUBDIVISION.

WITNESS MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

\_\_\_\_\_  
 JLS L-498

- NOTES:
- THE PURPOSE OF THIS SURVEY IS TO RECOMBINE THE TWO EXISTING PARCELS, CREATING A 60.00 ACRE COUNTY OWNED PRESERVE.
  - THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. THIS PROPERTY IS SUBMITTED TO ANY SUCH FACTS OR EASEMENTS WHICH MAY BE DISCOVERED BY A FULL AND ACCURATE TITLE SEARCH.
  - UNDERSHOWN UTILITIES WERE NOT FIELD LOCATED. ANY SUCH UTILITIES SHOWN SHOULD BE CONSIDERED FOR ILLUSTRATION PURPOSES ONLY.
  - ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE SPECIFIED.
  - AREA DETERMINED BY COORDINATE METHOD.
  - THIS SURVEY IS BASED UPON:
    - AN ACTUAL FIELD SURVEY;
    - A PREVIOUSLY RECORDED PLAT BY DALE S. FALANIER, PLS ENTITLED "FINAL PLAT EXEMPT SUBDIVISION PROPERTY OF TOWN OF CHAPEL HILL, ETAL," RECORDED IN ORANGE COUNTY REGISTRY IN PLAT BOOK 86, PAGE 138;
    - DEEDS PROVIDED BY ORANGE COUNTY PLANNING;
    - THIS PROPERTY CONTAINS A RESOURCE CONSERVATION DISTRICT PURSUANT TO SECTION 3-11.3.2.1.A OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE.
    - PROPERTY LINES FOR NEIGHBORING PARCELS ARE SHOWN AS DOTTED LINES. THEY ARE CONSIDERED LINES THAT WILL BE FIELD VERIFIED AT A LATER DATE.
    - THIS SURVEY IS INCOMPLETE AND WILL BE COMPLETED AT A LATER DATE.

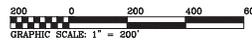


| LINE # | DIRECTION     | LENGTH  |
|--------|---------------|---------|
| AL-1   | S18° 10' 26"E | 87.79'  |
| AL-2   | S2° 14' 37"E  | 99.04'  |
| AL-3   | S4° 30' 07"W  | 101.09' |
| AL-4   | S11° 26' 59"W | 98.14'  |
| AL-5   | S17° 19' 28"W | 99.67'  |
| AL-6   | S20° 32' 58"W | 99.46'  |

| LINE # | DIRECTION     | LENGTH  |
|--------|---------------|---------|
| L25    | S18° 10' 26"E | 87.79'  |
| L26    | S2° 14' 37"E  | 99.04'  |
| L27    | S4° 30' 07"W  | 101.09' |
| L28    | S11° 26' 59"W | 98.14'  |
| L29    | S17° 19' 28"W | 99.67'  |
| L30    | S20° 32' 58"W | 99.46'  |

| RECOMBINATION AREA TABLE   |
|--|
| PRIOR TO RECOMBINATION<br>TRACT A: 60.00 Ac BY DEED<br>TRACT B: 167.42 Ac BY DEED<br>TOTAL ACREAGE: 167.42 Ac BY DEED            |
| AFTER RECOMBINATION<br>TRACT A: 60.00 Ac<br>TRACT B: 24.15 Ac +<br>TRACT C: 83.27 Ac BY DEED<br>TOTAL ACREAGE: 167.42 Ac BY DEED |

- SYMBOL LEGEND**
- ⊙ - EXISTING IRON PIPE
  - ⊙ - EXISTING IRON ROD
  - ⊙ - IRON NOD SET
  - ⊙ - COMPUTED POINT
  - ⊙ - GPS NAIL
- LINE TYPE LEGEND**
- PROPERTY LINE
  - - - GREENE TRACT PRESERVE
  - - - ADDITIONAL PROPERTY LINE
  - - - HEREBY ABANDONED PROPERTY LINE
  - - - RIGHT OF WAY LINE



### REVIEW OFFICERS CERTIFICATE

ORANGE COUNTY, NORTH CAROLINA

I, \_\_\_\_\_ REVIEW OFFICER OF THE COUNTY AND \_\_\_\_\_

STATE AFORESAID, HEREBY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL THE STATUTORY REQUIREMENTS FOR RECORDING FOR WHICH THE REVIEW OFFICER HAS RESPONSIBILITY AS PROVIDED BY LAW.

REVIEW OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

Town Manager \_\_\_\_\_ Date \_\_\_\_\_

### OWNER'S CERTIFICATE

I, WE, THE UNDERSIGNED, AS REPRESENTATIVE(S) OF THE COUNTY OF ORANGE, NORTH CAROLINA, THE OWNER OF THE PARCELS AS SHOWN ON THIS PLAT, ARE AWARE OF AND AGREE TO THE RECOMBINATION OF SAID PARCELS AS SHOWN HEREON.

\_\_\_\_\_  
 Signed Title \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
 Signed Title \_\_\_\_\_ Date \_\_\_\_\_

NORTH CAROLINA  
 ORANGE COUNTY

I, \_\_\_\_\_ A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, HEREBY CERTIFY THAT PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
 NOTARY PUBLIC

MY COMMISSION EXPIRES \_\_\_\_\_ 20\_\_\_\_

### OWNER'S CERTIFICATE

I, WE, THE UNDERSIGNED, AS REPRESENTATIVE(S) OF THE TOWN OF CHAPEL HILL, THE OWNER OF THE PARCEL AS SHOWN ON THIS PLAT, ARE AWARE OF AND AGREE TO THE RECOMBINATION OF SAID PARCELS AS SHOWN HEREON.

\_\_\_\_\_  
 Signed Title \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
 Signed Title \_\_\_\_\_ Date \_\_\_\_\_

NORTH CAROLINA  
 ORANGE COUNTY

I, \_\_\_\_\_ A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, HEREBY CERTIFY THAT PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
 NOTARY PUBLIC

MY COMMISSION EXPIRES \_\_\_\_\_ 20\_\_\_\_

### OWNER'S CERTIFICATE

I, WE, THE UNDERSIGNED, AS REPRESENTATIVE(S) OF THE TOWN OF CARBORO, THE OWNER OF THE PARCEL AS SHOWN ON THIS PLAT, ARE AWARE OF AND AGREE TO THE RECOMBINATION OF SAID PARCELS AS SHOWN HEREON.

\_\_\_\_\_  
 Signed Title \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
 Signed Title \_\_\_\_\_ Date \_\_\_\_\_

NORTH CAROLINA  
 ORANGE COUNTY

I, \_\_\_\_\_ A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, HEREBY CERTIFY THAT PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
 NOTARY PUBLIC

MY COMMISSION EXPIRES \_\_\_\_\_ 20\_\_\_\_

777 ADDRESS:  
 1896, 1900 PURNAY RD  
 CHAPEL HILL, NC 27614

OWNER:  
 AS SHOWN

**GREENE TRACT  
 PARCELS A & B  
 RECOMBINATION PLAT**

CHAPEL HILL TOWNSHIP, ORANGE COUNTY NORTH CAROLINA

DATE: 09/15/21 FILE: 987055263 & 987032088

DRAWN BY: JWH FILE NUMBER: GREENE TRACT RECOMBO.dwg

PREPARED BY: THE COUNTY OF ORANGE, NORTH CAROLINA  
 PO BOX 8181  
 HILLSBOROUGH, NC 27278

REPRESENTED BY: THE TOWN OF CHAPEL HILL, TOWN OF CARBORO & COUNTY OF ORANGE  
 ACC MARTIN LUTHER KING JR BLVD  
 CHAPEL HILL, NC 27514

DATE: 11/04/2021

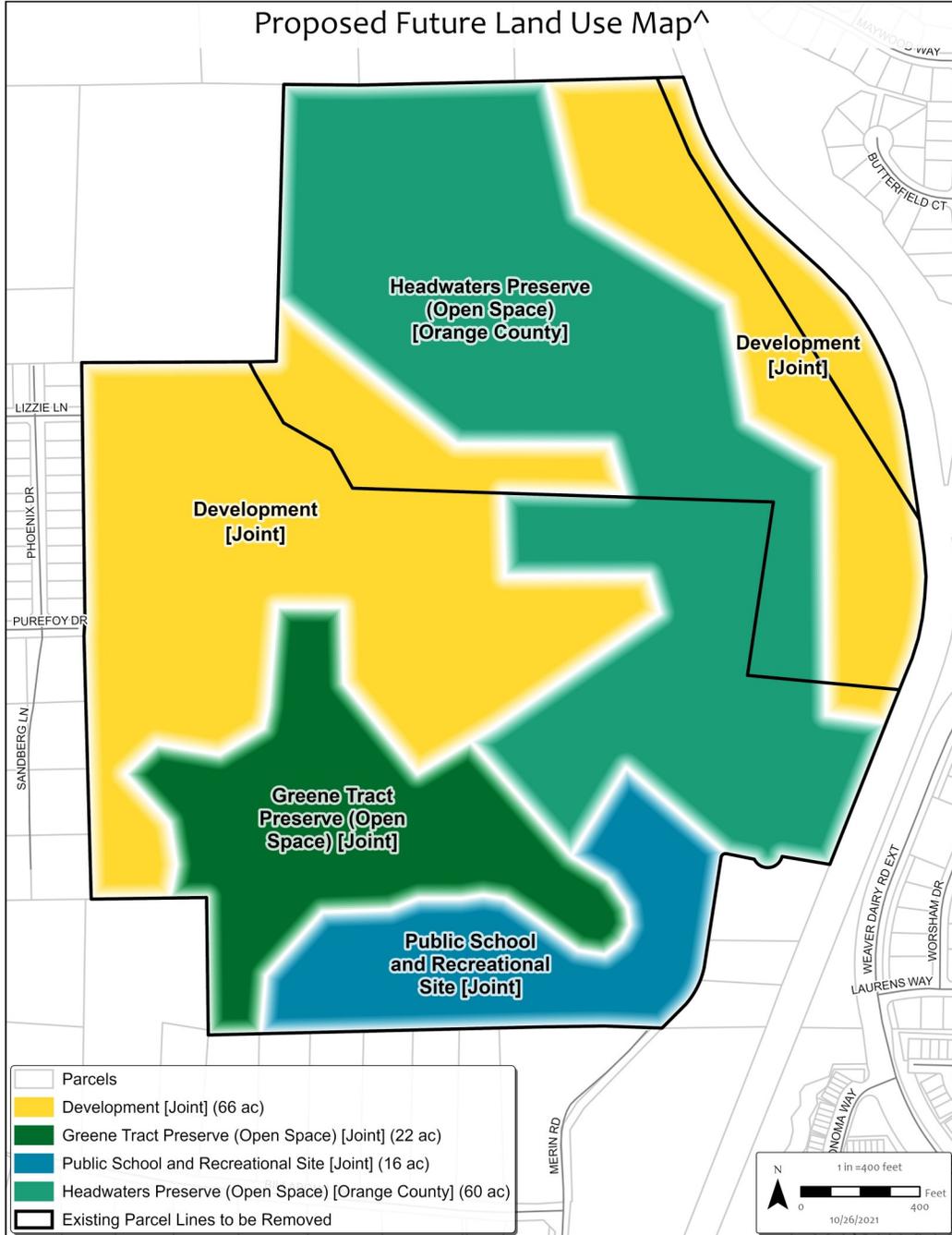
Town of Chapel Hill  
 ENGINEERING AND DESIGN SERVICES



# Exhibit 2 - Greene Tract Conceptual Plan

The Greene Tract Conceptual Plan is a proposed schematic for future planning purposes. It shall not be viewed or categorized as a regulatory development application, development plan, or any other regulatory related zoning and/or land use application, plan, or document.

Proposed Future Land Use Map<sup>^</sup>



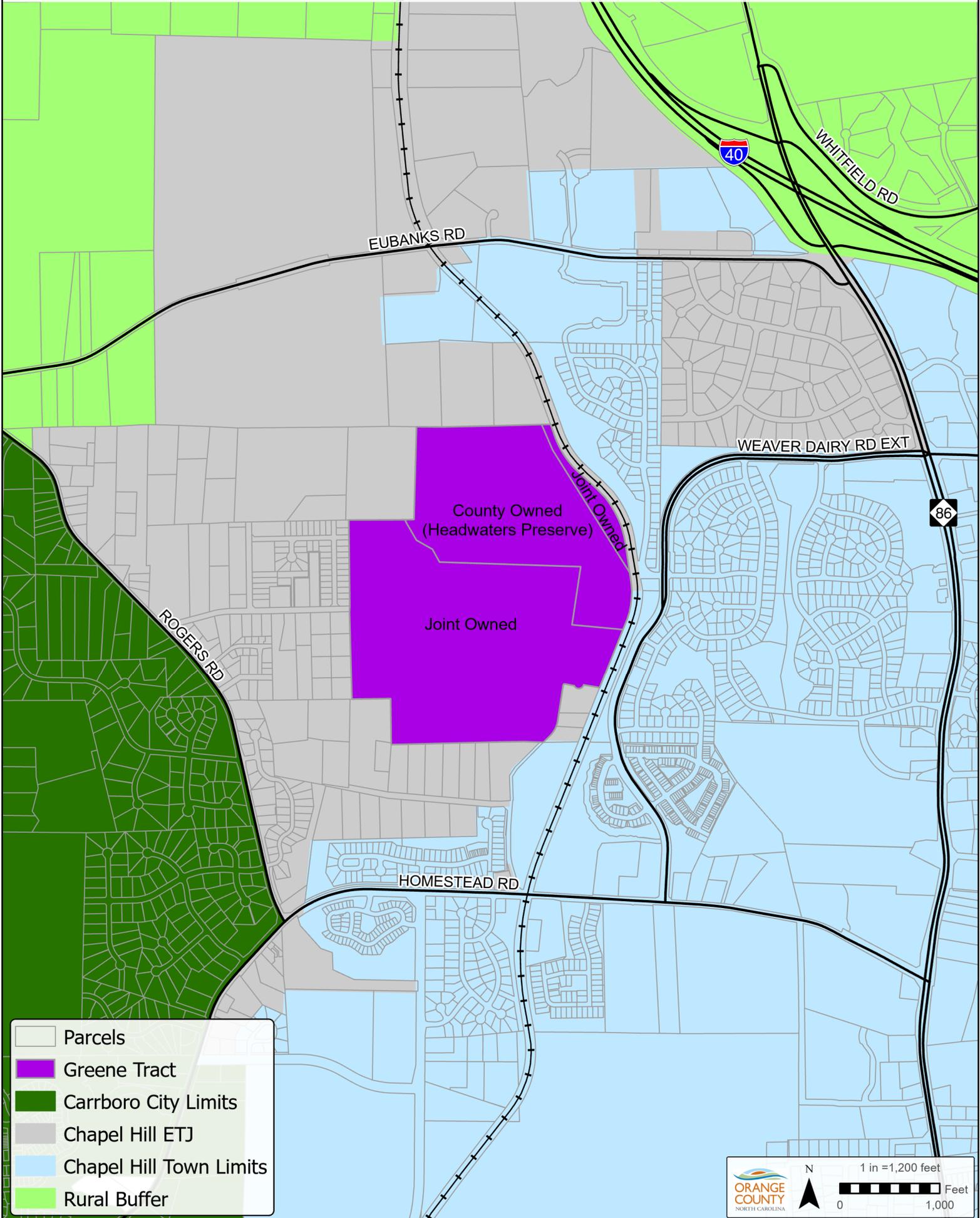
Proposed Future Land Use Definitions

- 1. Headwaters Preserve (County Owned):** 60 acres deeded to Orange County in 2000 under provisions of the 1999 Interlocal Agreement for Solid Waste and considered for protection by the Towns and County in the 2002 Joint Greene Tract Resolution. Would allow for installation of infrastructure and utilities (i.e. roadway and pedestrian access, public water and sewer, stormwater facilities), as necessary with minimized land disturbance. Orange County Board of Commissioners may consider protecting its 60 acres of the Greene Tract by executing a conservation easement.
- 2. Greene Tract Preserve:** Approximately +/-22 acres\* designated for future joint preservation. Area preliminarily identified as having environmental attributes such as streams/buffers, wetlands, or significant trees and wildlife habitats. Would allow for installation of infrastructure and utilities (i.e. roadway and pedestrian access, public water and sewer, stormwater facilities), as necessary with minimized land disturbance. Carrboro Town Council, Chapel Hill Town Council, and Orange County Board of Commissioners may consider protecting the area shown on the conceptual plan as Greene Tract Preserve by executing a conservation easement.
- 3. Development:** Approximately +/-66 acres\* for future development. The location for this land use is based on site elevations and proximity to existing infrastructure. This area will allow for appropriate development based on land suitability, public services, available infrastructure, accessibility to activity centers, and surrounding land uses. Affordable and mixed income housing is of primary interest. The area may support low intensity commercial, service uses, and maker/incubator space, which serve the needs of the surrounding neighborhoods, limit conflicts with the adjacent community, and are compatible with the surrounding residential development. The area will not be utilized predominantly for commercial purposes. The proposed 21 acres along the eastern side of the Greene Tract will remain as public owned and undeveloped land in the short term, but may be evaluated for development in the future (10—20 years) depending on the needs at that time.
- 4. Public School and Recreational Site:** Approximately +/-16 acres\* dedicated for a future school and outdoor recreational site. This area will remain as public jointly owned land until needed for a future school and/or is developed consistent with joint school/park facilities. Acreage will be freely dedicated for recreational purposes by the joint governments.

\* Acreage may deviate up to 15%

<sup>^</sup> Proposed parcel lines are based on draft GIS mapping and preliminary survey work. Final parcel lines may deviate marginally once final survey work is complete.

# Greene Tract Vicinity Map



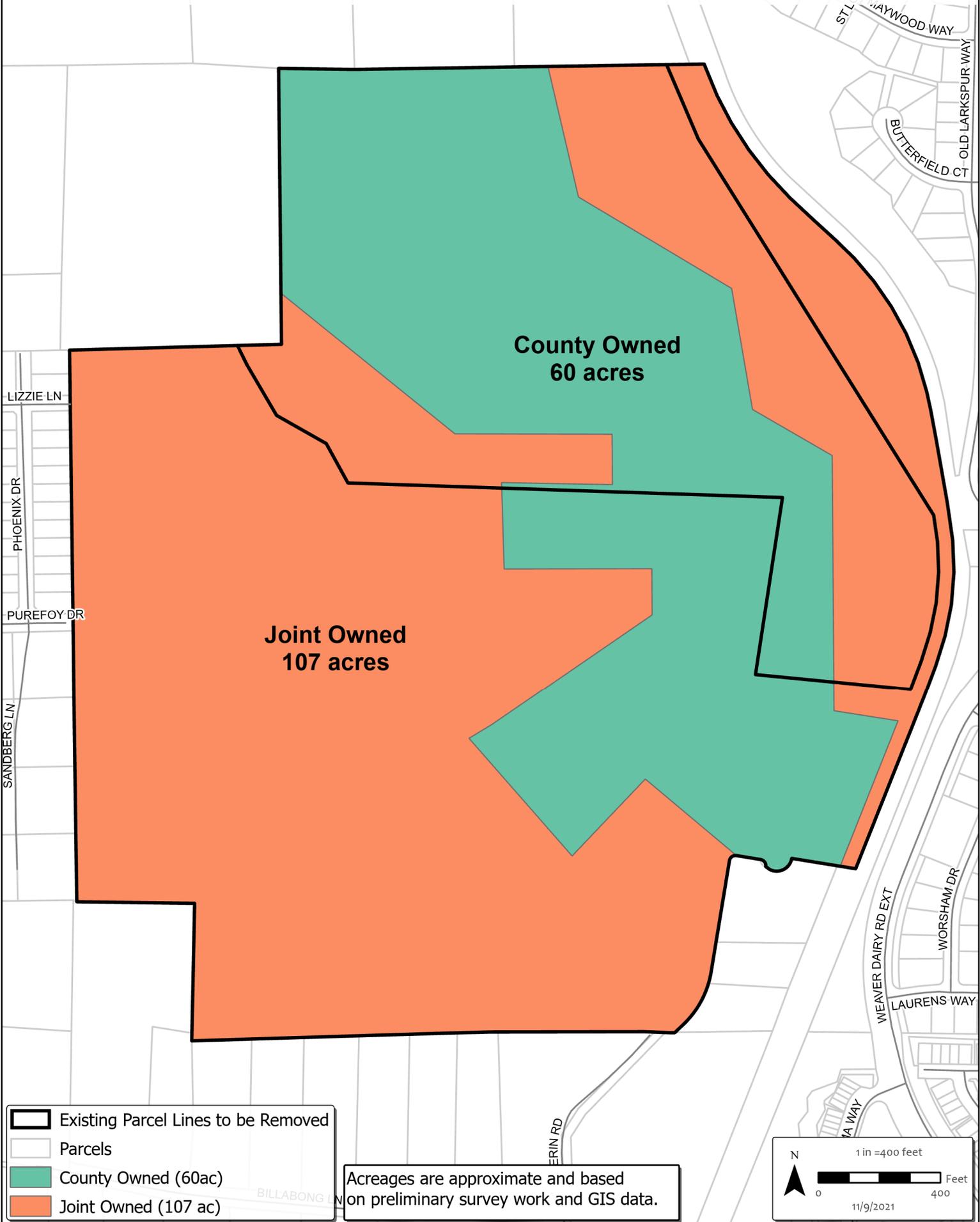
|  |                         |
|--|-------------------------|
|  | Parcels                 |
|  | Greene Tract            |
|  | Carrboro City Limits    |
|  | Chapel Hill ETJ         |
|  | Chapel Hill Town Limits |
|  | Rural Buffer            |

ORANGE COUNTY  
NORTH CAROLINA

N

1 in = 1,200 feet

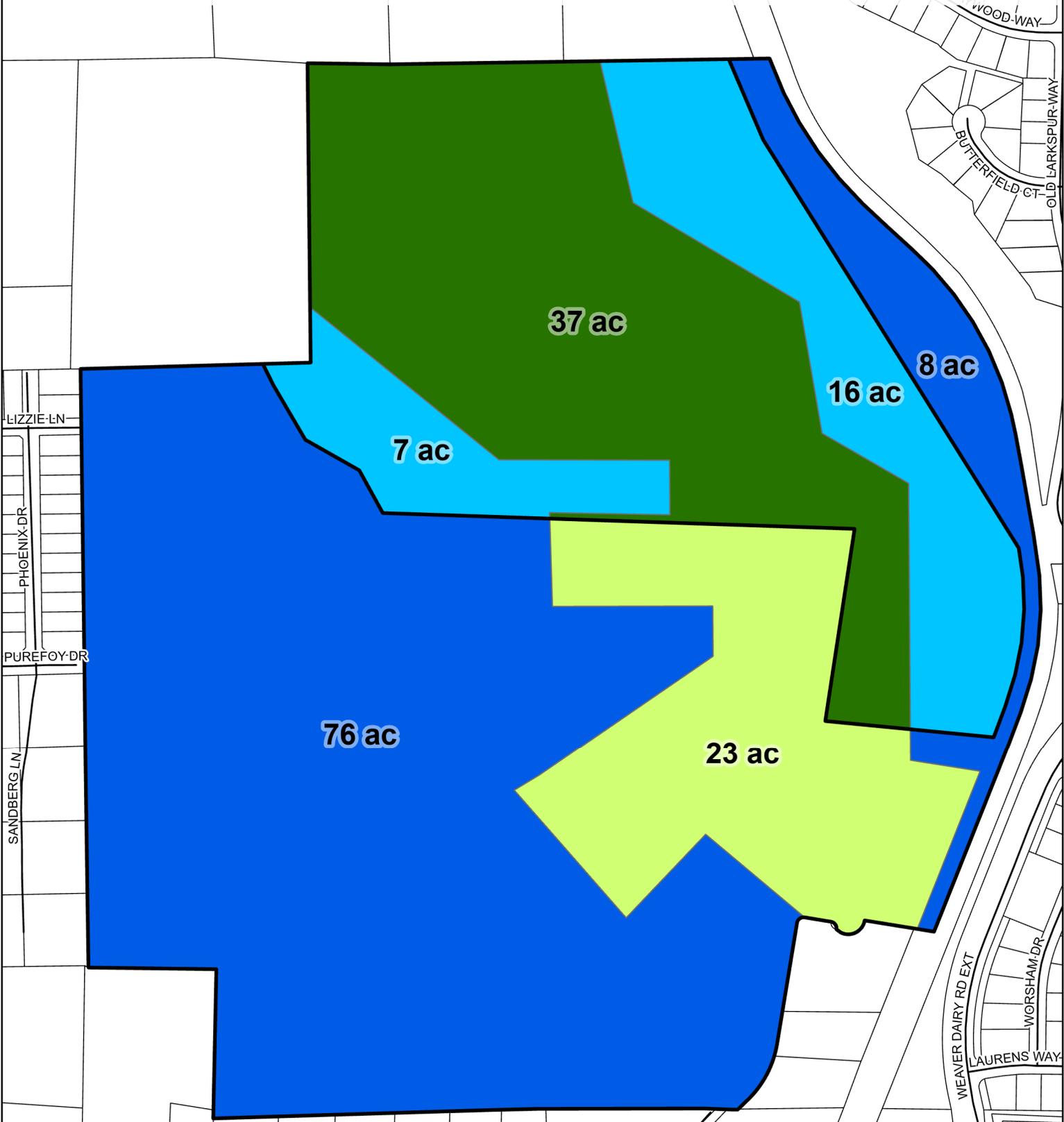
0 1,000 Feet



- Existing Parcel Lines to be Removed
- Parcels
- County Owned (60ac)
- Joint Owned (107 ac)

Acreages are approximate and based on preliminary survey work and GIS data.

N  
1 in = 400 feet  
0 400 Feet  
11/9/2021



- Joint to Orange County
- Orange County to Joint
- Remains Joint
- Remains Orange County
- Parcels
- Existing Parcel Lines to be Removed

Acreages are approximate and based on preliminary survey work and GIS data.

N  
 1 in = 400 feet  
 0 400 Feet  
 11/9/2021



# Greene Tract Update

November 2021

## Background

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

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

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

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

### April 2020 – Greene Tract Environmental Assessment

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

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

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

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

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

### April 2021 - Greene Tract Interlocal Agreement

- Greene Tract Interlocal Agreement was adopted by the three local governments.

### April 2021 – Greene Tract Environmental Assessment Virtual Presentation

- On April 30, 2021, the Greene Tract Environmental Assessment video presentation was posted to the local governments' websites for the public to view. The webinar can be found at the following link:
  - <https://www.youtube.com/watch?v=9OeQS8Sq648&t=1s>

- As part of this initiative, a SurveyMonkey link was available to encourage residents to submit comments and questions. 14
- Between April 30 to May 23, sixteen survey responses were received from the community; only fourteen of them provided comments and questions

### **May 2021 – Greene Tract Recombination**

- Following approval of the ILA, the staff work group initiated the process to explore modifications to the County Owned (Headwaters Preserve) and Joint Owned parcels. This included planning, stormwater, environmental, engineering, surveying, and transportation staff.

### **August 2021 - Local Leaders Release Joint Statement on Greene Tract**

- Managers, Mayors, and Chair released a joint statement reviewing the planning history of the Greene Tract and stating their commitment to the future of the Greene Tract.

### **September and October 2021 – Managers, Mayors, and Chair (MMC) Meetings**

- MMC reviewed the draft resolution and agreed to present it to their Boards in November 2021.

### **November 2021 – Community Open House and Virtual Meeting**

- Local government staff conducted two outreach events in order to update the community on the status of the Greene Tract, review next steps, and receive any questions or comments. Additional information related to these events can be found at the following link: <https://www.orangecountync.gov/2127/Greene-Tract>

### **November 2021 – 2021 Greene Tract Resolution**

- Greene Tract Resolution was presented to the three local governments for adoption consideration.
  - Town of Carrboro – November 16, 2021
  - Orange County – November 16, 2021
  - Town of Chapel Hill – November 17, 2021

## **Next Steps**

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### **Implementation Strategy – Ongoing**

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

### **Public Input Plan – Ongoing**

- Staff will continue updates to the Public Input Plan, including the scheduling and coordinating of future community outreach events in 2022 related to the Implementation Strategy.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
ACTION AGENDA ITEM ABSTRACT  
Meeting Date: November 16, 2021**

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

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**SUBJECT:** Opt-in to the National Settlement with Janssen and National Distributors

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**DEPARTMENT:** County Attorney

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**ATTACHMENT(S):**

Distributor Opt-In  
Janssen Opt-In

**INFORMATION CONTACT:**

John Roberts, County Attorney, 245-  
2318

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**PURPOSE:** To enter the national settlement as previously approved by the Board of Commissioners in Closed Session.

**BACKGROUND:** As previously reported to the Board of Commissioners, the County's national attorneys have been negotiating with multiple defendants in the national opioid litigation in order to reach a settlement. There are two proposed nationwide settlement agreements ("Settlements") that have been reached that will resolve all opioid litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors, McKesson, Cardinal Health, and AmerisourceBergen ("Distributors"), and one manufacturer, Janssen Pharmaceuticals, Inc., and its parent company Johnson & Johnson (collectively, "Janssen"). This leaves open litigation against numerous other and generally smaller corporate defendants.

The proposed Settlements require the Distributors and Janssen to pay billions of dollars to abate the opioid epidemic. Specifically, the Settlements require the Distributors to pay up to \$21 billion over 18 years and Janssen to pay up to \$5 billion over no more than 9 years, for a total of \$26 billion (the "Settlement Amount"). Of the Settlement Amount, approximately \$22.7 billion is earmarked for use by participating states and subdivisions to remediate and abate the impacts of the opioid crisis.

The Settlements also contain injunctive relief provisions governing the opioid marketing, sale and distribution practices at the heart of the states' and subdivisions' lawsuits and further require the Distributors to implement additional safeguards to prevent diversion of prescription opioids.

Each of the proposed Settlements has two key participation steps. First, each state decides whether to participate in the Settlements. North Carolina has joined both Settlements. Second, the subdivisions within each participating state must then decide whether to participate in the Settlements. The Board of Commissioners has approved participation in closed session and this action is to formally enter the settlement.

By formally entering the settlement and executing the attached documents, Orange County will release the Distributors and Janssen from further liability related to opioid impacts in Orange County and the County will gain access to the settlement funds allotted to North Carolina.

**FINANCIAL IMPACT:** There is no financial impact associated with this item at this time. Over the 18-year payment term of the settlement, North Carolina should receive in excess of \$700 million of which 80% will be provided directly to local governments. Orange County should receive millions of dollars over the term, the use of which will be generally restricted to remediation of the impact of opioids and opioid addiction in the County.

**SOCIAL JUSTICE IMPACT:** There are no Orange County Social Justice Goals 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 final entry into the settlement and authorize the Chair to sign the opt-ins and any other documentation necessary to enter and finalize the settlement on behalf of Orange County.

**Settlement Participation Form**

|                       |                       |
|-----------------------|-----------------------|
| Governmental Entity:  | State: North Carolina |
| Authorized Signatory: |                       |
| Address 1:            |                       |
| Address 2:            |                       |
| City, State, Zip:     |                       |
| Phone:                |                       |
| Email:                |                       |

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 (“Distributor Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Distributor Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Distributor Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Distributor Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Distributor Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Distributor Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Distributor Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Distributor Settlement.
7. The Governmental Entity has the right to enforce the Distributor Settlement as provided therein.

8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Distributor Settlement, including but not limited to all provisions of Part XI, and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Distributor Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Distributor Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Distributor Settlement.
10. In connection with the releases provided for in the Distributor Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Distributor Settlement.
11. Nothing herein is intended to modify in any way the terms of the Distributor Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Distributor Settlement in any respect, the Distributor Settlement controls.

I swear under penalty of perjury that I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Settlement Participation Form**

|                       |                       |
|-----------------------|-----------------------|
| Governmental Entity:  | State: North Carolina |
| Authorized Signatory: |                       |
| Address 1:            |                       |
| Address 2:            |                       |
| City, State, Zip:     |                       |
| Phone:                |                       |
| Email:                |                       |

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 (“Janssen Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Janssen Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Janssen Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Janssen Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Janssen Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Janssen Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Janssen Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Janssen Settlement.
7. The Governmental Entity has the right to enforce the Janssen Settlement as provided therein.

8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Janssen Settlement, including but not limited to all provisions of Section IV (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Janssen Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Janssen Settlement shall be a complete bar to any Released Claim.
  
9. In connection with the releases provided for in the Janssen Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Janssen Settlement.
  
10. Nothing herein is intended to modify in any way the terms of the Janssen Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Janssen Settlement in any respect, the Janssen Settlement controls.

I swear under penalty of perjury that I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 16, 2021

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

**SUBJECT:** Minutes

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**DEPARTMENT:** Board of County Commissioners

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

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

---

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

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

Attachment 1: October 5, 2021      Virtual Business Meeting

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

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

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

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

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**MINUTES**  
**ORANGE COUNTY**  
**BOARD OF COMMISSIONERS**  
**VIRTUAL BUSINESS MEETING**  
**October 5, 2021**  
**7:00 p.m.**

The Orange County Board of Commissioners met for a Virtual Business Meeting on Tuesday, October 5, 2021 at 7:00 p.m.

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

**COUNTY COMMISSIONERS ABSENT:** None.

**COUNTY ATTORNEYS PRESENT:** John Roberts

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

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

A roll call was called; all members were present.

Due to current public health concerns, the Board of Commissioners is conducting a Virtual Business Meeting on Tuesday, October 5, 2021. Members of the Board of Commissioners participated in the meeting remotely. As in prior meetings, members of the public were able to view and listen to the meeting via live streaming video at <http://www.orangecountync.gov/967/Meeting-Videos> and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

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

- Written submittals by email
- Speaking during the virtual meeting

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

- 1. Additions or Changes to the Agenda**  
None.

**Chair Price dispensed with reading the public charge.**

**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.

1  
2 **Arts Moment** – No Arts Moment was available for this meeting.  
3

4 **2. Public Comments**

5  
6 **a. Matters not on the Printed Agenda**  
7

8 Delores Bailey said she is the owner of a home located at 203 N. Graham Street in  
9 Chapel Hill; a stone house built in 1942 by the Campbell brothers. She said her family has lived  
10 there since 1975. She said she is speaking tonight due to the taxes on this home. She said the  
11 tax assessor and her staff responded to the distress of families living in Northside, and she is  
12 one of those people. She said she completed an appeal application for her home and  
13 participated in several talks with residents of Northside, and other areas of Orange County, who  
14 were experiencing high tax increases. She said she followed all the appropriate steps, and in  
15 her letter, she requested someone come by her home while she was there so she could walk  
16 through her home and property with them to understand the tax value. She said she did not get  
17 a visit and did not receive notification of anyone having come by her house. She said when her  
18 tax bill came she called the tax office because she knows and followed the process. She said  
19 her concern is that in 2019 her house, which is a 3 bedroom stone house that has not changed  
20 very much in its lifetime, was valued at \$192,000. She said when she received the letter from  
21 the county on August 26, her home is now valued at \$233,000, which is a 21% increase. She  
22 said she called the tax assessor and was told staff did what they were supposed to do. She said  
23 she told the tax assessor that she did not receive a visit and did not have anyone talk to her.  
24 She said she appreciates the tax assessor's office efforts around the matter, but this process  
25 did not help her and she does not understand why her 1400 square foot house on ¼ of an acre  
26 is valued that high. She said there is something wrong with that.

27 Chair Price said she is sure staff will follow up with Ms. Bailey about her comments.  
28

29 **b. Matters on the Printed Agenda**

30 (These matters will be considered when the Board addresses that item on the agenda  
31 below.)  
32

33 **3. Announcements, Petitions and Comments by Board Members**

34 Commissioner Hamilton said she attended the Eno Arts Mill grand opening on Friday,  
35 October 1<sup>st</sup>, which was a great time. She said there were lots of people and beautiful art, and  
36 she is looking forward to see how it grows and the county's ability to support local artists and  
37 increase access to the art for residents, especially in the Northern part of the county. She said  
38 on September 29, she attended the board meeting for the Orange County Partnership for Young  
39 Children. She said, just like the school system, preschools are facing shortages of teachers  
40 and struggling to deal with COVID. She said she was surprised to hear the price of  
41 cybersecurity insurance is going up because of more hacking, and some of the funding issues  
42 make it hard for providers to survive. She said all should be aware young children are at risk of  
43 not getting the services they need and the Partnership is doing everything it can to make sure  
44 there is funding and support for providers and children.

45 Commissioner Hamilton petitioned to have a subcommittee of the Board of County  
46 Commissioners (BOCC) work with staff to establish a temporary workgroup of community  
47 partners to look at how Article 46 Sales Tax money has been spent and determine the county's  
48 priorities moving forward. She said the BOCC agreed, in 2011-2012, to split Article 46 sales tax  
49 proceeds 50-50 between schools and economic development. She said 10 years is up and it is  
50 time to look at how the money is being spent.

1 Commissioner Greene said she also attended the Eno River Mill event and found it  
2 delightful. She said it is wonderful that there is a lot of space for studio artists now, something  
3 that has been needed in the county for a long time. She said October is also National Arts  
4 Month, celebrated by Americans for the Arts, as well as National Endowment for the Arts. She  
5 said the latter founded it in 1985, as a way to celebrate the ways arts bring value to our lives.

6 Commissioner Fowler said she attended the Chamber of Commerce's State of the  
7 Community report on September 30 and found it very interesting. She said Orange County has  
8 grown by 11% over the past 10 years, which is above the state average of 9%, but below  
9 neighboring counties. She said she also attended the Juvenile Crime Prevention Council  
10 (JCPC) meeting on October 1, and there is an unallocated balance of \$36,000 that will be given  
11 out again to current organizations and programs, as funds not allocated by the end of  
12 December will return to the state. She said the group heard updates from various organizations  
13 like the Dispute Settlement Center, Exchange Club, Volunteers for Youth, and Wren House and  
14 all are providing services to slightly fewer clients than they had estimated, but increased  
15 compared to prior six months of COVID. She said there is a new DPS area consultant,  
16 Tasheena Wiggins and she reported that the State bill 207 was passed and signed by the  
17 Governor, which raised the age for violent crimes for children by a few years. She said bill 615  
18 also passed, which requires all juveniles with suspected mental health issues to have a  
19 comprehensive clinical assessment. She said another ongoing bill would raise age of dropping  
20 out of school from 16 to 18. She said she also attended the Eno arts event and is glad there is  
21 additional space for arts and classes.

22 Commissioner Bedford petitioned the County Manager to determine next steps to review  
23 the three county community centers facility needs, particularly an expansion to Rogers Eubanks  
24 Neighborhood Association (RENA). She petitioned the county to develop an Orange County  
25 Climate Plan that is integrated across all departments. She said the commission for the  
26 environment says it is beyond its capacity and a third party consultant may be needed. She  
27 said Carrboro and Chapel Hill have a plan, and Hillsborough is about to finalize its plan. She  
28 petitioned the Manager to bring next steps and possible processes to develop a county climate  
29 plan. She said she has attended three Climate Council meetings, and petitioned that the group  
30 be reviewed and restructured. She said it could be done like the review of the climate tax, when  
31 three commissioners met after the first year to do work or some other arrangement.

32 Commissioner McKee said he had no comments.

33 Commissioner Richards said she also attended the Eno River Mill event and looks  
34 forward to spending more time there. She echoed the petition made by Commissioner Bedford  
35 for the Orange County Climate Plan.

36 Chair Price said she was at the Eno River Mill grand opening and gave kudos to Katie  
37 Murray, Arts Commission Director, and the Arts Commission for putting the event together. She  
38 said she has been meeting with Mayors Hemminger and Lavelle and staff about the Greene  
39 Tract. She said conversations are moving along and a community meeting should be possible  
40 soon for awareness and feedback. She said she attended the Durham Technical Community  
41 College Board of Trustees meeting today and one of the things they are looking at is affordable  
42 housing near campus for students and other residents. She said this is Breast Cancer  
43 Awareness Month and she highlighted the Health Department's newsletter discussing the topic.  
44 She said Monday is Indigenous Peoples Day, and local indigenous tribes asked that this  
45 observance continue.

46 Chair Price said the Board retreat happens every year in January, and she has asked  
47 Commissioner Bedford, Commissioner Hamilton, and Commissioner Fowler to work on the  
48 retreat and they have all agreed. She said Commissioner Bedford has done this before, and  
49 she will take the lead. She encouraged the Board to contact Commissioner Bedford with any  
50 ideas.

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

1  
2 **a. Hispanic Heritage Month Proclamation**

3 The Board considered approving a proclamation designating September 15-October 15,  
4 2021 as Hispanic Heritage Month in Orange County.  
5

6 **BACKGROUND:**

7 Hispanic Heritage Week began in 1968 under President Lyndon Johnson. President Ronald  
8 Reagan extended Hispanic Heritage Week to 30 days in 1988. Hispanic Heritage Month starts  
9 on September 15, as that date is significant to several Latin American countries. Independence  
10 Day for the Latin American countries of Costa Rica, El Salvador, Guatemala, Honduras, and  
11 Nicaragua is September 15. In addition, Mexico and Chile celebrate their independence days on  
12 September 16 and 18, respectively. Dia de la Raza, recognized throughout Spanish-speaking  
13 countries, celebrating Latin American heritage and cultural diversity occurs on October 12.  
14

15 In 1987, when Representative Esteban Torres of California proposed extending the week-long  
16 celebration to a month, he noted that supporters of the legislation "want the American people to  
17 learn of our heritage. We want the public to know that we share a legacy with the rest of the  
18 country, a legacy that includes artists, writers, Olympic champions, and leaders in business,  
19 government, cinema, and science." Representative Torres' bill died in committee, but the  
20 Senate passed a similar bill, and President Ronald Reagan signed it into law.  
21

22 The 2021 theme for Hispanic Heritage Month is "Esperanza: A Celebration of Hispanic Heritage  
23 and Hope." The theme invites everyone to celebrate Hispanic Heritage Month and reflect on  
24 how great tomorrow can be if we hold onto our resilience and hope. The theme encourages  
25 everyone to reflect on the Hispanic community's past and future contributions.  
26

27 Annette Moore, Human Rights and Relations Director, reviewed the background  
28 information for this item. She introduced Marlyn Valeiko, Language Access and Outreach  
29 Coordinator, who is well respected in the community. She said Marlyn Valeiko found out that  
30 there was a big need for masks in the Hispanic community and was instrumental in over 5,000  
31 being distributed to community members.  
32

33 Marlyn Valeiko read the proclamation:  
34

35 **ORANGE COUNTY BOARD OF COMMISSIONERS**  
36 **HISPANIC HERITAGE MONTH PROCLAMATION**  
37

38 **WHEREAS**, Hispanic Heritage Month heritage began as Hispanic Heritage Week, established  
39 by legislation sponsored by Rep. Edward Roybal of Los Angeles and was signed into law by  
40 President Lyndon B. Johnson in 1968; and  
41

42 **WHEREAS**, in 1988, the commemorative week was expanded to a month – September 15 to  
43 October 15 – by legislation sponsored by Rep. Estaban Torres, amended by Sen. Paul Simon  
44 and signed into law by President Ronald Reagan; and  
45

46 **WHEREAS**, September 15 was chosen as the starting point for the commemoration because it  
47 is the anniversary of the Cry of Dolores, early morning of 16 September 1810, which marked the  
48 start of the Mexican War of Independence and thus resulted in independence for the New Spain  
49 Colony, now Mexico, Guatemala, Belize, el Salvador, Costa Rica, Honduras and Nicaragua in  
50 1821; and  
51

1 **WHEREAS**, throughout the year and especially during Hispanic Heritage Month, Americans  
2 embrace, honor and celebrate the Hispanic community and its traditions and contributions; and  
3

4 **WHEREAS**, Orange County has a diverse population and Hispanic residents constitute the  
5 largest ethnic group in Orange County; and  
6

7 **WHEREAS**, the Hispanic residents in Orange County are a diverse group with roots stretching  
8 throughout North, Central, and South America, and many trace their heritage to the original  
9 indigenous peoples of Latin America and Africa; and  
10

11 **WHEREAS**, many Hispanic people came to this country as immigrants and have fought for  
12 state and national initiatives providing pathways to citizenship and protecting the right to vote –  
13 i.e., Dreamers, Temporary Protected Status holders, farmworkers, and essential workers; and  
14

15 **WHEREAS**, throughout the history of the United States, members of the Hispanic community  
16 have helped shape the social, political, and economic landscape of this Country and our  
17 community; and  
18

19 **WHEREAS**, in the fight against the COVID-19 pandemic, members of the Hispanic community  
20 helped keep our neighborhoods and communities vibrant and prosperous as our front-line  
21 workers, teachers, business owners, scientists, soldiers, farmworkers, first responders, artists,  
22 activists, colleagues, and friends;  
23

24 **NOW, THEREFORE**, the Orange County Board of Commissioners does hereby proclaim  
25 September 15 through October 15, 2021, as Hispanic Heritage Month in Orange County,  
26 affirming the 2021 theme of “Esperanza: A Celebration of Hispanic Heritage and Hope,” and  
27 calls upon all residents of Orange County to celebrate this month through activities and  
28 programs that enlighten and inspire our understanding of the amazing heritage of our Hispanic  
29 families, neighbors and friends.  
30

31 **IN WITNESS WHEREOF**, this the \_\_\_\_ day of October 2021.  
32  
33

34 \_\_\_\_\_  
35 Renée A. Price, Chair  
36 Orange County Board of  
37 Commissioners  
38

39 A motion was made by Commissioner Fowler, seconded by Commissioner Hamilton, to  
40 approve the proclamation designating September 15-October 15, 2021 as Hispanic Heritage  
41 Month in Orange County.  
42

43 **Roll call ensued**  
44

45 **VOTE: Unanimous**  
46  
47

48 **5. Public Hearings**  
49 None.  
50  
51

1 **6. Regular Agenda**

2  
3 **a. Presentation of Final Report from the BOCC Elections Advisory Group (BEAG)**

4 The Board received the Final Report on the Process for Electing County Commissioners  
5 in Orange County from the BOCC Elections Advisory Group.

6  
7 **BACKGROUND:**

8 At the Board of Commissioners' April 7, 2020 Virtual Business meeting, a request/petition was  
9 presented that the Board discuss and potentially change a portion of the process under which  
10 some or all Board members are elected.

11  
12 The Board subsequently discussed the issue at its May 5, 2020 Virtual Business meeting and  
13 voted to:

- 14 1) Establish a committee to study alternative methods of election;  
15 2) Select members for the committee no later than January 31, 2021;  
16 3) Have the committee review options and report back by July 31, 2021; and  
17 4) For the Board to review the recommendations, and if necessary conduct public  
18 hearings and make a decision in time for the March 2022 primary election.

19  
20 The Board subsequently discussed the proposal further at its September 10, 2020 work  
21 session. Staff requested direction from the Board on:

- 22 • the total number of members the committee should include;  
23 • whether the committee should consist entirely of residents;  
24 • whether election or other experts would be considered/appointed;  
25 • whether there should be representation from nonprofit entities;  
26 • whether there would be a formal application process; and  
27 • any other details regarding the establishment of the committee.

28  
29 Based on direction given at that meeting, the Clerk's Office solicited applications from Orange  
30 County residents for fifteen (15) seats for the BOCC Elections Advisory Group, with  
31 appointments to be made by January 31, 2021. The Group materials noted that the purpose is  
32 to "study alternative methods/districts to elect the Board of County Commissioners (BOCC) and  
33 make a recommendation to the Board of County Commissioners."

34  
35 Staff advertised the application opportunity on the county website and also published two Public  
36 Service Announcements regarding the Group. The opportunity to apply to serve was shared on  
37 WCHL radio station. An announcement also occurred at the Board's October 20, 2020  
38 Business meeting that the county was recruiting for potential appointees to the BOCC Elections  
39 Advisory Group and that applications were available on the county website under Board of  
40 Commissioners - Volunteer Advisory Boards & Commissions. The county received applications  
41 from twenty-three (23) interested individuals.

42  
43 At its February 2, 2021 Business meeting, the Board of Commissioners appointed fifteen (15)  
44 members to the BOCC Elections Advisory Group. The Board directed the Group to select Co-  
45 Chairs, with one individual from the District 1 electoral area of the county and one individual  
46 from the District 2 electoral area of the county. The Board also approved a charge and timeline  
47 for the Group, with the Group to provide its report back to the BOCC by July 31, 2021.

48  
49 The BEAG subsequently convened seven times, with its first meeting on February 25, 2021.  
50 Retired District Court Judge Jay Bryan joined the Group as its Facilitator at the Group's second

1 meeting on March 25, 2021. At that same meeting, Group Members Lisa Hazirjian and Patrick  
2 Mulkey were elected as the Group Co-Chairs from Districts 1 and 2, respectively.  
3

4 In concert with the BOCC's May 18, 2021 agreement by consensus to extend the BEAG's report  
5 deadline to August 15, 2021, the BEAG approved its Final Report on the Process for Electing  
6 County Commissioners in Orange County at its last meeting on August 5, 2021. That Final  
7 Report, which is attached, details the Group's activities, discussions and materials reviewed,  
8 and provides recommendations for BOCC consideration.  
9

10 BEAG Facilitator and Retired District Court Judge Jay Bryan will be joined at the meeting by  
11 Group Co-Chair Lisa Hazirjian and Group Co-Chair Patrick Mulkey to present the Final Report  
12 to the Board. Other Group members may also be present to help address any questions.  
13

14 Greg Wilder, County Manager's Office, noted that Patrick Mulkey is present for this item,  
15 but is joining by telephone and will not have video. He reviewed the background information for  
16 this item.

17 Judge Jay Bryan, Dr. Lisa Hazirjian, and Patrick Mulkey made the following PowerPoint  
18 presentation, with Judge Jay Bryan starting:  
19

20 Slide #1

**BOCC ELECTIONS ADVISORY GROUP**  
**Process for Electing County Commissioners**  
**in Orange County**

**FINAL REPORT**

**Presentation to Orange County Board of Commissioners**  
**October 5, 2021**

1 Slide #2

Members of the BOCC Elections Advisory Group (BEAG) were appointed by the Orange County Board of Commissioners in February 2021 based on submitted applications. The BEAG membership reflects geographic, ethnic, racial and political diversity from across Orange County.

**GROUP MEMBERS**

Patrick Mulkey – District 2, Co-Chair  
Dr. Lisa Hazirian – District 1, Co-Chair

**District 1**

Kathy Arab  
Nicholas Batman  
(resigned as of May, 2021)  
Dr. Nathan Boucher  
Dr. Jennifer Bremer  
Jaazaniah Catterall

Susana Dancy  
Dr. Krishna Mondal  
Dr. Jonathan Weller

**District 2**

Brian Crawford  
Martha Jenkins  
Alicia Reid

2

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3 Slide #3

Jenn Sykes  
Rex Williams

**BOCC Elections Advisory Group**

**Charge**

To review, research, and evaluate the current method of electing commissioners, as well as any alternative electoral methods or models, including but not limited to single member districts, aligning primary and general election methods, multi-seat elections, and the number of commissioners. The Advisory Group shall assess all options and alternatives pursuant to the following criteria:

- > Constitutional and statutory requirements and voting rights law;
- > Proportionality
- > Equity
- > Uniformity
- > Simplicity/clarity
- > Maximizing voter engagement

The Advisory Group's assessment should incorporate, to the extent possible, anticipated population distribution changes based on the 2020 census.

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## 1 Slide #4

The Advisory Group may consider options that require enabling legislation; however, it must present to the BOCC options that do not require such authorization.

2  
3 Slide #5

**CURRENT VOTING METHOD FOR ELECTING  
MEMBERS OF THE ORANGE COUNTY BOARD OF  
COMMISSIONERS**

Currently Orange County elects seven (7) commissioners. Two commissioners are elected at-large, meaning candidates must reside somewhere in Orange County, and voters from the entire county vote on these candidates in both primaries and general elections. There are two multi-member districts. District 1 encompasses the Chapel Hill and Carrboro area and has three seats. District 2 includes the rest of Orange County and has two seats. Candidates for these seats must reside in the district in which they are running. In primaries, voters living in District One vote only on District One candidates, and voters from District Two vote only on District Two candidates. In general elections, voters from the whole county can vote in both District One and District Two races.

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## 1 Slide #6

**Election Methods for County Commissioners**  
**Authorized by North Carolina General Statute**

- Single-member districts where voters in a district choose one representative for their district.
- Multi-member districts where voters in a district choose multiple representatives for their district.
- At-large seats voted on by all voters in the county.
- A combination of single-member districts and at-large.
- A combination of multi-member districts and at-large.

6

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3 Slide #7

**RESOURCES AND INFORMATION REVIEWED**

- Presentation and information from Professor Robert Joyce and the UNC School of Government regarding legal options used in other counties and the legal options available to Orange County;
- Presentation and information slides from Director Dr. Rebecca Tippet and the UNC Demography Center on demographic features of Orange County;
- Demographic information related to the urban and rural populations, and changes since the 2010 Census;
- Information on areas currently experiencing growth, or areas expected to experience growth (an example being the Mebane/Efland area);
- Information on recently approved and proposed large residential developments in the County;
- Demographic information on the two county school systems, and county funding levels for each district (Note: the Chapel Hill/Carrboro Schools have additional funding based on a voter approved tax surcharge that is dedicated to the schools assessed on the residents of the school district.);
- Population information for Orange County broken down by precinct;
- Current method for electing members of the Orange County Board of Commissioners
- Election results from 2000 through 2020 from the North Carolina Board of Elections and Orange County Board of Elections for seats on the Orange County Board of Commissioners;
- Information from the North Carolina Association of County Commissioners (NCACC) on election methods for all 100 North Carolina counties;
- [www.faircountiesnc.org](http://www.faircountiesnc.org)
- <http://www.ncacc.org/197/Election-Results> – Compiled by NCACC – Provides county-by-county elections demographics (race, gender, and political party) for boards of commissioners for North Carolina's 100 counties;
- Public Input Survey implemented by the BEAG.

7

4  
5  
6 Dr. Lisa Hazirjian continued the PowerPoint presentation. She said the group decided it  
7 needed to rely heavily on this survey for public input, due to pandemic. She said a lot of time  
8 was spent preparing and revising the survey:  
9  
10  
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## 1 Slide #8

**PUBLIC INPUT SURVEY**

The BEAG developed a 16-question Public Input Survey to solicit feedback from the general public regarding the election of county commissioners in Orange County. There were 413 completed surveys submitted in the two-week response period. Some of the aggregates from Survey responses were as follows:

**Demographic Responses**

- 89.3% of respondents said they always vote
- 16.46% said their voices were often heard, 37.29% said sometimes, 28.5% said rarely and 17.68% said their voices were never heard
- 35.53% said they arrived at the polls surprised at who they were voting for, 64.4% were not surprised
- Race/Ethnicity of respondents: 69.76% white, 3.98% African American, 2.92% Hispanic, 2.12% multi-racial, 2.12% Asian and 1.59% another race. 17.51% preferred not to answer.

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Co-Chair Patrick Mulkey continued the PowerPoint presentation:

## Slide #9

**Election Method Responses**

- 23.95% said they were satisfied with the current election method, 41.05% said they were not satisfied and 35% were unsure
- 30.79% preferred single member districts; 18.95% preferred a combination of single member districts and at-large seats; 15.26% preferred a combination of multi-member districts and at-large seats; 14.47% preferred multi-member districts with no at-large seats; and 10.79% preferred all at-large seats.
- 80.37% said they thought only people living in a district should vote for that district's commissioner

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8  
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Dr. Lisa Hazirjian continued the PowerPoint presentation:

## Slide #10

**BOCC ELECTIONS ADVISORY GROUP  
RECOMMENDATIONS/FINDINGS**

- 1) The current system of mixing multiple representatives and at-large districts, where people vote in the primaries in the districts, and the whole county votes for district representation in the general election, is unsatisfactory and not acceptable based on the Group's research, SurveyMonkey responses, and experiences of members as voters and precinct chairs.

1 Dr. Hazirjian said the current system is among the worst legal options. She said at-  
 2 large elections are largely discouraged due to discriminatiroy impacts on racial minorities. Multi  
 3 district seats are confusing, and survey respondants agreed that only residents in the district  
 4 should vote for those who represent them.

5 Patrick Mulkey resumed the PowerPoint presentation:

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 7 Slide #11

- 2) The BEAG recommends seven single member residency districts where candidates living in the district are voted on in both the primary and general election by only the voters in the respective districts (True Election District). One member voted against this option, believing that the county could benefit from some at-large districts.

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Dr. Hazirjian continued the PowerPoint presentation. She said only BOCC has the authority to adopt new distict maps. She said many see it as a conflict of interest when elected officials can draw own district maps, so an independent party would help with this. She said there are many experts in this area locally.

Slide #12

- 3) The BEAG strongly recommends that the Board of Commissioners establish a multi-partisan/non-partisan independent advisory group and process in order to create the seven single member districts. The BEAG recommends that the criteria outlined in the Charge (Constitutionality, statutory requirements, voting rights law, proportionality, equity, uniformity, simplicity/clarity and maximizing voter engagement) be paramount in drawing districts. In addition, the drawing of districts should keep communities of interest intact (geographic, socio-economic and racial-ethnic) and avoid splitting precincts.

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Patrick Mulkey continued the presentation. He said he agrees with making running for office more affordable. He said there should be a number of public hearings, and he is not a fan

1 of zoom, as his internet is unreliable. He said his would like for people to see each other in  
2 person and give their comments to the BOCC personally.

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4 Slide #13

- 4) The BEAG recommends that the BOCC hold a series of public meetings and listening sessions to allow public input, and that the BOCC act in time to allow for a public referendum in 2022.

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7 Slide #14

## THANK YOU

## QUESTIONS???

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9 Chair Price asked if the BEAG members could be named aloud.  
10 Dr. Hazirjian listed the members, noting that Nicholas Batman had to resign.  
11 Commissioner Fowler thanked the group for its efforts and appreciated the rubric of  
12 criteria. She asked if the group received any information or tutoring before filling out the rubrics  
13 or if answers were based on opinions. She said multiple districts are considered inequitable,  
14 but in that case people can single shot and that way minority groups have a better chance of  
15 being elected. She said most indicated that this system was inequitable, and asked if there was  
16 basis for that.  
17 Judge Bryan clarified that Commissioner Fowler is talking about the decision-making  
18 grid. He said the criteria were discussed as part of a motion by the board that approved it  
19 without any definition of what those criteria meant. He said he did research but since he was  
20 not part of the group and had no understanding of what the proponent of the group meant by  
21 those simply, he created this with staff so there was some way to understand how to use the

1 criteria versus the different methods. He said the questions were designed to help people think  
2 about what the issues were.

3 Dr. Hazirjian said she cannot necessarily parse what went into everyone's calculations,  
4 but there was a great deal of discussion over the course of meetings about economic barriers to  
5 service, issues related to having a great deal of population density in one area of the county and  
6 spread out in other areas, etc. She said, in theory, at-large districts can give people an  
7 opportunity to be represented by a local person, but in this particular county, due to how the  
8 population is divided, it is thought to be a foregone conclusion that the person elected is very  
9 likely to be from District 1.

10 Patrick Mulkey said he is from the rural area of the county and there are different things  
11 to deal with there. He said there is no garbage truck to pick up trash or recycling, as there is in  
12 the towns, and if the water does not work, rural residents do not call the water department, they  
13 have to call a plumber because they are all on well systems. He said these are some of the  
14 things in rural areas, for which residents do not call upon government, and taxes go up, but no  
15 one knows who is listening on the county commissioner level. He said with a single member  
16 district, residents could pinpoint that person and give them a call.

17 Commissioner Richards thanked the group for the thought it put into this report. He said  
18 part of her goal is learning more about District 2, because she lives in, and is more familiar with,  
19 District 1, but sees herself as a commissioner for the whole county. She asked if there is  
20 thinking about what provincial single districts are versus commissioners who look at the whole  
21 of the county. She asked if there are any thoughts about how a "One Orange" approach may be  
22 discouraged by having the separate districts. She said if she were to be representing just  
23 Chapel Hill, for example, her motivation to learn about the rest of the county may be different.

24 Patrick Mulkey said a lot of discussion dealt with confusion that voters have in trying to  
25 figure out whom to call and who will represent them. He said he understands the issue that  
26 single member districts will not create a unified Orange County, which he thinks is unrealistic.  
27 He said it will come down to the character and trust in candidate, just like every election, and  
28 being able to hold a candidate accountable, which he thinks is more easily done with single  
29 member districts. He said it is a hard thing to negotiate at the county commissioner level, and  
30 cited the difference in per pupil funding between the two school districts.

31 Dr. Hazirjian said in the group's discussion, several people, including herself, felt there is  
32 value in at-large districts because those elected at-large are supposed to be thinking about the  
33 whole county.

34 *Dr. Hazirjian exited the meeting due to technical issues.*

35 Commissioner Hamilton thanked the group for its thoughtful work. She said she is  
36 concerned about the evidence used to reach the conclusions.

37 Dr. Hazirjian's connection was re-established and Chair Price invited her to finish her  
38 comments.

39 Dr. Hazirjian said there is the concept that there is a closer tie between single member  
40 districts and the members they serve, but everyone is entering into conversation with fellow  
41 Commissioners with concern about the whole county. She said it comes down more to who is  
42 elected, rather than whom they represent. She said in a system where there is no at-large,  
43 there is a sense that the people representing the districts are not just about their districts but  
44 also think about what is better for the whole.

45 Commissioner Hamilton said she was thinking about the evidence that supports the  
46 recommendations of the BEAG and has a number of concerns, one being the public input  
47 survey. She said 413 individuals divided by the number from the 2010 census of folks over 18  
48 years of age is 0.3% of the county, which is not a sample that would be considered  
49 representative. She said the breakdown by race, ethnicity, age or voting, may not actually  
50 represent the viewpoints of the county, so for her it does not provide the evidence that  
51 necessarily supports the conclusions. She said given that the survey was conducted over two

1 weeks in June during COVID, it is understandable why there is a small sample and why it may  
2 not be representative. She said there is also a lack of analysis of past elections and election  
3 results to demonstrate who is or is not being represented under the current system, under the  
4 previous system when there were only five at-large commissioners, etc. She said a historical  
5 perspective would help identify the problem that needs to be fixed. She said if the problem is  
6 voters not being educated that is something that can be dealt with without having a new system.  
7 She said it is nice and important that the viewpoints of the group and experience are brought to  
8 the table, but she hopes experience is used to get evidence that is more objective and  
9 understanding of the pros and cons of the different voting systems that are out there. She  
10 agreed that single district commissioner, might not view the county as a whole, and it is  
11 important to get more information about how this works in other counties and around the  
12 country. She said she sees the time and effort put into this and the careful deliberations and  
13 would think the evidence brought forth to support it could be more robust than what is seen.

14 Chair Price said the report was so thorough and she gave kudos to the group and staff  
15 for their work. She said she holds a district 2 seat and, in one sense, the general election  
16 allows people to say "I voted for you" and she knows she is working for the whole county. She  
17 said the work of the BOCC has countywide impact so she definitely tries to think of the entire  
18 county. She said she has special passion for District 2 and acknowledged that Chapel Hill and  
19 Carrboro have town councils to represent them, but many parts of District 2 do not. She said  
20 she also gets calls from District 1 residents and helps all the same. She said her concern with  
21 single districts, and no at-large seats, is the possibility that Commissioners would feel they only  
22 represent their specific district, rather than the entire county. She thanked the group for  
23 attempting outreach and getting community input. She said it is often hard to get the community  
24 to take a survey. She said she is uncertain about it right now, because she wants to avoid the  
25 domination of one area over others.

26 Commissioner Fowler asked which rubric would represent the possibility of the current  
27 system, minus the at-large positions.

28 Dr. Hazirjian said the county currently has blended districts with at-large on top of that.  
29 She said there are only two counties in the State with a combination of at-large and multi-  
30 member districts. She said it is very unusual.

31 Commissioner Fowler said it looked like there were others that had both districts and at-  
32 large.

33 Chair Price said Orange County is different in having voting in the district for the primary  
34 and everyone votes in the general elections.

35 Commissioner Fowler said since she is an at-large representative, she agrees that at-  
36 large positions may benefit Chapel Hill-Carrboro area over the rest of the county, although in  
37 past elections folks from District 2 have won that seat. She said she can see how getting rid of  
38 that might make things more equitable geographically. She said her concern is how different is  
39 one side of Chapel Hill is from another. She said if Chapel Hill and Carrboro were split up into  
40 some sort of pie, it could make it even worse for the county in terms of equity. She said, as an  
41 at-large candidate, she did have to campaign across the entire county and get to know people  
42 she was representing across the county.

43 Dr. Hazirjian said the concern about the pie option, is why the group said to keep  
44 communities of interest together and avoid splitting precincts. She said she is not sure how the  
45 map would be most equitable. She said in terms of population there would likely be four  
46 districts carved out of something close to district 1 and three out of something close to District 2.  
47 She said it would not guarantee more representation for District 2.

48 Commissioner McKee said he has déjà vu reading some of the comments in the  
49 appendices because they are similar to those brought up during discussions when the current  
50 system was being developed. He said he was involved in that process many years ago and, at  
51 one time, he might have made those comments himself. He agreed that representation is

1 heavily weighted toward urban areas of the county, because that is where people live. He said  
2 he still agrees with the belief that single member district is beneficial for accountability. He said  
3 holding a district 2 seat demands more accountability to those who have lived in Orange County  
4 for generations, as well as those who have just moved here. He said he does not agree that 7  
5 separate districts would create a more divisive board, but it may encourage more discussion.  
6 He said he holds a rural seat, and if he had not spoken out against light rail because he saw no  
7 benefit to those in the rural areas, while the tax burden would have applied to whole county, it  
8 would not have allowed for a fairly robust conversation over a multi-year period. He said he is  
9 open to healthy discourse as long as it is not vicious. He said if the BOCC can figure out how to  
10 draw the districts, he can see benefits to single member districts. He said he strongly supports  
11 District nominated, District elected. He said it makes no sense to be nominated by District 2  
12 and voted on by the whole county. He said in Orange County, winning the primary equals  
13 winning the election. He said the question for him is how to draw districts and how to ensure if  
14 a change is made, it allows for a broader range of political views to be present.

15 Commissioner Greene thanked the group and staff for the thorough and informative  
16 report. She said the only thing she is really clear on right now is that, whether there are only  
17 districts or combination with at-large, district candidates should be nominated and elected only  
18 by one district because current process is confusing. She said in a way it is causing  
19 commissioners to serve two masters. She agreed with Commissioner Hamilton that more public  
20 input is needed before a referendum.

21 Chair Price said to be clear, the Board will not be doing an up or down vote on anything  
22 soon, until a group is put together to look at how to draw the districts, which would require public  
23 input.

24 Commissioner Greene said seven districts may not even be the right number, and more  
25 conversation is needed.

26 Chair Price agreed.

27 Commissioner Bedford asked if the group had more time, is there anything else it would  
28 have wanted to study or explore.

29 Patrick Mulkey said possibly nonpartisanship, but to him, that is a joke, as there is no  
30 way to really hide one's political leanings.

31 Judge Bryan said a couple of members discussed needing more time, but because of  
32 deadline from the Commissioners, the group did not really discuss other potential paths  
33 because it was trying to meet the deadline for the referendum. He said a person in a district  
34 seat should think about the county as a whole, and commissioners could take a pledge  
35 promising to do so. He said there was good conversation about what at-large could provide and  
36 what seven districts and no at-large would provide. He referred to the question from  
37 Commissioner Hamilton about desiring more substantial evidence of what the group found to  
38 support this recommendation, and said more information can be gathered.

39 Commissioner Bedford thanked the board and staff for their hard work. She agreed with  
40 other commissioners that the survey sample size of 413 is a little weak, and just means more  
41 public outreach and representation is necessary. She said she is not sure that the public was  
42 demanding this discussion. She said the previous discussion was not about districts, but really  
43 focused on methods that do require general assembly approval, especially district nominate,  
44 district elect, with which she agrees. She said she is in District 1, and has struggled with some  
45 of the recent zoning requests. She said it felt that there was more pressure on the two District 2  
46 and two At-Large Commissioners, and she felt less accountable. She said when Commissioner  
47 Dorosin and Commissioner Rich presented this they were more focused on having the two  
48 District 1 candidates in that one election, and the fact that they lost and single shot voting. He  
49 said in talking with Commissioner Dorosin and trying to get him to explain it, he argued that  
50 typically single member districts help minorities get elected. She said that that logic here does  
51 not hold water because a Black woman just won by over 2000 votes. She said other reasons

1 were put forth but she said it was from two commissioners who had lost a race and not from the  
2 public that brought this forth at this time, and she voted against it because she did not want to  
3 spend a lot of time and money and concern on this from sour grapes. She said all this work has  
4 been done, and she thinks far more public outreach would be needed. She said with the  
5 General Assembly drawing districts, now is not the time to be doing this. She said if pandemic  
6 numbers come down and children can be vaccinated, that opens up a window later to have the  
7 real public outreach, the in person meetings and in-depth study that would truly be needed for  
8 everyone. She said it is pretty bad that people do not know whom to call. She said the survey  
9 shows more voter education is needed on that, but she is not persuaded either way. She said  
10 she thinks the Board should wait and see, and really consider whether or not to proceed with  
11 any additional changes, or whether to proceed incrementally by just focusing on district  
12 nominate, district elect as a first step and get public input on that.

13 Commissioner McKee said his main concern is that if a change is made, he wants to  
14 make sure it is to a better system. He said if it goes to seven districts, he is concerned about  
15 how those districts will be drawn, and if it will have an impact on how well people feel they are  
16 represented. He said there are no uniform worldviews in Orange County, and neighbors of all  
17 kinds are living peaceably with each other. He said if these discussions happen, they need to  
18 happen in public, in multiple places across the county, and the group chosen to redraw the  
19 districts has demographic, geographic, and political diversity.

20 Chair Price said Commissioner Dorosin brought this up last, but the issue has come up  
21 many times in the past. She said it is confusing and residents of District 2 want to feel they are  
22 choosing their representative, and not Chapel Hill.

23 Chair Price said there is a need for further information, before moving forward with  
24 possibly redrawing districts.

25 Commissioner Hamilton said before having a group redraw districts, she wants more  
26 input from the community to see if it even wants to visit this topic.

27 Commissioner Bedford said she would like to wait to discuss next steps because the  
28 BOCC will receive an update on the census in October. She suggested adopting 1-4 at this  
29 time.

30 Commissioner Greene agreed with Commissioner Hamilton and Commissioner Bedford.

31 Commissioner McKee said before moving forward, there should be in person meetings  
32 in various places across the county for the public to attend.

33 Chair Price said there seems to be no urgency to get this on the 2022 Ballot. She said  
34 the report should be widely distributed and feedback gathered. She said the BOCC has heard  
35 the desire for a change in the system for years. She asked if the Board wanted to sunset this  
36 committee or use it for future discussions.

37  
38 A motion was made by Commissioner Bedford, seconded by Commissioner Green, to  
39 accept the Manager's recommendations 1-4.

40  
41 Commissioner Fowler asked who the BOCC would use to gather more community input.

42 Chair Price said it would be staff.

43 Commissioner Greene said this can be decided at a future meeting.

44 Chair Price said, in short, it would be staff as this committee is being sunsetted.

45

1 **Roll call ensued**  
 2 **VOTE: UNANIMOUS**  
 3

4 Chair Price thanked the BEAG for its service, and said the Board looks forward to  
 5 reviewing the census information.

6 Greg Wilder said the 2020 census information is available, and staff has evaluated the  
 7 numbers given the current electoral districts. He said the BOCC will review this at the October  
 8 19<sup>th</sup> business meeting, per the recommendation of the County Attorney. He said the BOCC will  
 9 be looking at the census given the currently electoral districts, not any potential districting  
 10 changes.

11  
 12 A motion was made by Commissioner Fowler, seconded by Commissioner Greene, to  
 13 take a 3-minute break at 9:01 p.m.  
 14

15 **Roll call ensued**  
 16  
 17 **VOTE: UNANMIOUS**  
 18

19 A motioned was made by Commissioner McKee, seconded by Commissioner Hamilton,  
 20 to reconvene the meeting at 9:04 p.m.  
 21

22 **Roll call ensued**  
 23  
 24 **VOTE: UNANMIOUS**  
 25

26 Bonnie Hammersley suggested the Board postpone item 7-a to the next business  
 27 meeting, in the interest of time.  
 28

29 A motion was made by Commissioner Hamilton, seconded by Commissioner McKee, to  
 30 move Item 7-a to the October 19, 2021 Business Meeting.  
 31

32 **Roll call ensued.**  
 33  
 34 **VOTE: Unanimous**  
 35

36 **b. Longtime Homeowner Assistance (LHA) Program**

37 The Board considered approving the implementation of the proposed program design for  
 38 the Longtime Homeowner Assistance Program.  
 39

40 **BACKGROUND:**

41 At its June 15, 2021 Business meeting, the Board of Commissioners allocated \$250,000 in  
 42 American Rescue Plan Act (ARPA) funds for a new program to assist households affected by  
 43 revaluation of property tax bills. The current staff proposal creates a program to cover the  
 44 increase in property taxes due to revaluation and would serve Orange County homeowners  
 45 who:

- 46 • are at least 50 years old;
  - 47 • earn below 80% of the area median income;
  - 48 • have lived in their home for at least 10 years; and
  - 49 • experienced an increase in property taxes during the 2021 tax revaluation
- 50

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

8  
9 Housing and Community Development Department staff will be primarily responsible for  
10 administering the LHA program – collecting applications and supporting documentation from  
11 applicants, and verifying program eligibility for each applicant. The Orange County Housing  
12 Helpline will play a key role in assisting county residents with completing applications and  
13 gathering documentation. The Tax Department will provide some of the eligibility verification  
14 details to Housing and Community Development Department staff during application review.  
15 Once an application is approved for assistance, Housing and Community Development  
16 Department staff will coordinate with the Finance and Administrative Services Department and  
17 Tax Department to issue a credit towards the taxpayer's property tax bill. The program has a  
18 proposed launch date of October 8, 2021. All applications must be received by 5:00pm on  
19 December 15, 2021 to allow time for processing.

20  
21 Corey Root, Housing and Community Development Director, reviewed the background  
22 information for this item. She said \$48,400 is 80% AMI for a single person and \$69,100 for a  
23 family of four. She said the current proposal allows people to layer different types of assistance,  
24 and thus could qualify for the Jackson Center program, as well as this program through the  
25 county. She said, due to tax deadlines, the goal is to have this up and running by October 8,  
26 2021 if approved. She said staff will have online and physical copies of applications available in  
27 multiple areas of county for easy access. She said partner agencies will be available to assist  
28 residents with completing applications, and applicants can also receive assistance by called the  
29 Housing Helpline. She said due to a conflict of interest, the Tax Office cannot receive these  
30 applications, so the Housing and Community Development Department will play that role. She  
31 said there is currently no award cap, realizing that could be an equity measure. She said staff  
32 has a robust communication plan for the program, if approved, to get information to residents  
33 who need it.

34 Nancy Freeman, Tax Administrator, said the amount of the award would be based on  
35 the difference in the amount of county tax from 2020 to 2021, as opposed to it being based on  
36 the full tax bill. She said this program seeks to cover the county portion of tax bill, which was  
37 impacted by the revaluation.

38 Chair Price said when she proposed this program back in June, she was thinking of  
39 ways to help homeowners regardless of age, because the goal is neighborhood preservation, in  
40 addition to keeping people in their homes. She said with criterion here of having to own the  
41 home for 10 years, the youngest anyone would probably be to benefit would be about 30 or 31.  
42 She said she is thinking about younger families, and wants to be able to protect them as well.  
43 She suggested eliminating the age requirement and moving forward with the other criterion.

44 Commissioner Fowler asked for clarification that there is no limit to the value of the  
45 home for assistance.

46 Corey Root said that is not currently part of the proposal.

47 Nancy Freeman said capping the value of the home was not something staff observed in  
48 other programs while researching.

49 Commissioner Fowler reiterated that this program is designed only to cover the  
50 difference in tax bill from 2020-2021, so would benefit only those residents with increases from  
51 the revaluation.

1 Nancy Freeman said yes.  
2

3 **Public Comment**

4 Delores Bailey said she supports this proposed program and applauds the Board for its  
5 effort; however, this program will not apply to people like her and she wonders how many other  
6 people also fall in this same category. She said this program misses those in the middle. She  
7 said EmPOWERment is a HUD certified counselor and has been talking to homeowners about  
8 how this program may benefit them. She said her concern is for people who, because of AMI,  
9 do not qualify for this. She said the difference in her taxes between 2020 and 2021 is \$40,000.

10 Chair Price asked if a different AMI level would be better.

11 Delores Bailey said she applauds the program, but if her taxes increase by the same  
12 amount again next year, she will not be able to hold onto her home.

13 George Barrett, Executive Director of the Marian Cheek Jackson Center for Saving and  
14 Making History, said he has been an Orange County resident for over eight years. He said the  
15 Jackson Center is located in the Northside Community, one of three historically Black  
16 neighborhoods the center works with. He said the Board is aware that in April, the new  
17 inequitable revaluations were seen in Northside, disproportionate to other communities. He  
18 said he supports the work to continue correcting the inequitable system, and he thanked county  
19 staff for the considerations made with this program so it can have the most impact. He said he  
20 appreciates 80% AMI limit, as well as ability to layer relief because concentration of  
21 development in these areas has caused increased tax burden to residents. He said the Board  
22 should continue to listen to residents and leaders who are talking about inequities like this that  
23 burden residents. He said he is excited to move forward with this program.

24 Commissioner Richards asked if Ms. Bailey's valuation or tax bill is up 21%.

25 Bonnie Hammersley said the payments through this program are for the increase of the  
26 tax bill, not the increase in the valuation. She said a \$41,000 property value increase would  
27 equate to a \$340 increase in the county portion of the tax bill.

28 Commissioner Richards thanked the Manager for clarifying, and said she has been  
29 trying to understand the age requirement. She said if the goal is to support residents who have  
30 experienced the increase, she supports the 10 year home ownership because it is geared  
31 towards long term homeowners, but would support removing age requirement.

32 Commissioner Hamilton thanked staff for its work on this. She asked if the application  
33 should have more than one space for homeowner name.

34 Corey Root said that is a great point and the application can be adjusted to reflect that.  
35 She also noted that the date of birth question would be removed if the age requirement is  
36 removed from the criteria.

37 Commissioner Hamilton said otherwise, she felt the application was clear. She said she  
38 also supports removing the age criteria. She asked if community centers, schools, libraries, and  
39 senior centers will be included in outreach efforts.

40 Corey Root said those groups are on the current distribution list and staff will do a  
41 special push for them.

42 Chair Price said the Department on Aging has a good listserv, as well as churches and  
43 other faith communities.

44 Commissioner McKee asked if the current AMI in Orange County can be identified.

45 Corey Root said it changes based on the number of people in the household, but a  
46 house of 4 is \$69,100.

47 Commissioner McKee asked if the number of many homeowners that would be eligible  
48 for this could be identified.

49 Travis Myren said there are about 10,000 households that have owned a home for 10  
50 years or more, and experienced an increase in the tax bill due to revaluation. He said using the  
51 countywide percentage of people making 80% AMI or higher, it leads to a number of 1378 and

1 average increase among that group was \$158, equaling \$218,000 in estimated exposure. He  
2 said he feels less confident that this cohort represents income distribution of the entire county,  
3 but this was the best estimation staff could measure to determine if the allocated \$250,000  
4 would be sufficient.

5 Commissioner McKee said this would mean \$218,000 per year escalating and ongoing.  
6 He said every time there is a revaluation in Orange County values will increase, minus a  
7 catastrophic event. He said even if values do not go up, the county can expect \$200,000 plus in  
8 ongoing costs for this program. He said this will be paid with ARPA money this year, and asked  
9 if this will have to come from county funds going forward.

10 Travis Myren said it will be a board policy decision of how to fund the program in future  
11 years.

12 Commissioner McKee said it would likely be funded through other sources. He said he  
13 owns and runs a farm, and benefit from a lower tax rate due to him farming the land. He said if  
14 he sells the land, the money has to be paid back. He asked if the homeowner passes away and  
15 house is sold, is there a clawback provision on this tax advantage. He asked if the home is  
16 handed down to the next generation of family, will this be a generational subsidy to the family  
17 over time. He said the original proposal did not have an age limit, but asked if the Jackson  
18 Center age limit was 65.

19 Travis Myren said the age limit for that program is 62.

20 Chair Price said this program would not decrease the value of the property, so it is  
21 dependent on the homeowner, and the next generation will be liable for the value of the home.

22 Commissioner McKee said he understands. He said there is a subsidy to the taxes paid,  
23 and he gets an advantage of paying a lower tax rate on his farm, for which he would required to  
24 repay should he sell the land.

25 Chair Price said Commissioner McKee's benefit is due to the use of his land, as  
26 opposed to his income.

27 Commissioner McKee said he is asking these questions because he does not believe  
28 this program will stop, nor should it, once started due to the gentrification seen across the  
29 county. He said he wants to think about the long-term implications of the program.

30 Chair Price said she wants to hear from George Barrett on the Jackson Center's  
31 program.

32 Commissioner Greene said the Jackson Center uses age 62, but it is flexible based on a  
33 formula that they use. She said she understands why Chair Price wants to decrease the age to  
34 at least 50, and she has gone back and forth herself. She said Commissioner Richards has  
35 brought up a good question about the basic purpose of the program. She is on the side of  
36 getting rid of age limit in favor of preserving community. She said Commissioner McKee has  
37 brought up some good questions about the sustainability of the program and she wonders if  
38 there should be a clawback provision. She said if someone is going to buy a property at a  
39 gentrified inflated price, why not have a provision where the county would get maybe three  
40 years of the tax back, and let the buyer and seller work it out about who pays.

41 Chair Price said her original intent was to help preserve the neighborhood, and perhaps  
42 with an extra push for seniors who may have lived there for half a century.

43 George Barrett said there is no age limit in the Jackson Center property tax program. He  
44 said age is taken into account and is used it to weigh the award amount. He said the  
45 community did not want to include age limit when creating the program, because there are  
46 people across age groups dealing with these issues.

47 Commissioner Richards said the issue of heir's property came up while she was looking  
48 into this program. She said the idea of a clawback is something that might be included if the  
49 home in sold to developer or investor, instead of being passed down to an heir if concern if  
50 neighborhood preservation is the goal. She said this is a way to sustain the program once  
51 ARPA money is gone. She said part of concern with age is if there is a 25 year old that inherits

1 a property and wanted to stay in the neighborhood, the tax impact will be the same to them.  
2 She said for future funding it could be treated one way if it is an heir property, even though it  
3 would require more investigation for county staff. She said this would have to apply across the  
4 county. She said she thinks this is an interesting concept if the property will be sold for  
5 investment.

6 Nancy Freeman said if the property is being sold or passed down, there is still the  
7 requirement that the property has been owned for 10 years, and that time clock would start over  
8 again at that time.

9 Commissioner Hamilton said she looks at this program as a way to help people who  
10 barely make enough to make ends meet, and to stretch money more. She said for these types  
11 of residents clawbacks are needless complications, and each homeowner should be considered  
12 on their own income. She said she understands the point of funding the program in the future.  
13 She said this program can be viewed as a pilot and, based on impact, the Board can determine  
14 whether to continue funding or not.

15 Commissioner McKee said he appreciated Commissioner Greene clarifying the  
16 clawback on farm use, as it is not necessarily the seller who pays it, and is quite often the  
17 buyer. He said the reason he brought that up because if the home is sold for development, it is  
18 coming out of what the goal of the Board is. He said he doubts a buyer in Chapel Hill or  
19 Carrboro will flinch at a few thousand more dollars for the necessity of covering the payback of  
20 the subsidy. He clarified he is not interested in a generational clawback. He said he thinks the  
21 program is trying to maintain the ability of residents to stay in their homes, while their home  
22 values are increasing. He said he is glad to hear the reminder from Commissioner Richards  
23 that this will be a countywide program, because a lot of discussion surrounds urban areas. He  
24 said his only issue with program is the age requirement, and he would like to keep the focus on  
25 the aging population near retirement age

26 Chair Price said she would like to see this program without age limits, since there are  
27 other relief options with age requirements.  
28

29 A motion was made by Commissioner Richards, seconded by Commissioner Hamilton,  
30 to approve the proposed Longtime Homeowner Assistance program design, with the removal of  
31 the age requirement.  
32

33 Commissioner Bedford asked for clarification on whether or not the calculations Travis  
34 Myren mentioned earlier only included those over age 62.

35 Travis Myren said no.

36 Commissioner Greene said she is struggling with the age, and age 50 could be a  
37 compromise. She said since this is a pilot, would it be better to start with less restrictions and  
38 add more later, if necessary, or have age limit now and open it up in the future.

39 Chair Price said she wants to keep people in their homes, regardless of age. She said  
40 there are young families who may have lost jobs over the past year, but want to stay in the  
41 same home. She said gentrification may continue, and it may be difficult to maintain income.  
42 She said the point of the program is to keep people in homes regardless of age.

43 Commissioner McKee said if someone qualified based on AMI, and then changes jobs to  
44 a higher salary, they be removed from the program. He asked if the 10-year ownership  
45 requirement would reset at that time, and if all four criteria have to be met.

46 Commissioner Richards said that was her understanding from talking with staff. She  
47 said if funds are available and this is a pilot, it should be open to more people since the  
48 calculations were not limited to an age group.

49 Corey Root said the requirements all have to be met, but the 10-year requirement only  
50 applies to home ownership. She said it does not require that someone make less than 80%  
51 AMI for 10 years, for example.

1 Commissioner McKee said that information answers his question.

2 Nancy Freeman said this application would need to be redone on an annual basis to  
3 ensure qualification.

4 Corey Root said yes, for income verification.

5 Commissioner Bedford said Commissioner Greene's question is important and she does  
6 not have an exact answer, but because of pandemic she wants to "go big", recognizing that the  
7 ARPA funding will be gone after this year. She said it is hard to cut back on programs after they  
8 have started, but the Board has to be prepared to make changes after getting data from the pilot  
9 program about future funding.

10  
11 **Roll call ensued**

12  
13 **VOTE: UNANIMOUS**

14  
15 Chair Price said the social justice fund is another possible source of funding for the  
16 future.

17  
18 **c. Durham-Chapel Hill-Carrboro Metropolitan Planning Organization 2050**  
19 **Metropolitan Transportation Plan**

20  
21 The Board received a presentation from Durham-Chapel Hill-Carrboro (DCHC)  
22 Metropolitan Planning Organization (MPO) staff on the 2050 Metropolitan Transportation Plan  
23 (MTP) Alternatives Analysis.

24  
25 **BACKGROUND:**

26 The DCHC MPO is responsible for long-range transportation planning for Durham County  
27 and parts of Orange and Chatham counties, and the organization is updating its MTP. In  
28 Orange County, the DCHC MPO planning area covers the areas around Hillsborough,  
29 Chapel Hill and Carrboro delineated by a blue line in Attachment 1.

30  
31 The MTP, which is required by Federal law, recommends major transportation projects,  
32 policies and strategies designed to maintain existing transportation systems and to plan for  
33 the region's future travel needs. The Plan must be fiscally constrained, which means that  
34 projected revenues must cover the anticipated costs. Projects must be in the 2050 MTP to  
35 receive any state and federal transportation funding through the State Transportation  
36 Improvement Program (STIP). Projects are selected from the MTP and processed through  
37 the State's prioritization process (SPOT) for inclusion in the STIP, which is a 10-year funding  
38 program. This requires several steps over a multi-year timeframe, and not all projects listed  
39 in the MTP will be included in the final STIP.

40  
41 There are several steps involved in the MTP Process (Attachment 2), and the current focus is  
42 on the Alternatives Analysis. Goals and objectives were identified previously, and the  
43 Deficiency Analysis and Needs Assessment were completed in May 2021. An Alternative is  
44 a combination of improvements to a transportation network. This includes a set of highway,  
45 transit, other transportation improvements (such as bicycle and pedestrian improvements),  
46 and a land use scenario that depicts the distribution of population and employment for the  
47 year 2050. These Alternatives are then analyzed using the Triangle Regional Model (TRM),  
48 which forecasts future travel statistics based on assumptions concerning the highway  
49 network, transit service and other transportation facilities. It is very unlikely that one of the  
50 Alternatives in its entirety would be advanced as the Preferred Option. Most likely, the final  
51 MTP will be a combination of the various Alternatives.

1  
2 Attachment 3 provides the full schedule of MTP Local Input meetings on the Alternatives  
3 Analysis. Press releases and public engagement events have been posted on the county's  
4 website throughout the planning process. More information on the 2050 MTP can be found  
5 on [DCHC MPO 2050 MTP website](#).

#### 6 7 MPO Next Steps

8 Over the next few months, the DCHC MPO Board will use comments collected from the  
9 public and local governments to direct the development of a Preferred Option. The Preferred  
10 Option becomes the Draft 2050 MTP, which is anticipated to be released in October 2021.  
11 The Final 2050 MTP is tentatively scheduled to be adopted by the MPO Board in December  
12 2021.

#### 13 14 Staff Involvement

15 Orange County Transportation Planning staff attends bi-weekly meetings at Triangle J  
16 Council of Government (TJCOG) where TJCOG, the University of North Carolina Chapel Hill  
17 Institute of Transportation Research and Education (UNC ITRE), the Federal Highway  
18 Administration (FHWA), the North Carolina Department of Transportation (NCDOT), the  
19 Capital Area Metropolitan Planning Organization (CAMPO), DCHC MPO, and local technical  
20 staff discuss every aspect and detail of the Community Viz model and the Triangle Regional  
21 Model (TRM). Both programs analyze the transportation network in a comprehensive and  
22 multimodal manner. The TRM is vetted by multiple agencies including [UNC's ITRE](#) (ITRE),  
23 TJCOG, CAMPO, and DCHC MPO technical staff. Throughout the planning process, Orange  
24 and Durham County staffs worked with local jurisdictions and regional agencies in multi-step  
25 data review including:

- 26 • Community Viz – Current and Future Land Use parcels, including Certificate of  
27 Occupancy
- 28 • Network Analysis – Road network data review, including lane and shoulder width
- 29 • Employment Analysis – Point data for all places of employment

30  
31 Attachment 4 is a list of Orange County (including municipal) major highway projects in the  
32 Alternatives Analysis. Any specific comments on the list are welcome at this time and may  
33 assist with the selection of highway projects to be included in the Preferred Option (Draft  
34 2050 Plan). Transit, bicycle and pedestrian project lists are not yet available from the MPO.  
35 However, it is expected that the Orange County transit projects will be initially taken from the  
36 Orange County Transit Plan (2017) and any new or different projects resulting from the  
37 Transit Plan Update (2021) will be incorporated at a later date.

38  
39 Key highlight in Draft 2050 MTP highway projects:

- 40 • Due to the financial constrained nature of the MTP, when highway projects are  
41 removed, they are replaced by other highway projects per state and federal transportation  
42 funding regulations.
  - 43 ○ Example: Orange Grove Road extension (2045 MTP) was removed from the State  
44 Transportation Improvement Program (STIP). This allows for Orange County's priority – NC-  
45 86 improvement from US-70 to NC-57 – to be added to the 2050 MTP.

#### 46 47 OUTBoard Action

48 On September 15, 2021, the Orange Unified Transportation Board (OUTBoard) provided the  
49 memo at Attachment 5 for the BOCC's consideration. Highlights of OUTBoards comments  
50 are provided below:

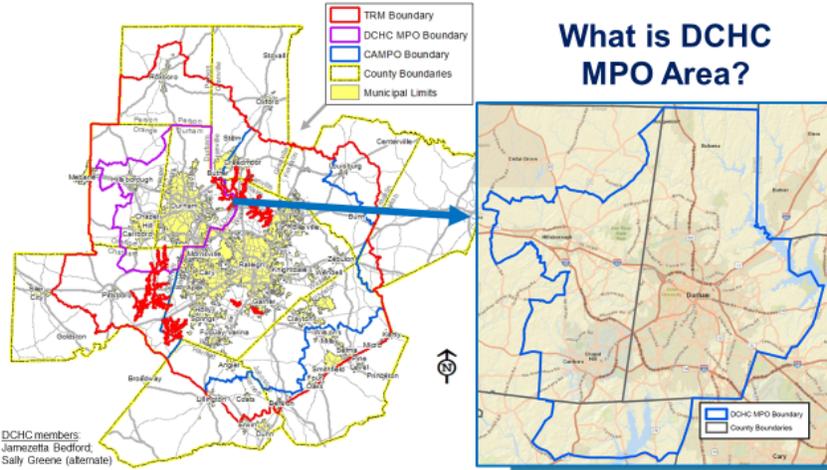
- 1 • The OUTBoard recommends that Orange County collaborate with other local  
2 jurisdictions to add off-street bicycle and pedestrian corridors within Orange County to  
3 the MTP, with an emphasis on linking parks, population centers, and other  
4 destinations.
- 5 • Recreational facilities available for the public use in a manner that is multi-  
6 generational and accessible to all county citizens at both the countywide and  
7 community level. (Orange County Comprehensive Plan - Park and Recreation Goal  
8 #3)
- 9 • An efficient and integrated multi-modal transportation system that protects the natural  
10 environment and community character. (Orange County Comprehensive Plan -  
11 Transportation Goal 1)
- 12 • A multi-modal transportation system that is affordable, available, accessible to all  
13 users, and that promotes public health and safety. (Orange County Comprehensive  
14 Plan - Transportation Goal 2)
- 15 • A countywide and regionally-integrated, multi-modal transportation planning process  
16 that is comprehensive, creative and effective. (Orange County Comprehensive Plan -  
17 Transportation Goal 4)

18  
19 Nishith Trivedi, Transportation Planner II, introduced the item and Andy Henry.  
20 Andy Henry, Transportation Planner DCHCMPO, gave the following PowerPoint  
21 presentation:

22  
23 Slide #1

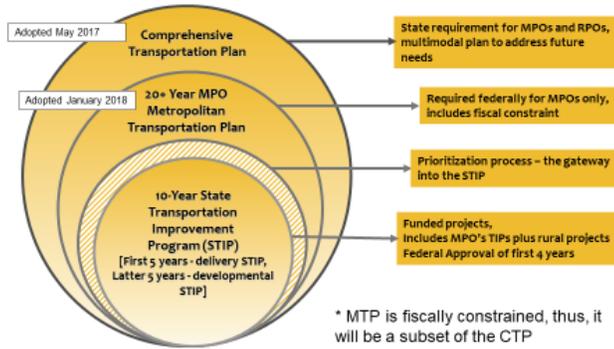


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### Transportation Planning Framework



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6 Slide #4

### Previous Public Comment

Before review Deficiency Analysis data, remember what public has already told us...



**MPO Goals Survey**  
 Highest ranked policies:

- Encourage biking and walking
- Increase transit service
- Coordinate land use and transportation
- Increase car pools and ride shares

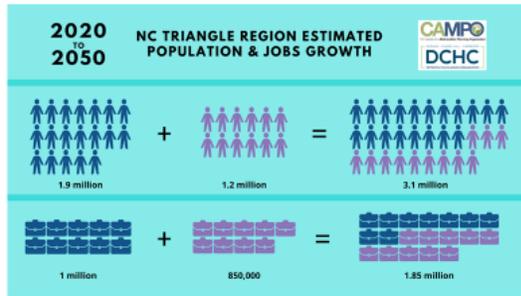
**MPO Goals Survey**  
 Most common themes:

- Reduce personal vehicle dependence
- Protect environment; increase sustainability
- Support low-income & minority populations
- Enhance transit connectivity
- Increase bicycle and pedestrian infrastructure

See Goals web page ([click here](#)) for Goals & Objectives and survey response details.

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9 Slide #5

# Demographics



| Population   |                |                |                |            |
|--------------|----------------|----------------|----------------|------------|
| County       | 2016           | 2050           | 2016-2050      | % change   |
| Chatham*     | 46,051         | 103,345        | 57,294         | 124%       |
| Durham       | 300,939        | 458,906        | 157,967        | 52%        |
| Orange       | 143,678        | 193,477        | 49,799         | 35%        |
| <b>Total</b> | <b>490,668</b> | <b>755,729</b> | <b>265,061</b> | <b>54%</b> |

| Employment   |                |                |                |            |
|--------------|----------------|----------------|----------------|------------|
| County       | 2016           | 2050           | 2016-2050      | % change   |
| Chatham*     | 11,358         | 24,426         | 13,068         | 115%       |
| Durham       | 217,114        | 401,168        | 184,054        | 85%        |
| Orange       | 71,516         | 116,769        | 45,253         | 63%        |
| <b>Total</b> | <b>299,988</b> | <b>542,363</b> | <b>242,375</b> | <b>81%</b> |

\* Only includes portion of Chatham County in modeling area.

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# Alternatives Analysis



- Purpose: staff, public and Board discuss different land use and transportation possibilities
- Preferred Option likely to be mixture of the assumptions and projects from Alternatives Analysis scenarios
- Alternatives not fiscally-constrained
- Today's presentation has overview -- Full complement of tables and maps on Web site

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6 Slide #7

# The Scenarios



**Plans & Trends Scenario**  
Also known as *business-as-usual*, this scenario distributes 2050 population and employment based on current land use plans and policies, and creates an improved transportation system based on the current long-range transportation plan.

→ Includes N-S BRT, CRT Dur-Ral  
→ Includes I-85 widening, and US 70 and NC 54 modernization

**Shared Leadership Scenario**  
This scenario could called the *we-can-do-better* scenario. It increases the intensity and mix of land use at major employment hubs and travel corridors, and assumes additional transportation funding for transit facilities, services, and a few roadway improvements.

→ Add 15-501 BRT, high CRT Dur-Ral

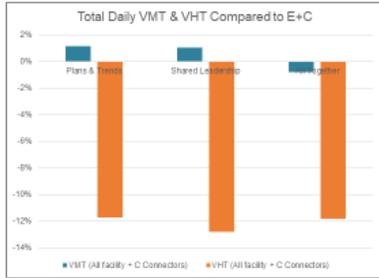
**All Together Scenario**  
This *balanced-and-equitable* scenario increases the intensity and mix of land uses at major employment hubs and travel corridors, and works to link minority, low-income, and zero-car households to jobs. This scenario focuses on biking and walking facilities, and provides transit services in major commuting corridors, often instead of increased roadway capacity.

→ Add CRT to Mebane, NC 54 BRT, High-Freq to P'boro/H'boro, Complete Streets

Scenario descriptions -- [Link](#)

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9 Slide #8

## Metrics: VMT and VHT



- Compared to the E+C scenario (No Build):
  - VMT (vehicle miles traveled) increases except for the All Together scenario.
  - VHT (vehicle hours traveled) decreases in all three scenarios
- At the regional and MPO level, there is little difference among the three scenarios in VMT, VHT, travel time, travel distance, overall congestion, and mode share. All Together has slight advantage, e.g. lower VMT and VHT.

• Full table of Measures of Effectiveness (MOEs) – [Link](#)  
 • Key MOE graphs – [Link](#)

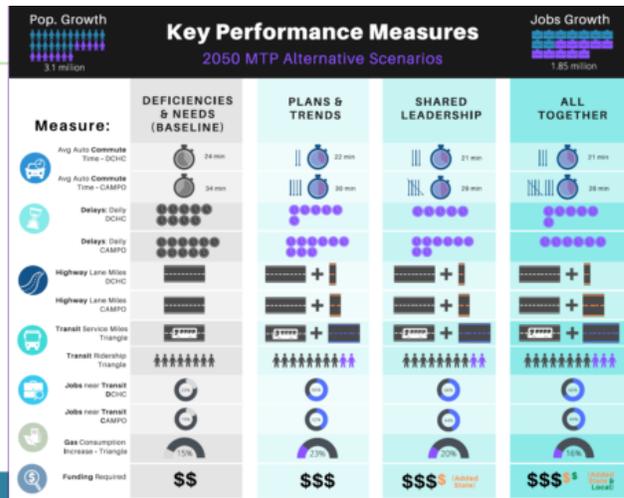
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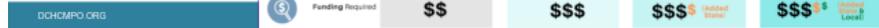
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## Metrics: Key Measures

- As we invest more, the measures move in a positive direction.
- However, the movement is not large. Measure values are very similar.



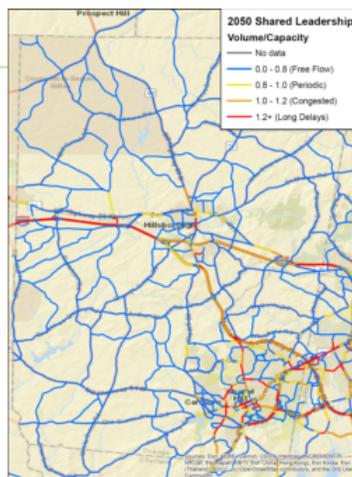
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## Metrics: Congestion Maps

- This is the congestion map for the Shared Leadership scenario, which has the highest highway investment among the scenarios.
- Congestion will persist on the interstates and major commuting corridors.



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1 Andy Henry said the orange roads mean the volume of the roadway equals the capacity.  
 2 He said red roads mean the volume of the roadway equals 120% of the capacity.

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 4 Slide #11

### Metrics: Equity Measures



*At this time, staff is working on equity measures using the Triangle Regional Model (TRM). Meanwhile, the following statistics from the NCDOT Integrated Mobility Division demonstrate how the transportation system can reflect and reinforce disparities.*

- On average, communities of color have
  - lower vehicle ownership rates,
  - live further from work,
  - are more likely to depend on public transportation, and,
  - are more likely to be involved in a crash as a pedestrian.

In N.C., communities of color are nearly three times more likely to live in a household without a car (National Equity Atlas).

Over 60% of transit riders in N.C. are people of color compared to about 30% of the entire population (Census ACS data).

Between 2015 - 2019, 55% of pedestrians, on average, involved in crashes in N.C. were people of color compared to about 30% of the population (HSRC Ped/Bike Crash Data).

Average commute time by transit in N.C. is 43 minutes compared to 24 minutes for the average drive making a commute (National Equity Atlas)

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### Metrics



- Measure of Effectiveness (MOEs) →
- Current measures: safety; travel time; and TDM program
- Travel Choice Neighborhoods (in development)
- Isochrone maps
- Travel Time →

| Alternative         | Alternative 1       | Alternative 2       | Alternative 3       | Alternative 4       |
|---------------------|---------------------|---------------------|---------------------|---------------------|
| 2020 (All Together) |
| 2020 (All Together) |



| To=            | Durham | RTP | Raleigh | Chapel | Hillsborough | Pittsboro |
|----------------|--------|-----|---------|--------|--------------|-----------|
| Durham/Durham  | 21     | 57  | 43      | 30     | 68           |           |
| RTP            | 19     | 45  | 35      | 37     | 54           |           |
| Raleigh/Durham | 56     | 43  | 70      | 72     | 64           |           |
| Chapel Hill    | 45     | 38  | 72      | 37     | 51           |           |
| Hillsborough   | 30     | 85  | 68      | 30     | 56           |           |
| Pittsboro      | 52     | 40  | 65      | 37     | 49           |           |

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 10 Slide #13

### Schedule & Public Engagement



Released July 29th (with CAMPO)  
 Comment Period: 7/29/21 through 9/15/21 (exceeds 42-day policy)

- Web page – Click Alternatives tab at this [link](#)
- Survey -- [link](#)
- Online workshops (with CAMPO)
- Present to local boards and commissions, list on web page
- Four Focus groups for community of concern
- Public hearing at September 1<sup>st</sup> Board meeting
- Notifications: Email service; public affairs notices; social media

11

1 Slide #14

## Next Steps



- Complete public engagement activities and review [feedback](#)
- [Joint DCHC MPO and CAMPO Board meeting](#), September 29
- Release [Preferred Option](#) in October, two versions:
  1. Follows vision of Goals such as multi-modal, fight climate change and equitable
  2. Follows funding restrictions, thus majority of investments in roadways
- Coordinate with Durham and Orange [county transit plans](#)

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DCHCMPO.ORG

Commissioner Greene thanked staff for the presentation. She said she watched the September 1<sup>st</sup> meeting when the elected officials in the room had pointed comments about the three alternatives, and them being all highways and lacking in the shared values of public transportation, walkability and green spaces. She said the presentation tonight shows that this feedback was heard, and she looks forward to seeing the proposal.

Commissioner Richards began having technical issues.

Commissioner Bedford asked if there is an opportunity to mix and match between the two alternatives.

Andy Henry said yes.

Commissioner Bedford said because of funding shortfalls and increased costs of construction, there has been a stop in the concentric circles, and MPOs are reevaluating current projects with the funds that are available.

Nish Trivedi said

Commissioner Bedford said due to fiscal constraints, all must consider the different options. She said safety needs have to be blended in with population growth and area values. She said some road improvements are still needed as well. She said land use decisions interrelate with all of this.

Commissioner Fowler said she reviewed the OUTBoard recommendations and agrees with adding off street bicycling and pedestrian corridors. She asked if the Board's endorsement of these suggestions would have any impact.

Nishith Trivedi said there is a chapter in the MTP about Bike/Ped projects. He said the MTP is broken down into transportation modes. He said a preferred plan will be sent out including all modes of transportation.

Commissioner Fowler clarified that the Board's endorsement of the OUTBoard suggestions may impact the MPO's plans.

Nishith Trivedi said yes.

Commissioner Fowler said the second bullet is recreational facilities and asked how that relates to transportation

Nishith Trivedi said it refers to greenways. He said there are bike routes in Orange County, which are also used for transportation.

Chair Price asked if this is similar to the American Tobacco Trail.

Nishith Trivedi said yes, something like that, or the river walk, or Mountains to Sea Trail.

Commissioner Fowler said since it was a different bullet point it seemed like it was different.

1           Andy Henry said it may have been classified as recreational because bike lanes and  
2 sidewalks are in the right of way of a roadway. He said a path for bikes that do not run beside a  
3 roadway would be considered recreational.

4           Commissioner Fowler said these types of pathways would not necessarily help someone  
5 commute to work.

6           Chair Price said it depends on where you work.

7           Commissioner Bedford asked if staff could change the wording from recreational or  
8 elaborate on it to make it clearer.

9           Nishith Trivedi said the wording could be revised during public review period

10          Commissioner Hamilton asked if "modernization of roadways" could be defined.

11          Andy Henry said in rural areas that normally means widening roadways and shoulders,  
12 which makes them safer. He said in urban areas it means sidewalks, bike lanes, a side path,  
13 traffic signals, turn lanes, etc. He said it is basically trying to bring the roads up to standard. He  
14 said it does not mean adding any more lanes, just improving what is there.

15          Nishith Trivedi said many Orange County roads are one lane and undivided. He said  
16 many are not wide enough, and are unsafe. He said the wear and tear due to population growth  
17 has had an impact. He said the NCDOT is trying to further define modernization, but the goal is  
18 to improve the roads, especially in rural areas.

19          Commissioner Bedford referred to the projects in attachment 4, and asked if there is a  
20 good representation of projects across the county.

21          Nishith Trivedi said this list is just the highway list of projects

22          Commissioner Bedford asked if this list is constrained by cost, or if it includes all of the  
23 projects.

24          Nishith Trivedi said the list includes all projects with current costs.

25          Chair Price asked if the BOCC is prepared to endorse the recommendations of the  
26 OUTBoard.

27          Commissioner Greene said she is happy to endorse the OUTBoard's recommendations,  
28 and she is interested in seeing a plan that reflects a vision that gets away from highways and  
29 towards multimodal, climate sensitive transportation options.

30  
31          A motion was made by Commissioner Greene, seconded by Commissioner Fowler, to  
32 endorse the OUTBoard comments (Attachment 5), as modified by, to reflect BOCC comments  
33 for staff to convey to the DCHC MPO Board.

34  
35 **Roll call ensued**

36  
37 **VOTE: Ayes, 6 (Commissioner McKee, Commissioner Hamilton, Commissioner Greene,**  
38 **Commissioner Fowler, Commissioner Bedford, Chair Price)**

39  
40 **Commissioner Richards did not vote because her meeting connection was lost.**

41  
42 **d. Proposed Performance Agreement Provision Requiring that Non-profit**  
43 **Organizations Receiving Funds through the County's Outside Agencies Process**  
44 **Provide the Opportunity for Public Comment at Regular Meetings**

45  
46          The Board considered approving a proposed Performance Agreement provision  
47 requiring that non-profit organizations receiving funds through the County's Outside Agencies  
48 Process provide the opportunity for public comment at regular meetings.

49  
50

**BACKGROUND:**

At the September 2, 2021 Board of Orange County Commissioners (BOCC) Business meeting, a petition was submitted by Commissioner Earl McKee for the Board to consider a policy requiring any entity receiving county funds include on their regular meeting agendas an opportunity for public comments.

Each year Orange County allocates over \$1 million to local non-profits to provide various services and meet needs across the community. Applications for funding are submitted by the non-profits through the County's Outside Agency process. The applications are assigned to appropriate county advisory groups and staff based on subject matter, and reviewed and scored based on an established matrix. As part of the county's annual budget process, the Manager then makes funding recommendations for each non-profit to the Board of Commissioners, and the Board approves the final funding amounts for each entity.

Recipient organizations subsequently sign performance agreements with the county agreeing to utilize the funds as proposed and in compliance with other provisions. It is proposed that the Board consider a Performance Agreement provision requiring that the non-profit organizations receiving funds through the County's Outside Agencies Process provide the opportunity for public comment at their regular meetings.

Bonnie Hammersley reviewed background information for this item.

Commissioner McKee explained the basis for his petition. He said the county provides over \$1 million of taxpayer funds to nonprofits to help the county with the provision of services. He said he is petitioning that these non-profits allot time on their regular agendas for public comment. He said he is not asking the non-profits to engage or reply to the commenters, just allow people to speak, with the parameters left up to the agencies themselves. He said he is aware that there are some outside agencies that deal with highly emotionally charged issues, and they may be excluded from the provision if the Board approves. He said he is convinced anyone spending public money should be obligated to accept public comment.

Chair Price clarified that the request is for public comment to be taken at the board meetings, as opposed to a staff meeting for example.

Commissioner McKee said yes.

Chair Price asked if this would be only for agencies who are part of the outside agencies funding process, or any non-profit that the county funds.

Commissioner McKee said he proposed it with outside agencies in mind, and would stick with that.

Commissioner Greene said the county does give money to nonprofits outside of the outside agency funding process, and Chair Price's question needs to have a clear answer. She said it will be very hard to carve out the agencies that are sensitive in nature, and it would make more sense to limit it to organizations where people who they serve are the direct beneficiaries of the service. She said a nonprofit does not represent or serve the entire county the way government does. She said this petition is a very dramatic departure from way nonprofits ordinarily function, but she does see the logic of taxpayer money being used. She credited Commissioner Richards for considering which agencies that do something for the county that is really important, i.e. provide housing. She said those agencies have tenants or homeowners that may have very legitimate complaints. She said it is reasonable to ask that subset of nonprofits to create a grievance procedure that's viable for those that are being served. She said this could be done in a variety of ways. She said she understands the impulse to say it is public money, so public comment should be accepted, but she is coming from perspective of nonprofits who do not operate that way traditionally. She proposed to focus this on nonprofits that house residents, but to not act on this tonight. She said she would like to invite nonprofits

1 to come to the Board to discuss how they currently handle grievances and help craft a  
2 reasonable way forward.

3 Commissioner Hamilton said she is concerned about making a decision too hastily and  
4 echoed Commissioner Greene's idea to get input from the nonprofits about how it would impact  
5 their service to residents. She said she also thinks it is a good thing for the public to come to  
6 BOCC with these issues so it hears about how things are going and can hold agencies  
7 accountable. She said she is not ready to vote on this petition.

8 Commissioner Fowler said she also needs more information before a vote. She said  
9 she wants to know if there is currently an opportunity for any public comment, what are  
10 grievance procedures, how the policy would affect them if there are none already in place, etc.  
11 She said she wants to know if such a process would be helpful.

12 Chair Price said this petition came as a result of a nonprofit that did not have a  
13 mechanism in place for public comment.

14 Commissioner Bedford said the issue with exempting groups with sensitive topics is that  
15 sensitivity fluctuates, so it would not be consistent and difficult to put in writing. She said  
16 considering agencies that have direct recipients and looking at existing grievance procedure  
17 would be helpful. She said there is a Sheriff present at BOCC meetings, which provides a layer  
18 of safety. She said this petition could create a safety and logistical burden on these non-profits,  
19 but also understands the logic behind receiving county funding should equate to ensuring the  
20 opportunity for public comment. She said this type of issue has not often been raised, and  
21 wonders if creating a policy over one instance is going to be a burden to other funded agencies.  
22 She said perhaps the Board should suggest this one organization that is having issues go to  
23 mediation, or create a grievance process. She said it is definitely worth talking to this agency.

24 Commissioner Richards said she has a couple of concerns. She said when contracting  
25 with nonprofits, the county is empowering them to act on its behalf and expects them to deliver  
26 service with same values as the county, including honoring people and communication. She  
27 said she struggled with the idea that people do not have the right to come and speak to a  
28 nonprofit, because that does not reflect the county's values and practices. She said this all  
29 speaks to the county's expectation of the agencies it funds, and how those agencies act with  
30 residents of Orange County.

31 Commissioner McKee said he will not make a huge fuss over this issue, but he is  
32 dedicated to the notion that any entity that is spending tax money, they are obligated to hear  
33 public input. He said this circumstance is not a one-off. He said has attempted to address this  
34 issue without making it a public issue, and even tried to attend a meeting himself and was told  
35 he could not speak. He said this is important enough to him that he will not let it loose.

36 Chair Price said she has been a part of non-profits, and some are very open to allowing  
37 guests to speak while others are more closed. She said the idea that non-profits would need to  
38 have a Sheriff's deputy there, etc. is going beyond the issue of this proposal. She said she  
39 doubts there would be issues of public safety, but she could be wrong. She said she sees the  
40 value in looking at a sampling of organizations to see how they handle the public, if at all. She  
41 said if this petition is not approved tonight, maybe there is another way the Board can hold  
42 organizations accountable when receiving public money. She said something needs to be  
43 done.

44 Commissioner Bedford said some of these boards could have very controversial  
45 members of the public show up to make a point.

46  
47 A motion was made by Commissioner McKee, seconded by Commissioner Richards, to  
48 direct the County Attorney to bring to a future work session, the wording of a possible provision  
49 in performance agreements requiring that non-profit organizations receiving funds through the  
50 County's Outside Agencies Appropriation provide the opportunity for public comment at regular

1 board meetings and include more information on outside agencies or other entities spending  
2 public funding that might need to be exempted.

3  
4 Bonnie Hammersley recommended changing the word process to appropriation in the  
5 motion.

6 Commissioner McKee agreed.

7 Commissioner Greene asked from whom the data and information will come.

8 Commissioner McKee said he wants the attorney to bring wording to a work session on  
9 a performance agreement requiring that agencies that receive funding through the outside  
10 agency process be required to receive public comment.

11 Commissioner Greene said she will not vote for this until the Board hears from non-  
12 profits.

13 Commissioner Fowler agreed with Commissioner Greene.

14 Chair Price said the attorney can bring some possible wording as a starting point.

15 Bonnie Hammersley said there is only one more work session for the year, in November,  
16 and the next viable work session would be in February or March. She said the outside agency  
17 process begins in March 2022, and she can gather this information through the outside agency  
18 process, and it should be asked for from all of them.

19  
20 **Roll call ensued**

21  
22 **VOTE: UNANIMOUS**

23  
24 **7. Reports**

25  
26 **a. Orange County Partnership to End Homelessness – 2021 Data Update**

27 The Board reviewed updated data about homelessness in Orange County submitted to  
28 the United States Department of Housing and Urban Development (HUD) earlier this year.

29  
30 **BACKGROUND:**

31 The Orange County Partnership to End Homelessness (OCPEH) was created in 2008 to  
32 coordinate funding and activities to end homelessness in Orange County. OCPEH is jointly  
33 funded by Orange County (39%) and the Towns of Carrboro (15%), Chapel Hill (41%), and  
34 Hillsborough (5%).

35  
36 OCPEH Manager Rachel Waltz will present the updated data and discuss how current data  
37 relate to identified gaps in the homeless service system.

38  
39 This item was postponed until the October 19, 2021 Business Meeting.

40  
41 **8. Consent Agenda**

42  
43 **• Removal of Any Items from Consent Agenda**

44 None.

45  
46 **• Approval of Remaining Consent Agenda**

47  
48 A motion was made by Commissioner McKee, seconded by Commissioner Bedford, to  
49 approve the consent agenda.

50  
51 **Roll call ensued**

1  
2 **VOTE: UNANMIOUS**

- 3  
4 • **Discussion and Approval of the Items Removed from the Consent Agenda**  
5 None.

6  
7 **a. Minutes**

8 The Board approved minutes from the September 2, 2021 Virtual Business Meeting, and the  
9 September 9, 2021 Virtual Work Session.

10 **b. Motor Vehicle Property Tax Releases/Refunds**

11 The Board adopted a resolution, which is incorporated by reference, to release motor vehicle  
12 tax values for six taxpayers with a total of twelve bills that will result in a reduction of revenue.

13 **c. Property Tax Releases/Refunds**

14 The Board adopted a resolution, which is incorporated by reference, to release property tax  
15 values for eighteen taxpayers with a total of twenty-one bills that will result in a reduction of  
16 revenue.

17 **d. Applications for the Property Tax Exemption/Exclusion**

18 The Board adopted a resolution, which is incorporated by reference, approving three untimely  
19 applications for exemption/exclusion from ad valorem taxation for three bills for the 2021 tax  
20 year.

21 **e. Amendment to Personnel Ordinance, Section 28-38(j) Regarding Special Separation**  
22 **Buyout for Law Enforcement Officers**

23 The Board considered approving an amendment to the Orange County Code of Ordinances  
24 providing an option to elect a lump sum buyout of the Special Separation Allowance for  
25 qualifying Law Enforcement Officers for early retirement or in the event of disability.

26 **f. Performance Agreement Between the Town of Chapel Hill and Visitors Bureau**

27 The Board approved the 2021-22 performance measure between the Town of Chapel Hill and  
28 the Chapel Hill/Orange County Visitors Bureau.

29 **g. Approval to Transfer Properties Back to West Orange Fire Insurance District from**  
30 **Cedar Grove Fire Insurance District**

31 The Board approved the transfer of fifty-five properties back to the West Orange Fire Insurance  
32 District that had previously been transferred to the Cedar Grove Fire Insurance District.

33 **h. Updates to the Assistance Policies for the 2021 North Carolina Housing Finance**  
34 **Agency (NCHFA) Urgent Repair Program (URP21)**

35 The Board approved and authorized the County Manager to sign the URP21 Assistance Policy.

36 **i. Advisory Boards and Commissions—Appointments**

37 The Board approved the Advisory Boards and Commissions appointments as reviewed and  
38 discussed during the Board's September 9, 2021 Work Session.

39  
40 **9. County Manager's Report**

41 Bonnie Hammersley reminded the Board of the joint meeting with the Fire Chief's  
42 Association on Thursday, October 7, followed by a work session, and she reviewed the agenda  
43 for that meeting.

44  
45 **10. County Attorney's Report**

46 John Roberts said in a previous closed session, the Board authorized the pursuit of a  
47 settlement in Russell Griffin v. Orange County. He said the Board would not usually see  
48 settlements in amounts discussed here, but because it was discussed in closed session,  
49 General Statute requires him to provide an update to the Board. He said the case settled for  
50 \$50,000, with insurance covering most. He said Orange County is required to cover \$12,500,

1 which will be paid to the insurance provider, who has already distributed the funds to the plaintiff  
2 in exchange for a voluntary dismissal of the case.  
3

4 Commissioner Richards said she made a mistake, and did not realize that the Board  
5 does not discuss items in the consent agenda unless a Commissioner pulls an item.

6 Chair Price said that is correct. She said if Commissioner Richards has additional  
7 questions staff can help answer them.

8 Commissioner McKee asked if the item could be brought back to a future meeting.

9 Chair Price said the Board has already voted.

10 Commissioner Richards said she was interested in item 8-e, and has already spoken to  
11 staff, which was very helpful, but she wanted to talk to the Board as well.

12 John Roberts said the Board can revisit an item if someone from the winning side of the  
13 vote makes a motion to reconsider it.  
14

15 A motion was made by Commissioner Bedford, seconded by Commissioner McKee, to  
16 reconsider item 8-e.  
17

18 Commissioner McKee suggested the item be discussed at a future meeting.

19 Commissioner Fowler said if the item was pushed to another meeting, the current vote  
20 would stand for people to act on.

21 Commissioner McKee withdrew his comment about pushing the conversation to a future  
22 meeting, and seconded the motion as stated by Commissioner Bedford.  
23

#### 24 **Roll call ensued**

25  
26 **VOTE: Ayes, 6 (Commissioner Fowler, Commissioner Greene, Commissioner McKee,**  
27 **Commissioner Richards, Commissioner Bedford); Nays, 2 (Commissioner Hamilton,**  
28 **Chair Price)**  
29

#### 30 **Motion Passes**

31  
32 Commissioner Richards said she questioned staff about item 8-e, and staff was very  
33 helpful. She said no other county in North Carolina has a similar benefit, and she was  
34 concerned whether Orange County is competitive in its pay structure for law enforcement. She  
35 said staff provided information and Orange County is competitive to nearby surrounding areas.  
36 She said surrounding areas use bonuses to attract good candidates to come in the first place,  
37 as oppose to the end of a career. She said since 2016 only three law enforcement officers have  
38 retired, so this is not likely to affect a large group. She questioned what the county is  
39 incentivizing, and should this be reconsidered given the fact that no other county offers this.

40 Chair Price said it is not to incentivize, but rather it is beneficial to law enforcement as  
41 well as the general public when law enforcement takes early retirement, due to the demands of  
42 this kind of work. She said this benefit would serve as a bridge to those who retire but are not  
43 yet eligible for other forms of retirement benefits (such as social security).

44 Bonnie Hammersley said the Sheriff would make the recommendation to the County  
45 Manager and it would have to be approved by the County Manager. He said it is not a given  
46 that all law enforcement would receive it. She said the County Attorney's office and human  
47 resources would also be involved. She agreed that this benefit is a bridge for those who may be  
48 in a situation where they are not fit for duty, and it would be best for public to provide this  
49 benefit.

50 Commissioner Hamilton asked if it would have been acceptable for the Board to reopen  
51 this item at a future meeting.



**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 16, 2021

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

**SUBJECT:** Tyler Technologies Multi-Year Contract Addendum

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**DEPARTMENT:** Information Technologies (IT)  
and Human Resources (HR)

**ATTACHMENT(S):**

**INFORMATION CONTACT:**

Jim Northrup, 919-245-2276

Gary Donaldson, 919-245-2453

Brenda Bartholomew, 919-245-2551

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**PURPOSE:** To review, approve and authorize the Manager to sign a five year software maintenance and support contract addendum (paid annually) with Tyler Technologies, Inc.

**BACKGROUND:** Orange County first entered into an agreement with MUNIS, now known as Tyler Technologies, Inc., in December of 2002 as a means to update and enhance its legacy financial system. Since the original MUNIS contract, other modules were added and have effectively developed into a fully integrated set of business tools that have served to automate many business functions for the enterprise. These tools serve as service delivery keystones for both Finance and Administrative Services and Human Resources.

Annual software maintenance and support costs are centralized under the Information Technologies (IT) Department and are typically renewed on an annual basis. This renewal process involves getting an annual quote from each of the more than one hundred vendors IT actively manages. The best rate is then negotiated for that particular year in order to prevent increases in maintenance costs. Decreasing agreement costs is always the goal.

Often, vendors annually increase their price by a certain percent. This percent can vary widely from year to year and from vendor to vendor. Negotiating a multi-year contract is a means to decrease support costs for any given product or to at least keep costs predictable for future years. Again, decreasing agreement costs is always the goal. In recent years, an effort has been made to seek written contracts for all annual maintenance agreements and wherever possible negotiate multi-year agreements. Typically on new software acquisitions, IT assesses the value of multi-year support options and will build those costs into the initial purchase. Many new purchases see year one costs as a capital investment and year two and beyond are moved into the operational software maintenance budgetary line item.

**FINANCIAL IMPACT:** Information Technologies works in concert with Finance and Administrative Services and the County Attorney's Office to ensure that all procurement statutes and best practices are followed. The contract addendum has been reviewed by the County

Attorney and Finance and Administrative Services. By entering into this agreement, the County will be able to hold increases to 5% a year compared to previous years fluctuations that included seemingly random increases for support costs when going year to year.

With a five-year overall cost of \$751,510.15, the following table shows both past and projected cost increases.

| Year to Year Agreement Costs  |                    |                     |            |
|---|--------------------|---------------------|------------|
| FY Year   | Description        | Cost                | % Increase |
| 2019  | Annual Maintenance | 156,994.67          |            |
| 2020  | Annual Maintenance | 155,613.28          | 3%         |
| 2021  | Annual Maintenance | 167,324.59          | 8%         |
| Proposed Multi-year Agreement Cost  |                    |                     |            |
| FY Year   | Description        | Cost                | % Increase |
| 2022  | Annual Maintenance | \$174,359.25        |            |
| 2023  | Annual Maintenance | \$183,077.21        | 5%         |
| 2024  | Annual Maintenance | \$192,231.07        | 5%         |
| 2025  | Annual Maintenance | \$201,842.62        | 5%         |
| Contract Total  |                    | <b>\$751,510.15</b> |            |
| *FY 2020 saw an overall decrease in cost due to elimination of modules that were no longer needed. The remaining module cost increased by 3%. |                    |                     |            |

**SOCIAL JUSTICE IMPACT:** There is no Orange County Social Justice Goal impact associated with this item. It should be noted, however, that while the annual maintenance agreement itself may not impact Social Justice, this software is essential to the smooth running of government and, like many infrastructure items, is a foundational element to ensure all Board Goals and Priorities are implemented.

**ENVIRONMENTAL IMPACT:** The following Orange County Environmental Responsibility Goal impact is 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.

This application reduces and in some cases eliminates paper use and creates a more efficient workplace.

**RECOMMENDATION(S):** The Manager recommends that the Board approve this purchase and authorize the Manager to execute this contract addendum as well as any future addendums to the original 2002 contract.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 16, 2021

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

**SUBJECT:** Approval of Interlocal Agreement Renewal and Master Plan - Little River Regional Park and Natural Area

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

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**ATTACHMENT(S):**

Interlocal Agreement Renewal  
Master Plan & Management Plan  
Vicinity Map

**INFORMATION CONTACT:**

David Stancil, 919-245-2510

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**PURPOSE:** To approve the renewal of the interlocal agreement for Little River Regional Park and Natural Area between Orange and Durham counties, for the jointly-owned park and natural area, and to approve the Park Master Plan (which includes the Management Plan).

**BACKGROUND:** Little River Regional Park and Natural Area is a 391-acre park and preserve situated on the Orange/Durham County line off Guess Road. The two counties acquired the land jointly in 2001 with the assistance of state/federal grants and non-profit land trust partners – for which both counties were named Local Government Conservationists of the Year in 2000.

Durham County owns 255 acres of the site, and Orange County is the owner of 136 acres, including the park entrance and built facilities. As part of an interlocal agreement originally executed in 2004 and renewed four times since, Orange County operates the park on behalf of the two counties, with both counties contributing approximately 50% of the cost of the park costs. The park opened in December 2004.

While the park has been open and operating since 2004, a full and complete master plan for the park was not created. A plan for the developed areas of the park, created in part with a committee of area residents, was completed and approved in 2001, but it was not a full master plan. The interlocal agreement also calls for a management plan for the park to be completed and approved.

With the approach for the need to renew the interlocal agreement in 2019, staffs from both jurisdictions identified the need to complete these unfinished tasks in time for the next renewal of the interlocal agreement. With the onset of Covid, and other projects and initiatives, the completion of these three documents required an extension of time for the interlocal agreement which was adopted in 2020 and 2021.

Staff has worked over the last two years to finish these materials and the interlocal renewal by the end of 2021. The attached interlocal agreement renewal would extend the two counties working arrangement through December 31, 2026. Both boards of commissioners are also being asked to approve the attached master plan and management plan (an appendix of the master plan) to complete the provisions of the interlocal agreement. These documents use the previous committee work as well as 17 years of “on-the-ground” knowledge gained about the park.

The attached interlocal agreement is essentially identical to the existing document with a few minor changes (shown in **bold** on the document). The master plan documents the park as it has existed and functioned for the last 17 years – as well as listing planned future improvements and issues for further study that have been long identified and noted in Capital Investment Plans over the years (including the present FY 2021-26 Capital Investment Plan (CIP)).

**FINANCIAL IMPACT:** There is no financial impact associated with the adoption of the interlocal agreement and master plan/management plan. Future improvements identified in the Master Plan and funding for these items are identified in the Capital Investment Plan and/or will be considered in future years during subsequent budget discussions, as these items come to term.

**SOCIAL JUSTICE IMPACT:** There are no Orange County Social Justice Goal impacts associated with the renewal of the interlocal agreement and adoption of the master plan.

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

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

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

The 391-acre park and natural area is an important area of forestland and open space, protecting many natural resources on site and addressing air quality by absorbing pollutants.

**RECOMMENDATION(S):** The Manager recommends that the Board approve and authorize the Manager to sign the interlocal agreement renewal with Durham County, and accordingly approve the attached park Master Plan and Management Plan.

November 2021 Updates shown in **Bold**

STATE OF NORTH CAROLINA  
 COUNTY OF ORANGE  
 and  
 COUNTY OF DURHAM

INTERLOCAL AGREEMENT FOR THE  
 OPERATION AND MAINTENANCE OF  
 LITTLE RIVER REGIONAL PARK AND  
 NATURAL AREA

This INTERLOCAL AGREEMENT, hereinafter referred to as "Agreement," is hereby made and entered into this the **1<sup>st</sup> day of January, 2022**, by and between ORANGE COUNTY, hereinafter referred to as "Orange County," and DURHAM COUNTY, hereinafter referred to as "Durham County," pursuant to N.C. Gen. Statute 160A-460 *et seq.*, and other applicable laws.

WITNESSETH:

WHEREAS, Orange County and Durham County own certain adjacent property known collectively as Little River Regional Park and Natural Area, (hereinafter referred to as "Park"), of which 136 acres are located in Orange County and 255 acres are located in Durham County, a map of which property is attached hereto as Exhibit A; and

WHEREAS, Orange County and Durham County have agreed to make the Park available for low-impact outdoor recreational purposes, including picnic areas, play meadows, nature study, walking trails, and other recreational uses; and

WHEREAS, Orange County and Durham County have agreed to monitor and protect sensitive natural and cultural resources known to exist on the Park property; and

WHEREAS, Orange County and Durham County desire to share revenues and expenses equally for the joint use and mutual benefit of the citizens of both counties; and

WHEREAS, Orange County and Durham County agree that Orange County should operate and maintain the park to the mutual benefit of citizens of both counties during the term of this Agreement and any subsequent extended term thereof, pursuant to N.C. Gen. Statute 160A-355, N.C. Gen. Statute 160A-460 *et seq.*, and other applicable law.

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements contain herein, the parties hereto agree as follows:

I. General

- I. Park Name. The official name of the Park shall be "Little River Regional Park and Natural Area." Orange County will install a prominent sign, consistent with Orange County zoning regulations, at the entrance to the park indicating that name as approved by both counties and included in the Park Master Plan. In some instances, the name may be shortened to the "Little River Park".

## 2. Guiding Documents

- A. Operations and Management of the park shall be guided by the Park Master Plan and Management Plan. These documents have been jointly developed by Orange and Durham counties and approved by their respective board of county commissioners. The Master Plan shall include adopted functional uses, a general land use map that depicts existing site constraints and locations for existing and proposed phasing of Park improvements and general programming. The Master Plan shall acknowledge and incorporate existing park development. The Master Plan will include a Management Plan section that provides greater specificity regarding implementation of the Master Plan goals and park operations, including priorities for future park improvements. Amendments and revisions to the Master Plan and/or Management Plan shall require the approval of both Boards.

**Orange and Durham staffs shall develop administrative Partnership Guidelines for ensuring the park is run with shared goals and mutual agreement on park policies, personnel issues, communications, and related. The Partnership Guidelines may be amended by mutual consent.**

3. Names on Park Facilities. Any formal naming of park amenities (e.g., trails, shelters, etc.) or acknowledgment of people or entities on signage (e.g., project partners, monetary contributors, etc.) will be in accordance with the naming policies of both counties-
4. Ownership. The land shall continue to be owned as separate parcels with Orange County owning the 136 acres located in Orange County and Durham County owning the 255 acres located in Durham County.
- a) Conservation Easements. Both counties recognize that the Park was acquired with grants from the NC Clean Water Management Trust Fund and NC Parks and Recreation Trust Fund and that there are conservation easements in place encumbering the property as a result of those grants. The conservation easements are recorded at the Orange County Register of Deeds, Book 2198 Page 256 and at the Durham County Register of Deeds, Book 3027 Page 194.
- b) Access Easements. Any access easements acquired for the public use of adjacent private property shall be approved by both Boards.
- c) Additional Land. As opportunities develop in the future, additional land areas may be considered by the two counties for potential acquisition to expand the park boundaries. Amendments to the Master Plan to include the additional land will be initiated through the joint county staff with recommendations to both Boards for approval. If the proposed additional land requires additional costs for maintenance and/or operations, then the additional cost shall be negotiated and approved by both Boards. If, however, the additional land is located in only one of the counties, and its acquisition would have no financial impact on costs associated with Park operations and maintenance, then the purchase of the proposed land may be made by the county in which the land is located. If the land is located in both counties, both Boards must approve the

purchase and must approve the manner in which title to the land is conveyed.

## II. Park Management

1. **Allowed Uses.** The Park shall be open and available to the general public regardless of age, race, ethnicity, color, national origin, religion, creed, sex, sexual orientation, gender, gender identity, gender expression, marital status, familial status, source of income, disability, political affiliation, veteran status, or disabled veteran status. Orange County and Durham County, through their respective Boards, with input from a citizen advisory committee and other members of the public, have agreed on what uses will and will not be allowed in the Park. Modification of the approved uses will be considered through the joint county staff and recommended for consideration and approval by the Boards.
2. **Annual Objectives.** Operations at the Park shall be guided by a jointly approved set of priorities and actions developed by fiscal year in conjunction with the annual budget. The Annual Objectives may be modified as needed throughout the year based on agreement from both counties. The Annual Objectives should specify major new capital projects, major maintenance or operational issues, general programming and other activities. Orange and Durham staff will meet four times annually to discuss the budget and objectives. Annual objectives shall be consistent with the approved Management Plan and park Master Plan.
3. **Park Policies and Regulations.** Orange County, with input from Durham County, shall approve all rules, regulations, ordinances, policies, and fees for operation of the park, that are not inconsistent with any Durham County rules, regulations, ordinances policies or fees. Orange County shall provide a summary of rules, regulations, ordinances, policies and fees related to Little River Park and any changes made therein in the Park's Annual Report.
4. **Budget.** The Orange and Durham County Managers, or their designees shall meet to consider and make recommendations regarding an annual budget for the operation of the Park, and a capital budget for periodic capital expenditures. The annual budget should be based on proposed Annual Objectives as detailed above. The capital budget shall include proposed capital improvements to be made to the Park within the next fiscal year. However, donations of monies received for Little River Park, or other earmarked funds for park capital and operating expenses may be deposited into a special account to allow for accumulation of said funds and expenditures as needed over a period of multiple fiscal years. The recommendations of the County Managers shall be submitted to their respective Boards. The Boards shall each consider such budget recommendations and take such action as deemed appropriate. If the Boards do not both agree to the annual budget as submitted by the County Managers, the County Managers shall meet again to try to create another budget proposal, and the Boards shall again attempt to come to agreement. The failure of the respective Boards to agree upon an annual budget after a second attempt shall be grounds for terminating this Agreement. Transfers between FY budgetary line items of up to \$1,000 may be made administratively by Orange County; transfers over \$1,000 require the consent from the Durham County Manager or his designee.
5. **Annual Reports.** Reports on the activities in the park shall be prepared annually on a calendar year basis (or as otherwise needed) for presentation by Durham and/or Orange counties. Any reports prepared for presentation by one county will be shared with the other county.

### III. Park Funding.

1. Annual Operations. All operating and maintenance costs of the Park shall be shared equally by both counties (Orange County 50% and Durham County 50%). Orange County shall be responsible for operating and maintaining the Park and shall invoice Durham County twice annually for 50% of the actual operating and maintenance costs, including building and grounds maintenance, personnel costs, indirect costs, property insurance and any other costs incurred to properly operate and maintain the Park. Notwithstanding the foregoing, Durham County shall not share in the cost to repair damage to the Park and its facilities caused by the intentional or gross negligent acts and omissions of Orange County personnel or its contractors in the performance of their obligations rendered pursuant to this Agreement, nor share the cost for park expenses that were not agreed to by Durham County. Orange County shall not share in the cost to repair damage to the Park and its facilities caused by the intentional or gross negligent acts and omissions of Durham County personnel or its contractors in the performance of their obligations rendered pursuant to this Agreement. In no event shall the amount invoiced exceed the budgeted amount for the Park in the then current fiscal year.
2. Emergency Expenses. Amounts budgeted for the Park as part of each county's annual budget may be increased to cover unforeseen and unbudgeted expenses. Such unforeseen and unbudgeted expenses shall be invoiced as provided here but only after it is approved by both County Managers and both Boards as an amendment to the applicable Park budget. Provided, however, emergency repairs (as defined herein) needed may be undertaken after their cost is approved in writing by both County Managers. For purposes of this Agreement, the term "emergency repair(s)" shall mean those repairs made necessary as the result of natural occurrences that cannot be postponed for approval of a budget amendment by both Boards. After the costs are approved by the County Managers, both Boards shall be presented with said emergency repair costs as an amendment to the applicable Park budget at the next regularly scheduled meeting of each Board. Each county will provide to the other county detailed accounting of both direct and indirect costs for reconciliation purposes. Insurance reimbursement for repairs shall be accounted for in the applicable Park budget and made a part of the reconciliation.
3. Alternate County Expenses.
  - a. Single County Expenses. Notwithstanding the foregoing, either county may budget and/or expend funds for Park activities which the other county will not or cannot approve, so long as such expenditure or any portion thereof is not invoiced to the other county for reimbursement or charged against the other county as an expenditure. Such unshared expenditures shall not be considered a part of the Park budget and shall not become a cost to be reimbursed. Any such activities financed by one county must still be approved as an activity by both counties, and shall be in accordance with the Master Plan. Alternate County Funding. By mutual agreement, any activity(ies) may be funded by the two counties using a cost-sharing ratio other than 50/50 if mutually agreed to in writing in advance of the activity.
4. Capital Costs. Capital costs of the Park shall be shared equally by both counties (Orange County 50% and Durham County 50%) and paid for as provided in Section III.6. of this Agreement. Notwithstanding the foregoing, either county may budget and/or expend funds for

jointly approved capital investment projects for the Park, for which the other County will not or cannot approve funding for, so long as such expenditure or any portion thereof is in accordance with the Master Plan, and not invoiced to the other county for reimbursement or charged against the other county as an expenditure. Such unshared expenditures shall not be considered a part of the Park budget and shall not become a cost to be reimbursed in the event of termination.

5. Park Revenues. Except as otherwise provided for, all revenues generated from operation of the Park shall be shared equally by the two counties (Orange County 50% and Durham County 50%). Revenues shall be collected, when due, by Orange County, netted against operating and maintenance costs of the Park and designated as a set off on the invoice from Orange County to Durham County provided for in Section III of this Agreement.
6. Review and Reconciliation. At the end of each fiscal year, the Finance Directors of both counties shall conduct a review and reconciliation of amounts paid and payable under this Agreement. Such adjustments or payments as may be necessary to effectuate the reconciliation agreed upon by the Finance Directors of both counties shall be made promptly. Reconciliation shall be completed prior to October 15 of each year.

#### IV. Park Operations

1. Park Operation and Maintenance. During the term of this Agreement, Orange County shall manage the Park according to the terms of this Agreement, jointly-approved Partnership Guidelines, and jointly-approved Annual Objectives, and shall provide operation and maintenance services customarily provided for in the management of a park. Orange County shall do and perform any and all things reasonably necessary for the pleasure, comfort, service and convenience of those who use the Park, as well as to protect and preserve the natural resources and facilities within the Park.
  - a) Maintenance of Grounds. Maintenance of the Park grounds shall be performed by employees of Orange County or contractors as necessary to ensure proper and adequate maintenance. All contract maintenance costs shall be documented and accounted for as provided in Section III of this Agreement.
  - b) Maintenance of Buildings. Maintenance of all buildings and structures located on Park property shall be performed by employees of Orange County or contractors as necessary to ensure proper and adequate maintenance.
  - c) Personnel. Personnel at the Park will be Orange County employees or independent contractors employed by Orange County under the jurisdiction of Orange County and, if Orange County employees, will fall under the personnel rules and policies governing the hiring, discipline, dismissal, pay and any other procedures established by Orange County affecting its employees. Any proposed changes to staffing levels at the park will require a formal request by the initiating county during the annual budget preparation, and include a detailed description of the need and proposed change. Both counties must agree to the

changes in staffing level during this time and submit the request to their respective Boards.

- i. Any changes to existing staff job descriptions must be reviewed and approved by both counties prior to adoption.
  - ii. Representatives from both counties will take part in the interview and hiring of any new permanent park personnel, with the final hiring decision made by Orange County.
2. Contracts. Orange County shall contract with engineers, consultants, contractors and other parties as necessary to operate the Park in accordance with the Master Plan, Management Plan, Annual Objectives, Partnership Guidelines, and Annual Budget. In all cases, Orange County will comply with both counties' shared goals of enabling minority-owned firms to participate as contractors and sub-contractors in contracts for the development of the Plan. Orange County shall also comply with bidding procedures set forth by general statute and shall not exceed budgeted amounts by either county. Durham County agrees that the engineers, consultants, contractors and other parties as necessary may access so much of the Park owned by Durham County as necessary to accomplish the contracted work for the purposes outlined above.

Those contracts required by State law to be approved by a county board, shall be approved by the Orange County Board. Those contracts not requiring board approval by State law shall be approved in accordance with Orange County fiscal policy.

3. Insurance. Both counties will share equally the cost of property insurance pursuant to Section III. I. of this Agreement. The cost of liability insurance maintained by either party, if any, shall not be shared.
4. Park Security and Public Safety. Orange County and Durham County shall coordinate their efforts in providing for safety and security of users of the Park, Park staff, and adjacent landowners in the most effective and efficient manner possible. Orange County and Durham County agree to enter into a mutual aid agreement providing for response to fire and emergency medical services.
5. Park Caretaker Residence. Orange County shall contract with engineers, consultants, contractors and other parties as necessary to establish and maintain a Park caretaker residence near the main entrance to the Park in a manner mutually agreed upon by both Boards. Rent may be charged for the caretaker residence as agreed upon by both counties, and such funds collected may be deposited into a special account to allow for accumulation of said funds and expenditures as needed over a period of multiple fiscal years.
6. General Provisions.
  - a) Relationship of Parties. Durham County and Orange County shall not have the power to bind or obligate the other party.
  - b) Assignments. This agreement is not assignable by either party without the written

consent of the other.

- c) Notices. All notices provided for in this agreement shall be in writing, addressed to the respective county managers.
  - d) Governing Law. This agreement shall be construed under the provisions of the law of the State of North Carolina.
  - e) Good Faith. The parties mutually agree to deal in good faith one with the other in all respects in performing their duties under this Agreement. All actions recommended and implemented in the Plan will require joint approval by both Boards.
7. Entire Agreement. Except as otherwise provided in this Agreement, this Agreement contains the entire agreement between the parties. Amendments, if any, shall be in writing and signed by both parties.
8. Duration. This Agreement shall be effective as of the above date and will expire **December 31, 2026**, unless terminated or extended as provided herein. Orange County and Durham County will discuss, prior to **July 1, 2026**, whether either county intends to assume or make other arrangements for operation of the Park upon the expiration of the term of this Agreement, or whether Orange County and Durham County desires to continue a contractual relationship for operation of the Park and upon what terms. In the event that this Agreement has not been terminated, renewed or amended prior to the expiration date listed above, it will remain in effect until such time as both Boards have adopted a new agreement, but no longer than a 12-month period.
9. Termination.
- a) This agreement shall be subject to annual review and may be terminated at the end of the fiscal year upon one (1) year advance written notice by one party to the other party.
  - b) Upon the expiration or termination of this Agreement, park amenities and the costs associated therewith will be distributed as follows:
    - i) Real Property: The land shall continue to be owned as separate parcels with Orange County owning the 136 acres located in Orange County and Durham County owning the 255 acres located in Durham County. With respect to additional land area(s) acquired during the term of this Agreement and any extensions thereof, the additional land shall be owned in the manner acquired, as provided for in Section I.V. of this Agreement.
    - ii) Costs of Improvements: The counties agree to share equally in the value of the improvements made to the Park, including but not limited to picnic shelters, campsite facilities, restroom structures, and the park caretaker residence. (For example, if the value of the improvements made to the

portion of the Park that sits in Orange County equals \$20,000 and the value of improvements made in Durham County equals \$10,000, then Orange County will reimburse Durham County the amount of \$5,000.) The value of said improvements shall be determined at the time of termination.

- iii) Grant Funds: The parties acknowledge that grant funding has and may be awarded to Durham and Orange counties for the development of the Park. Orange County administers said grants and shall continue to do so for the joint benefit of both counties. Upon termination, Durham County shall be reimbursed by Orange County in an amount equal to 50% of the total grant funds received, not yet expended and not subject to being returned to the granting authority, which have been planned for expenditure on amenities situated or to be situated in the Park.
- iv) This Agreement shall survive termination for the purposes of reconciliation or payment of any amount due and unpaid at the time of termination.

IN WITNESS WHEREOF, the parties have caused this Interlocal Agreement to be executed as of the day and year first written above.

**FOR DURHAM COUNTY:**

**Attest:**

By: \_\_\_\_\_  
Claudia Hager, Durham County Interim Manager

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

Date: \_\_\_\_\_

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

\_\_\_\_\_  
Durham County Chief Financial Officer

**FOR ORANGE COUNTY:**

**Attest:**

By: \_\_\_\_\_  
Bonnie B. Hammersley, County Manager

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

Date: \_\_\_\_\_

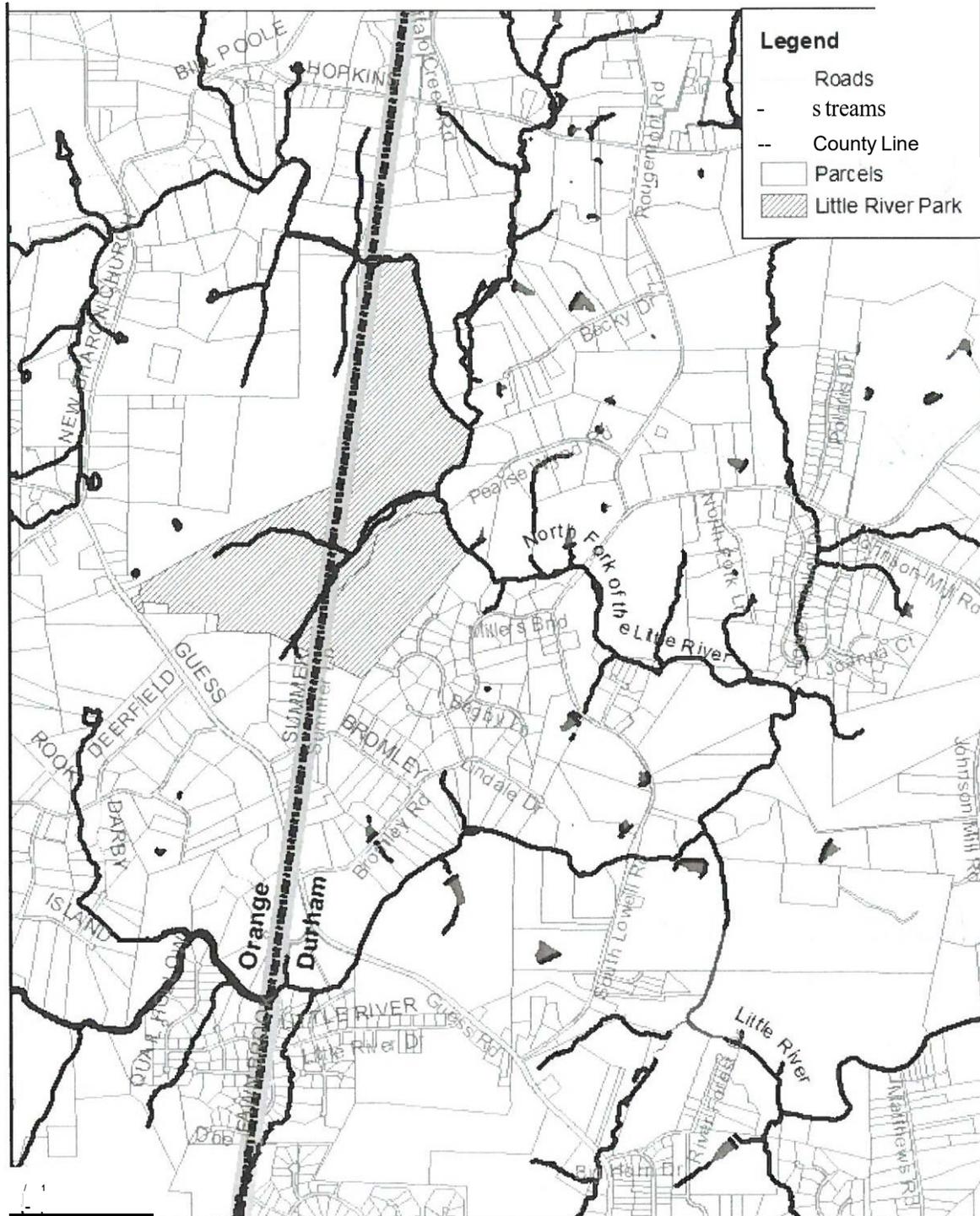
Approved as to Form and Legal Sufficiency:

\_\_\_\_\_  
Orange County Attorney

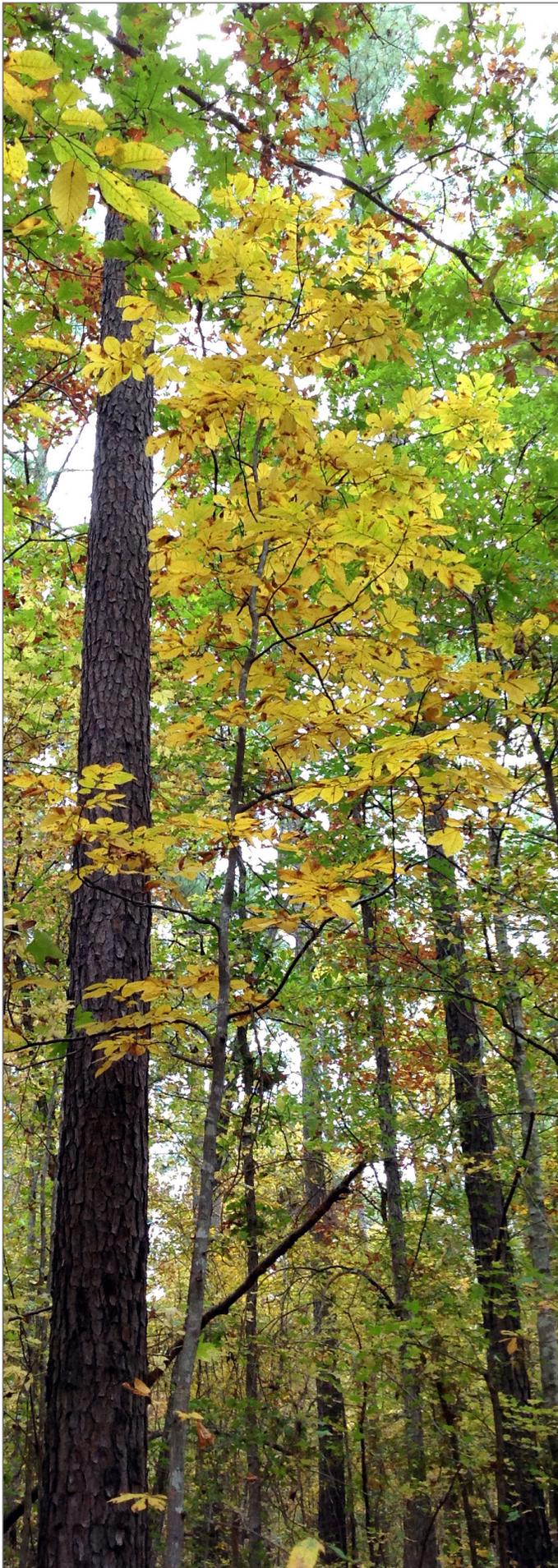
This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

\_\_\_\_\_  
Orange County Financial Services Director

# Exhibit A: Little River Regional Park



Prepared by  
Don Boze & Rob Brite Division  
Durham County Engineering Dept.  
June 2011



# Little River Regional Park & Natural Area

## MASTER PLAN

*A Durham/Orange County Partnership*



October 2021

# Acknowledgements

*This plan is the result of a collaborative effort between staff from Durham and Orange counties, and input from various advisory committees and the general public. The following contributed to the development of this Master Plan.*



## **Durham County Board of Commissioners**

**Brenda Howerton**  
*Chair*

**Wendy Jacobs**  
*Vice-Chair*

**Nida Allam**

**Nimasheena Burns**

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## **Durham County Manager**

**Claudia Hager**

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## **Orange County Board of Commissioners**

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**Jamezetta Bedford**  
*Vice-Chair*

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**Earl McKee**

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**Chris Hirni**  
*Land Conservation Manager*

**Rich Shaw**  
*Land Conservation Assistant*

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- A. Management Plan for Little River Regional Park
- B. 2001 Little River Park Advisory Committee Recommendations on Allowed Uses in the Little River Regional Park and Natural Area
- C. Site Plan for Initial Construction (by Haden Stanziale)
- D. Clean Water Management Trust Fund Easement Deed
- E. Summary of Survey and Park Usage
- F. List of Programs Offered at Little River Park
- G. Plant and Wildlife List
- H. Detailed Description of Park Improvements

## References

- A. Planning Documents:
  - 1. Little River Corridor Open Space Plan
  - 2. Orange County Comprehensive Plan 2030
  - 3. Durham County Comprehensive Plan
- B. Physical Studies
  - 1. 1999 Durham County Inventory of Natural Areas and Rare Species
  - 2. NC Natural Heritage Program Site Survey (2019-20)

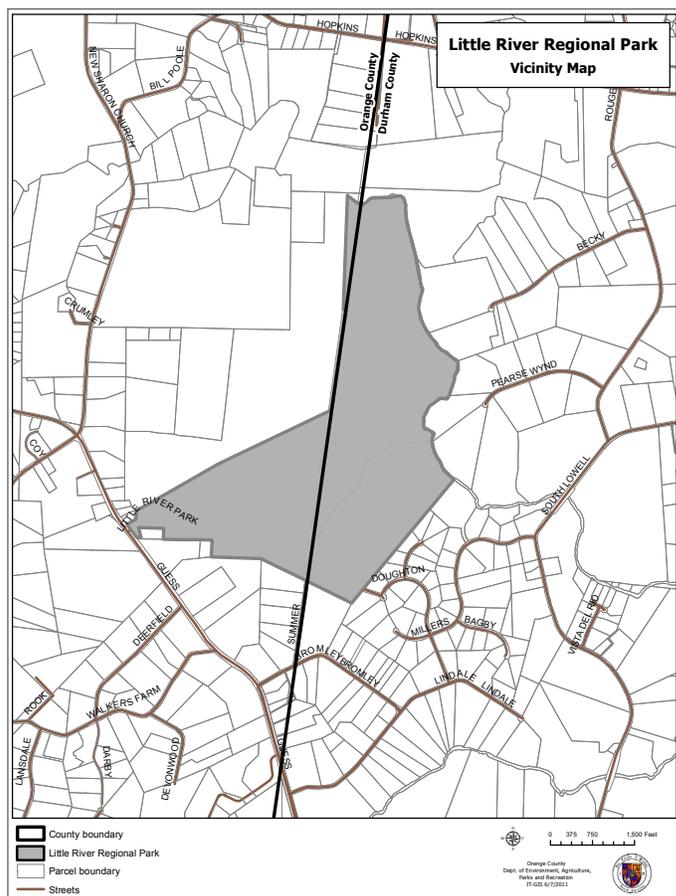
## Background

The Little River Regional Park and Natural Area is a 391-acre park jointly owned by Durham and Orange counties located along the county line. This master plan establishes a 20-year vision for the park and provides guidelines for its land management and any future developments for continued public use.

The process took into consideration Durham County's 2001 Little River Corridor Open Space Plan, the Orange County 2030 Parks and Recreation Master Plan, and other related documents; as well as the park's setting, natural resources and the region's recreational and educational needs. The plan will also serve as a tool for public presentations and applications for outside funding. Although comprehensive, the master plan – like the park – remains dynamic and will evolve over time. This plan will guide future park improvements, yet be flexible enough to change based on increased knowledge, experience, and changing public needs.

The Little River Regional Park and Natural Area (hereinafter, "Little River Park") opened to the public on December 5, 2004. It is the first joint partnership park between Durham and Orange counties. The park is funded by both counties and managed by the Orange County Department of Environment, Agriculture, Parks and Recreation. The park offers recreational opportunities with over seven miles of natural surface hiking trails, seven miles of dedicated single-track mountain biking trails, a playground, a 1/3-mile paved, accessible path with individual picnic sites, two large group picnic shelters, public restroom facilities, a large play meadow, pollinator garden, and a park office that includes educational displays and materials. The developed area of the park covers less than 15 acres of the total 391-acre property, and the remaining natural area includes some of the hiking trails, frontage along a 1.5-mile segment of the North Fork Little River, and is comprised of several distinct forest types. Biological Inventories of plant and bird species are extensive and include several regionally rare species. Inventories of the flora and fauna observed within the park are maintained by park staff.

The park is accessed from Guess Road (S.R. 1003) in northeastern Orange County, with the park entrance located approximately one mile north of the Durham–Orange county line. The park area is in both Durham and Orange counties with roughly 256 of the 391 acres in Durham County and 135 acres in Orange County. The majority of developed facilities are in Orange County.



**Figure 1**  
Context Map

## Park History and Development

The property was not originally identified for use as a park. Beginning in 1998, Orange County, as part of a multi-government organization under the name of the Landfill Owners' Group, was charged with locating a site for a new construction and demolition (C&D) landfill for Orange County. The Landfill Owners' Group identified a 178-acre parcel located on Guess Road in Orange County (adjacent to the future Little River Park) as a potential site. A grass-roots volunteer group called People Opposed to the Pollution of the Little River (POPLR) mobilized against the proposed landfill location. This prompted the Orange County Board of Commissioners to revisit the siting of the C&D landfill, and in October 1999 the board voted unanimously to reject the plan for a landfill at this location.

Around that same time, George Newton, a neighboring landowner and philanthropist, donated an adjacent 391-acre tract to the Triangle Community Foundation, with the eventual proceeds of its subsequent sale to be used by the Foundation for philanthropic purposes. Durham County had been long interested in protecting land along the Little River, which supplies high-quality water to the Little River drinking water reservoir, and is known to have high wildlife habitat and high State Natural Heritage value. The Little River corridor was specifically identified by Durham County as a priority area for open space acquisition. With this in mind, the Triangle Land Conservancy (TLC) and the Eno River Association (ERA) decided to join forces to help protect this area and to create a potential 570-acre, two-county, regional park.

The original 178-acre potential landfill site was purchased by a group of local landowners (the Little River Land Company). In partnership with TLC and the ERA, Durham and Orange counties pursued negotiations with the Triangle Community Foundation to purchase the 391 acres that would comprise the new park. In the winter of 1999-2000 the two counties applied for and were awarded land acquisition funds from the NC Clean Water Management Trust Fund (\$370,000). TLC and ERA raised \$170,000 in private funds through a joint fundraising campaign for land acquisition. An additional grant from the N.C. Parks and Recreation Trust Fund (\$250,000) assisted with the cost of land acquisition. In July 2001 each county purchased the land within its jurisdiction for a total of \$1,015,000 (\$2,600/acre). Soon afterwards, two more grants were awarded to assist



with park development: \$262,000 from the federal Land and Water Conservation Fund and \$50,000 from the NC Recreation and Trails Program.

In the fall of 2000, the counties formed an advisory committee to evaluate the property, assess appropriate uses for the park, and recommend what facilities were desired and appropriate for public use. The Committee incorporated its recommendations based on input from citizens and potential user groups in a final report that was presented to both county boards of commissioners. The Committee recommended allowing the following uses in the park: hiking/nature trails, picnic area/shelter, hard surface trail/picnic loop, playground, open play meadows, and fishing. The Committee also recommended allowing camping, horseback riding and mountain biking provided certain conditions were met (Appendix B).

### The Durham–Orange Park Partnership

As described in the history, Little River Park is a jointly owned and managed park.

Each county owns the portion of the park within its jurisdiction, with Durham County owning 256 acres, and Orange County owning 135 acres. The counties contributed equally to the initial site development, and each county contributes equally to the park operating costs. Park operations are managed by Orange County. This park relationship is governed by an Interlocal Agreement adopted by both counties and renewed on a regular basis. The Interlocal Agreement mandates that the park is managed pursuant to a jointly adopted Master Plan (this document), Management Plan and Operating Guidelines. Annual priorities are determined based on the Master Plan and the Management Plan.

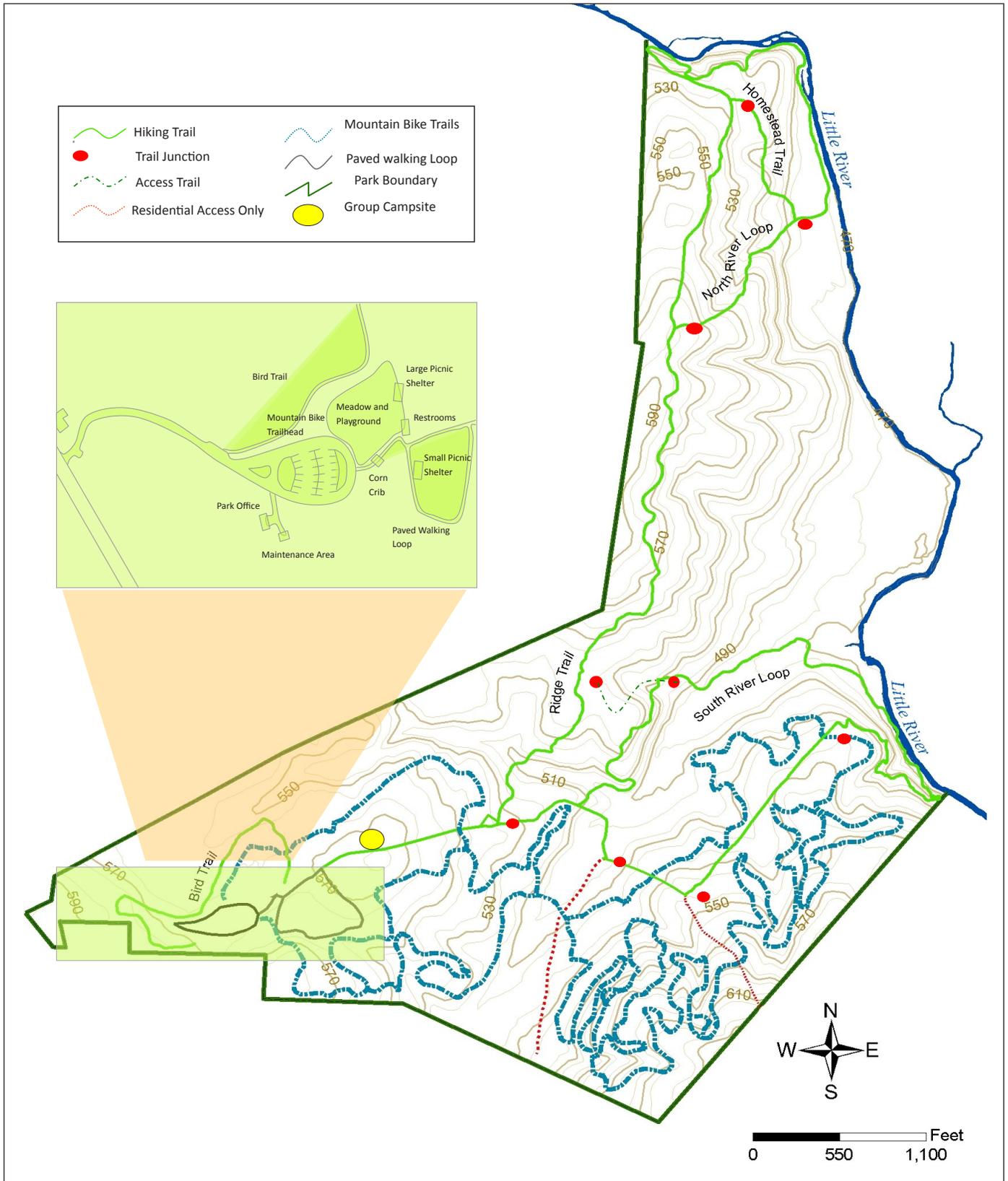


Figure 2  
Current Park Map

# Site Analysis/Current Conditions

This section will summarize the natural and cultural features that provide the basis for the park's uses and development potential. Restrictions on the park use, including easements and stream buffers, will also be described. The existing level of development and programming will be summarized as the framework for recommended park improvements.

During the park's first 15 years of operation, there were numerous improvements and facilities constructed, including 7 miles of hiking trails, 7 miles of biking trails, an accessible looped trail, two picnic pavilions, playground, parking lot, restrooms and park office.

Between 2001 and 2011 Durham and Orange counties also conducted several studies focusing on the park's archaeological and cultural resources, geology, and plant communities. The findings of those studies supplement other State and local natural resource inventories and reports.

The following reports helped guide the development of this section:

- "Cultural Resource Survey of the Little River Regional Park and Natural Area in Orange and Durham Counties, North Carolina." Linda France Stine and Deborah Joy, Legacy Research Associates, Inc. (2001).
- "Archaeological Testing Investigation at 310R547 Little River Regional Park and Natural Area Durham and Orange Counties, North Carolina." Deborah Joy and Amy Carruth, Legacy Research Associates, Inc. (2003).
- "Additional Cultural Resources Work for the Little River Regional Park in Orange and Durham Counties, North Carolina." Legacy Research Associates, Inc. (2009).
- "The (Brief) Geologic Story of the Little River with Reference to the Rocks of the Little River Park Area Kit." Phil Bradley, North Carolina Geological Survey (NCGS). (2011).
- "1999 Durham County Inventory of Important Natural Areas, Plants, and Wildlife." Stephen P. Hall and Robert D. Sutter. (1999).

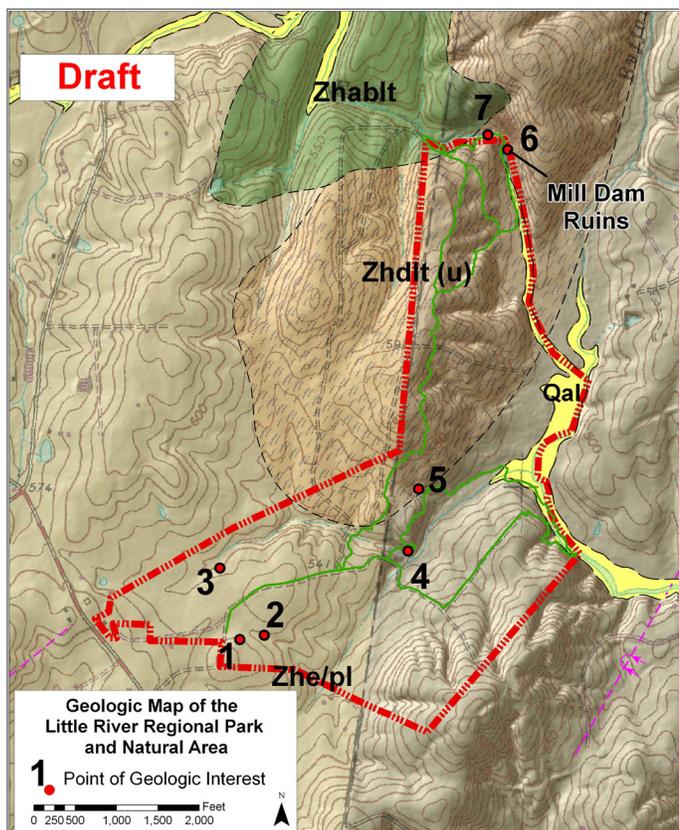
- "An Inventory of Natural Areas and Wildlife Habitats for Orange County, North Carolina." Dawson Sather and Stephen P. Hall and (1988); Bruce Sorrie and Rich Shaw (2004).
- "Plant Communities and Management Plan for the Little River Regional Park." Brenda Wichmann, Wade Wall, and Andrew Walker. (2010).

## Geology (Bradley, 2011)

Little River Park is located in the Carolina geologic terrane (Figure 3). The Carolina terrane underlies northern Orange and Durham counties, and consists of approximately 630- to 615-million-year-old metamorphosed crystalline rocks of volcanic and intrusive origin. Rocks of the present-day Carolina terrane were originally part of a volcanic island arc that formed over 630 million years ago off the coast of the ancient continent called Gondwana. These rocks were originally formed hundreds of miles from ancient North America (then called Laurentia) and through the process of plate tectonics accreted to what is now North America. The volcanic processes that produced these Carolina terrane rocks millions of years ago can be observed today on the modern-day volcanic island arcs of Japan, the Aleutian Islands and the island of Java.

The Carolina terrane rock formations present within Little River Park include the rock types shown in Figure 3. The southern portion of the park is underlain by mixed epiclastic-pyroclastic rocks that are interlayered with lavas of dacitic origin (Zhe/pl), while the rocks present in the northern portion of the park are lavas and tuffs (Zhdlt (u)). The rocks found in the northernmost portion of the park are andesitic to basaltic lavas and tuffs (Zhblt).

There are several locations within the Little River Park, easily accessible from the parking area and hiking trails, with rock outcrops that are good examples of the three consolidated rock types found in the park. Several of the locations listed below Figure 3 also demonstrate various geologic principles of interest.



**Figure 3**  
Map of Points of Geological Interest in Little River Park

## Topography

Orange and Durham counties are located in north-central North Carolina. This area is within the eastern Piedmont topographic region, which extends from southern portions of New York into northern Alabama. The Piedmont is one of three geographic divisions in North Carolina and comprises almost half the land in the state. The state's Piedmont region begins along the southeastern slope of the Blue Ridge Mountains and continues eastward to the edge of the Coastal Plain. The Piedmont region generally consists of gently rolling hills. Elevations within Little River Park range from 470 feet above mean sea level along the North Fork Little River to 600 feet above mean sea level near the western property line of the park (Legacy, 2009).



## Trail Location and Feature Description

1. **Bike Trail**  
Fin-shaped outcrop of metamorphosed dacitic tuff on Bike Trail. Easily accessible location from parking area. (Zhe/pl)
2. **Paved Walking Loop**  
Rounded outcrop of metamorphosed plagioclase crystal-rich tuffaceous sandstone. Located adjacent to Loop at intersection with Bike Trail. (Zhe/pl)
3. **Bird Trail**  
Large fin-shaped outcrop of metamorphosed conglomerate. Fragments of rock are easily visible on surface of rock. (Zhe/pl)
4. **South River Loop**  
Outcrop area of reddish-colored, metamorphosed tuffaceous sandstones, tuffs and dacites. (Zhe/pl)
5. **Access Trail**  
Area of boulders, cobbles and small outcrops of reddish-colored metamorphosed sandstones and conglomerates near the geologic contact (location where rock type changes) between the Zhdlit (u) and Zhe/pl units on the Access Trail connecting the Ridge Trail to the South River Loop.
6. **North River Loop**  
Outcrops and blocks used in construction of the former mill dam. (Zhdlit (u))
7. **North River Loop**  
Fin-shaped outcrop of metamorphosed tuff located between trail marker 77 and 79 on the North River Loop trail. (Zhablt)

## Hydrology and Soils

The Piedmont region has a complex pattern of streams and rivers, with the northern portions of Orange and Durham counties lie within the Neuse River Basin. The main rivers in this area are the Little River, Eno River and Flat River. These rivers all flow into Falls Lake, a major source of drinking water for the City of Raleigh, which in turn forms the Neuse River. The North Fork and the South Fork of the Little River meet to form the Little River approximately one mile southeast of Little River Park. The northern and eastern boundaries of Little River Park are formed by the North Fork Little River. Buffalo Creek feeds into the North Fork Little River along the eastern boundary of the park. An unnamed tributary flows northeastward through the middle region of the park before it joins the North Fork Little River.

Routine monitoring of fish and macroinvertebrate populations are conducted immediately downstream of Little River Park in the North Fork Little River by the NC Division of Water Resources (DWR). The most recent sampling events conducted by DWR in the North Fork Little River determined that the fish and benthic communities yielded "Good" ratings. In 2015, DWR staff also determined that this site possessed the "highest quality habitats of any of the sites in the Neuse Piedmont in 2015....no change since 2000 reflecting stable land use in the watershed; a typical high quality Carolina Slate Belt-type stream with riffles, runs, pools..."

The upland soils of Little River Park are generally silty loams in the soil series Nason, Herndon, Tatum, and Georgeville. These four soil series are generally widespread and are closely related to each other; they account for 76% of the site. There are a few isolated areas of the Iredell soil series. Iredell soils have higher pH and are weathered from parent material that tends to be higher in iron and magnesium, relative to the aforementioned soils. In the Piedmont, the Iredell soil series is also associated with a different suite of species that prefer to be on higher pH soils (Wichmann, Wall, and Walker; 2010).



## Vegetation

Little River Park consists of four plant communities identified by Wichmann, Wall, and Walker (2010). Most of the park is in varying degrees of succession due either to previous logging or tilling for agriculture. The plant communities are summarized as:

### 1. Dry-Mesic Oak/Hickory Forest (DMOH):

This vegetation community accounts for 81% of the Little River Park. It occurs over vast areas of the upland slopes and flats. Most of the acreage is in varying degrees of succession, from pine-dominated to oak-dominated forest.

### 2. Mixed Mesic Hardwood Forest (MMH):

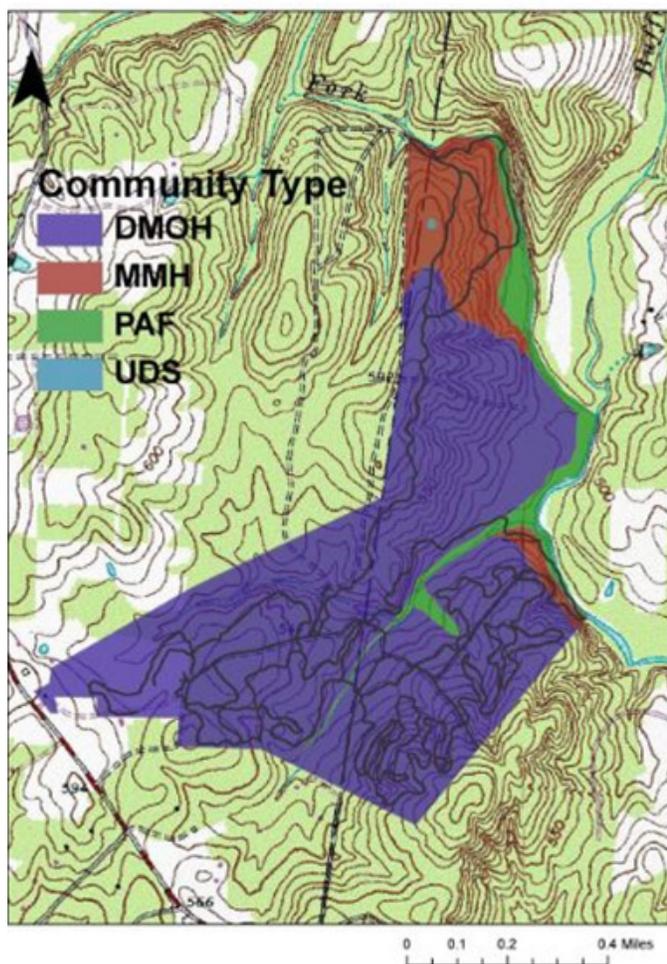
This community occupies the northern parts of the park and along the bluffs on the west side of the North Fork Little River.

### 3. Piedmont/Low Mountain Alluvial Forest (PAF):

This community type occurs along rivers and other low-lying areas in the Piedmont where the rivers are not large enough to create distinct landforms and vegetation zones. This community occupies 6% of the park, mainly along the North Fork Little River and several small tributaries.

### 4. Upland Depression Swamp Forest (UPS):

This community type was only found at one location at the park and it only occupied 0.2 acres. This community type is generally of small size in the Piedmont, occurring in poorly drained upland flats or depressions where seasonal pooling of water occurs due to an impermeable layer of clay hardpan or bedrock.



**Figure 4**  
*Plant Communities*

## Wildlife

The Orange and Durham county natural heritage inventories compiled an extensive list of the wildlife observed along the length of the Little River Corridor. These reports list several significant findings regarding important aquatic species, including populations of three freshwater mussels listed by the state as threatened: the triangle floater, the squawfoot, and the notched rainbow. Two other freshwater populations listed as threatened and candidates for federal listing were observed: the yellow lampmussel and the Atlantic pigtoe. The Orange County inventory notes populations of pinewoods shiner (state significant) and Eastern lamp mussel (state threatened) in stretches of the North Fork Little River upstream from the park. The Durham County report also recorded 36 species of fish within the Little River, including eight species that are indicators of high-quality waters.

The authors note that “extensive, good quality woodland tracts such as those in the Little River Uplands are almost gone in the county. This area is large enough for excellent wildlife habitat.” The presence of otter, beaver, and red-bellied water snakes within the Little River Corridor, all of which, according to the report, moved up from the Eno River Valley, indicates that the corridor is still negotiable by at least semi-aquatic species. The report also notes that black vultures, state listed as Special Concern, and striped skunks, a regionally rare species, are also frequently observed along the upper reach of the Little River. Other wide ranging species associated with fairly large tracts of undeveloped habitat that were noted within this area of the Little River Corridor including wild turkey, barred owls, pileated woodpeckers, black vulture, striped skunk, and long-tailed weasels.



Since 2004 park staff has kept lists of all species observed and identified in Little River Park. To date, they have documented 99 bird species (a third are considered migratory), 44 moth and butterfly species, 30 reptiles and amphibians, 13 spiders, 49 insects, 3 mushrooms and 15 mammals (not including bats). A much larger, more-detailed list of the park flora was created by park staff early in the development stage of the park and has been augmented over the years with assistance from knowledgeable members of the public. These lists, however, are not complete. There are numerous sightings and observations that could not be identified (especially insect species). There is no staff-maintained list of freshwater invertebrates although numerous decapods, whirligig beetles (*Gyrinus natator*), damselfly (*Zygoptera* spp.) and other unidentified species have been observed.

The use of the motion cameras has proved to be extremely valuable documenting nocturnal wildlife species such as striped skunk, opossum and raccoon. Species such as beaver, deer and coyote have also been captured during daylight hours along the North Fork Little River. Some species of note captured are river otter and bobcat, the latter on just one occasion. The use of this technology by future studies and programs can aid in the identification of additional species in the park. Further studies and programs will additional species.

## Cultural/Archaeological Resources

Three cultural/archaeological resource surveys were conducted on the Little River Park property by Legacy Research Associates, Inc. The first, a cultural resource survey for a selected area of the 391 acres was conducted in 2001 prior to the development of the park. The second, in 2003, was an archaeological test of a potential cultural site (identified in the 2001 survey) that was located within the area for the proposed entrance road for the park. The final survey (2009) was a follow up to the 2001 survey, conducted to determine the significance of several sites identified in 2001.

The 2001 survey was commissioned by Orange County with the purpose of identifying areas of cultural significance that should be preserved prior to the creation of a site plan for the park. Twelve new sites were identified during the survey, two previously recorded sites were revisited, and two isolated finds of cultural material were recorded. Of these, there were three large prehistoric scatters that are relatively rare in this region and recommended for further study. The other small prehistoric sites and multi-component scatters were not judged worthy of nomination to the National Register of Historic Places (NRHP). In addition to the further work at the three sites mentioned, this report recommended that two of the prehistoric sites were judged to be deserving of protection through avoidance.

The 2003 archaeological testing done in the area of the proposed entrance road was based on findings of the 2001 survey. The 2003 test was of only one identified site of potential significance and was conducted to ensure the construction of the entrance road was appropriately placed in the site plan. The survey found this site contained an unknown prehistoric lithic component and a late 19th-to-20th century historic artifact scatter comprised of glass and ceramics, very likely associated with the abandoned Laws farmstead nearby. The survey concluded that the portion of historic component that fell within the proposed road development area was extensively disturbed, not unique, had limited information potential, and did not meet the criteria for eligibility for the NRHP.

The 2009 cultural resources survey was commissioned by Durham County to follow up on four sites identified in the 2001 survey. These included two house sites, a mill site, a seasonal spring with minor fieldstone enhancements, and an historic river crossing. The purpose



of the work was to assess the historic significance of the sites, to determine the relationship between them, and to provide recommendations for site protection and interpretation. Individually, according to the report, these sites do not meet the criteria for NRHP eligibility. Together, however, they could be eligible for the NRHP as an Archaeological District as examples of agricultural, domestic, industry (milling), and transportation activities in the late 19th/early 20th centuries. The report recommends several possible methods of public interpretation of these four sites. These include providing a historic context of the area, adding historic information to the park's website, posting interpretative signs at the sites, creating a historic archaeological tour of the sites, or creating a brochure for park patrons describing these sites, their significance, and how the area surrounding these prior settlements has been relatively unchanged since they were in use.

Additional historic elements in the park that have not been assessed include a former public roadbed dating back to the early 1900s that parallels the hiking trail in the southern portion of the property. The public road shows up on the earliest NC Department of Transportation map for Durham County dated 1920. There are also remains of an additional former home site adjacent to the road, which is presently unassessed. Further assessment may provide interesting and valuable information for park interpretation.

## Surrounding Land Uses and Site Restrictions

### Surrounding Land Uses

Little River Park has 391 acres, with the western portion at the Guess Road entrance very narrow, and bound on both the north and south sides by residential properties. The caretaker residence is located at this western-most portion of the property. Behind the park office there are two private residences with associated outbuildings. These homes, along with others, pose a constraint on the park usage for this area, both in terms of avoiding impacts to those residences and ensuring the best recreational experience for park users, and the sense of “being away from it all.” On the southeastern border within Durham County the park abuts a residential subdivision with several homes. This portion of the park is fully wooded and contains a section of mountain bike trail.

### CWMTF Conservation Easements

Funding to acquire the park was provided in part by the North Carolina Clean Water Management Trust Fund (CWMTF). The grant required that a permanent conservation easement be recorded that restricts development within the most water quality sensitive portions of the site along the North Fork Little River and its tributaries within the park. The conservation easement area consists of 300-foot-wide riparian buffers along the river frontage and the perennial streams totaling 131 acres of the 391-acre park (Figure 5). The conservation easement is attached as Appendix E; the land management requirements of the grant are summarized below.

Activities that are expressly forbidden within the easement area that are relevant for the park development and management include:

1. Timber harvesting, grazing, and horticultural use
2. Disturbance of natural features, plants and animals
3. Construction of buildings
4. Strict limitation on impervious surfaces
5. Signage not used as boundary marking, easement identifying and/or information
6. Activities that threaten the water quality
7. Dumping of trash and other materials



### Other Limitations

Durham and Orange counties were awarded a \$250,000 North Carolina Parks and Recreation Trust Fund (PARTF) grant to assist with land acquisition costs and a \$262,000 federal Land and Water Conservation Fund (LWCF) grant to assist with the initial park construction. As a condition of these grants, the park must remain permanently in open space and available for outdoor recreation.

Several smaller streams within the park (outside of the conservation easement area) are restricted by Durham County and Orange County requirements for stream buffer protections.

# Site Constraints for: Little River Regional Park & Natural Area

A Durham / Orange County Partnership

## Legend

-  Park Boundary
-  County Line
-  Conservation Easement
-  Stream Buffer Limit
-  River
-  Stream
-  5' Contour
-  Paved Trail
-  Bike Trail
-  Hiking Trail

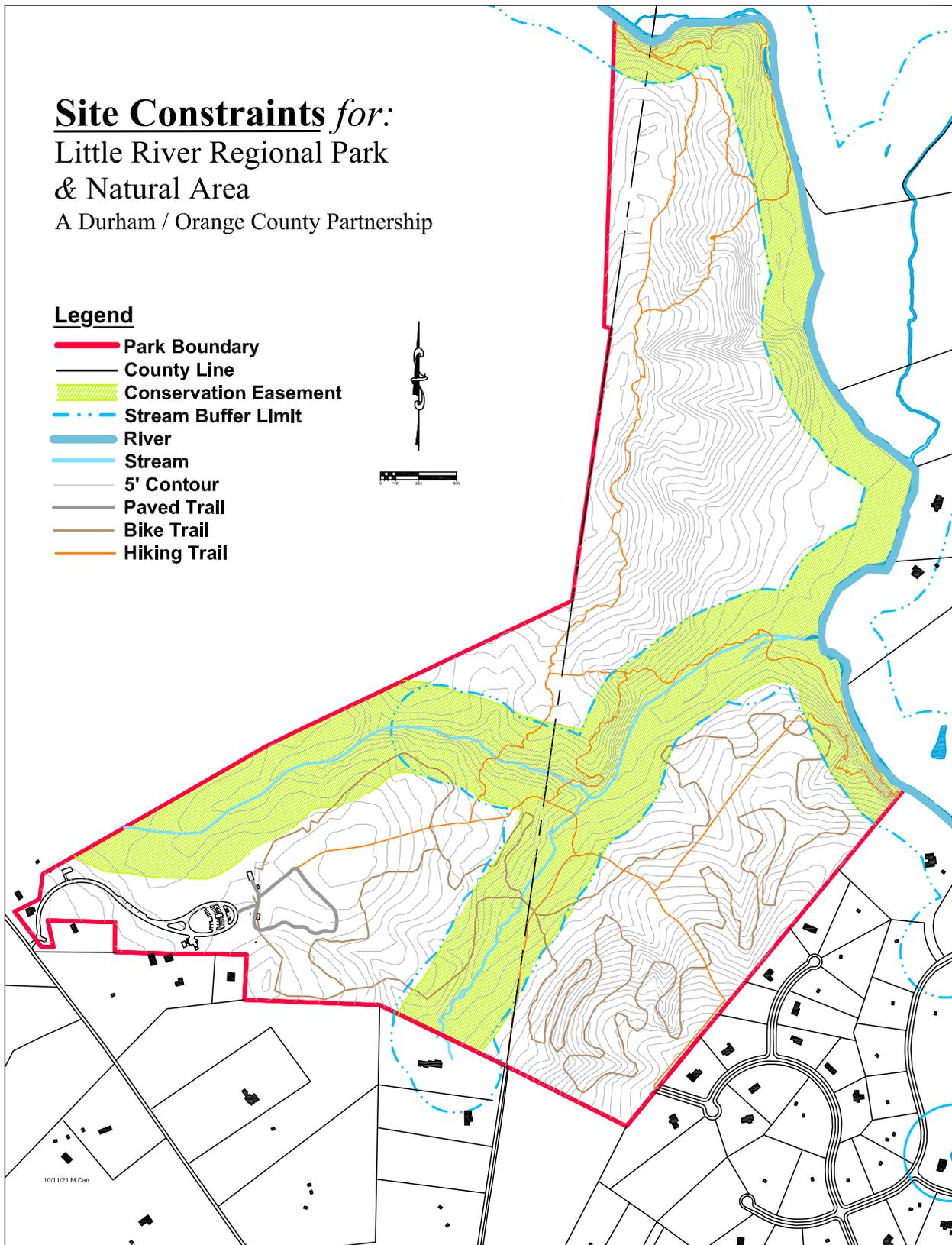


Figure 5  
Site Constraints

## Existing Facilities and Programming

Initial park development was guided by a report of recommended uses (Appendix B) prepared by the Advisory Committee set up to advise the two boards of County Commissioners on the park. Funding for initial park development was assisted by a \$262,000 LWCF grant and a \$50,000 State Trails grant, with the remaining capital costs split equally by the two counties.

| Initial Site Development Funding |           |
|----------------------------------|-----------|
| LWCF Grant                       | \$262,000 |
| Orange County                    | \$340,138 |
| Durham County                    | \$340,138 |
| State Trails Grant               | \$50,000  |
| Total                            | \$992,276 |

In 2003, the two counties approved a site plan for construction within a 15-acre area at the entrance of the park (Park Developed Area) (APPENDIX C). The park's trails were developed by two sets of volunteers. A volunteer group of mountain biking enthusiasts, DOMBO (Durham Orange Mountain Biking Organization - now Triangle Off-Road Cyclists, or TORC) constructed seven miles of mountain bike trails over 30 weekends and using over 1,500 volunteer hours. Similarly, the hiking trails were completed with the help of over 200 volunteers and 1,400 hours, and included the efforts of an AmeriCorps service crew under the direction of Orange County.

Major park construction was completed in October 2004, and a grand opening celebration was held in December of 2004.

### Existing Facilities

The initial recreational components of Little River Park completed in 2004 consisted of:

- Hiking trails (7 miles)
- Single-track mountain bike trails (7 miles)
- Accessible, looped walking trail (1/4 mile)
- 5 picnic sites with grills (located on accessible loop trail)
- Two picnic pavilions (large and small)
- Playground for children (ages 5 – 12)
- Large open play field
- Restrooms
- Park Office

Later improvements included:

- Bird watching trail (¼ mile)
- Organized group camping area (4 camp pads; up to 30 campers)
- Pollinator garden
- Skills park for bicyclists (underway)

Other amenities include an historical pack house (trail head shelter), tobacco drying barn, and corncrib. Administrative and support facilities include a small office building, equipment storage building (repurposed tobacco barn), and caretaker residence. Some of these facilities are showing their age after more than 15 years of usage. The Laws family farmhouse sits at the entrance to the park and may someday be preserved separately by Orange County.

### Existing Programs

Over the years, park staff has developed a slate of programs with a focus on environmental education. These programs are developed and marketed to park patrons based on age. Among these, Tiny Trekkers and Discovery Club are monthly programs for young children. Tiny Trekkers is a series of programs designed for toddlers accompanied by an adult. The children learn about nature through stories, activities, crafts, and games. Discovery Club programs are geared towards elementary school-age children accompanied by an adult. These programs focus on learning about nature and science through hands-on activities and exploration. Additional programs for teens, adults and families are offered throughout the year including astronomy sessions, Citizen Science projects, guided nature hikes and stewardship projects. More information about existing park programs may be found in Section III and VI and Appendix F.

There are also resources within the park for self-guided nature study such as the bird watching trail, pollinator garden, and the paved interpretive loop trail. Informational materials are available at the park office, which allow visitors to learn about the natural resources of the park at their own pace.

The park also holds several special events for the public that build on the natural features of the park such as the Little River Trail Runs, Statewide Star Party, Halloween Hike with C.L.A.W.S., and star gazing with staff from the Morehead Planetarium.

# Public Input And Current Usage

## Initial Park Advisory Committee and Use Recommendations

Durham and Orange counties acquired the 391-acre property in 1999. In the fall of 2000, both boards of county commissioners established the Little River Park Advisory Committee to assist the staff in the development of use recommendations and proposed facilities for the new park. This early input included research by staff, comments and review by the Committee, and a series of community input meetings. Seven meetings were held during the fall of 2000 and spring of 2001, during which members toured the property, evaluated resources, received input from several users' groups and held two larger community meetings to gather input from potential park users and adjacent property owners.

The resulting report was adopted by the two Boards of County Commissioners for future park development. The allowed uses included hiking trails, picnic area, a hard surface loop trail, open play meadows, playground and fishing. Several conditional uses that were recommended if additional requirements could be met, including horseback riding, mountain biking and group camping. The development of Little River Park has accommodated all of the recommended uses except for horseback riding, due to the conditional use requirements (See Appendix B).

## Recent Public Input

Orange County and Durham County staff developed and distributed public input surveys in 2012 and 2019 to solicit user feedback and help guide development of a park master plan. The surveys were available for park patrons to complete (both onsite and online) for those interested in contributing to the master plan process. The results of the surveys can be found in Appendix E.

A total of 193 park users completed the survey in 2012 and another 123 users took the survey in 2019. The surveys collected informational and demographic data, a summary of which follows:



The 2019 demographic data indicates that approximately half (51%) of the number of park visitors were from Durham County, with Orange County providing 33% or one-third, and the remainder (16%) from other counties, with Wake County leading this contingent. Overall, visitors from other counties were significantly higher in 2019 than in 2012. On average, 84% of park users came from Durham and Orange counties, allowing this Master Plan to be developed with substantial input from the park's primary users. While the data skewed more heavily toward male respondents in 2012, in 2019 there was a more even gender representation. There was also a good distribution of age represented in the 2019 survey.

The surveys delved into more detailed questions regarding reasons for visiting the park, and questions designed to determine the preferences for how Little River Park moves forward regarding facility development, programming, and options for funding these improvements. The majority of questions followed a format that asked respondents to rate the questions on a scale of 1 (low) to 5 (high), depending on how important they thought each question was to the future of the park.

## Summary Overview of Selected Survey Results, 2012 and 2019

2012: 193 respondents 2019: 124 respondents

### County of Residence

| 2012   | TOTAL | 2019   | TOTAL  |
|--------|-------|--------|--------|
| Durham | 53%   | Durham | 50.83% |
| Orange | 46%   | Orange | 33.33% |
| Other  | 1%    | Other  | 15.83% |

### Gender

| 2012   | TOTAL | 2019   | TOTAL  |
|--------|-------|--------|--------|
| Male   | 70.5% | Male   | 44.17% |
| Female | 29.5% | Female | 55.83% |

### Age (Top 3 Categories)

| 2012  | TOTAL | 2019  | TOTAL  |
|-------|-------|-------|--------|
| 36-45 | 34.6% | 36-45 | 36.67% |
| 46-55 | 23.4% | 46-55 | 26.67% |
| 26-35 | 22%   | 26-35 | 16.67% |

### Visits to Park

| 2012         | TOTAL | 2019         | TOTAL  |
|--------------|-------|--------------|--------|
| Occasionally | 37.0% | Occasionally | 38.46% |
| Weekly       | 28.3% | Weekly       | 36.75% |
| Monthly      | 25%   | Monthly      | 13.68% |

The results of the 2019 survey were fairly similar to the results of the 2012 survey. Respondents stated that their primary reasons for visiting the park were for cycling (mountain biking), hiking, and walking, with 144 persons in 2012, and 69 in 2019, listing one of those three uses as their number one reason for visiting Little River Park. The data suggests support for preservation of the park's natural resources, expansion and improvements of the trail system as well as expansion of the children's playground. There was also support for possible increases in facility and program fees to expand park offerings and facilities, and support for programs and facilities that promote physical fitness.

Expansion or improvement of the existing trail system as funding is available garnered support from 69 respondents. Improving existing facilities and expanding environmental education programs were the next highest vote-getters with 14 each. The 2019 survey reported that 54% of respondents "strongly agree" and 63% "agree" that they support development of new facilities

### Top Reason for Visiting

| 2012                 | TOTAL | 2019                 | TOTAL |
|----------------------|-------|----------------------|-------|
| Mountain Biking      | 99    | Mountain Biking      | 42    |
| Trail Hiking/Running | 27    | Trail Hiking/Running | 32    |
| Walking              | 18    | Walking              | 10    |

### Top Answers to Ranking New/Renovated Facilities

| 2012                         | TOTAL | 2019                         | TOTAL |
|------------------------------|-------|------------------------------|-------|
| Develop new multi-use trails | 95    | Develop new multi-use trails | 68    |
| Expand children's playground | 22    | Expand children's playground | 21    |
| Expand paved walking loop    | 15    | Expand paved walking loop    | 12    |

### Top Program Interests

| 2012                               | TOTAL | 2019                               | TOTAL |
|------------------------------------|-------|------------------------------------|-------|
| Program promoting physical fitness | 98    | Program promoting physical fitness | 43    |
| Environmental education            | 29    | Environmental education            | 29    |
| Special events                     | 27    | Special events                     | 27    |

at the park, including such things as a playground, shelters, trails, and programming facilities.

Other items of note in the survey assessment include: additional paved trails for either children or people with disabilities, additional special events and concerts, and for the trail networks to remain separated by distinct user groups (e.g., hiking trails for walkers only, bike trails for cyclists only). There were also several comments in support of developing horse trails, as well as several comments expressing a desire to not add horse trails.

In terms of potential program opportunities, both the 2012 and 2019 surveys show the same pattern of interest – programs that promote physical fitness first (43% in 2019), followed by environmental education (34%) and special events (29%). The survey also shows a desire for programming for both adults and children in additional programming opportunities.

## Park Usage Trends and Staff Observations

Park staff has tracked visitor trends and statistics since the park was opened (December 2004), including the number of visitors, number of facility reservations, number of days open per year, program participants, number of days bike trails were open, rainfall, and daily temperature. The following table summarizes four key statistics, which illustrate the continued rise in park attendance and number of program participants, as well as facility reservations since December 2004. The data is through 2020, which is the last year that full records are available. It should be noted that beginning in 2014 annual park attendance has doubled. The number of program participants has also risen markedly since 2015.



The park staff interact frequently with the park users and have a good sense of what kinds of improvements and new amenities are of particular interest to the users. Park staff report that the need for trail improvements is among the most mentioned items, along with playground improvements, improving the driveway and the nature programs. Other suggested improvements include a shade sail for the playground, an addition to the ADA accessible loop trail, and a place for youth to ride bikes. Staff also notes that members of the public are generally highly complimentary of the park and its programs.

## Little River Regional Park and Natural Area Park Trends/Usage

| Year  | Annual Attendance | Days Park Open | # Program Participants | # Facility Reservations |
|-------|-------------------|----------------|------------------------|-------------------------|
| 2005  | 23,788            | 357            | No data                | No data                 |
| 2006  | 28,678            | 365            | 241                    | 76                      |
| 2007  | 28,915            | 362            | 534                    | 88                      |
| 2008  | 31,200            | 363            | 286                    | 109                     |
| 2009  | 31,711            | 359            | 325                    | 76                      |
| 2010  | 34,063            | 360            | 585                    | 85                      |
| 2011  | 36,685            | 361            | 420                    | 79                      |
| 2012  | 39,045            | 362            | 500                    | 79                      |
| 2013  | 40,102            | 363            | 434                    | 75                      |
| 2014  | 47,416            | 362            | 495                    | 74                      |
| 2015  | 47,960            | 360            | 805                    | 82                      |
| 2016  | 56,700            | 359            | 893                    | 95                      |
| 2017  | 57,079            | 358            | 941                    | 86                      |
| 2018  | 54,042            | 355            | 785                    | 69                      |
| 2019  | 59,472            | 362            | 859                    | 62                      |
| 2020* | 75,120*           | 362            | 150*                   | 18*                     |

*\*Beginning in March 2020, reservations and programs were discontinued for the year due to the COVID-19 pandemic, which affected participation and visitation (in very different ways) during 2020.*

# Findings/Summary/Opportunities And Constraints

## Great Location

Little River Park provides a valued refreshing getaway to Orange and Durham county residents. Hikers are rewarded with quiet and solitude, and beautiful river front views. One of the park's greatest strengths is its relative isolation and absence of typical urban noises such as roads and highways.

## Interpretive Opportunities

An extensive number of studies have been conducted at Little River Park detailing the historical, cultural, geological, and environmental story of the park. These reports offer opportunities for developing new interpretative materials to the public, such as additional interpretative signage, new brochures/maps, and guided hikes. Additionally, there are numerous historical amenities on site (packhouse, old mill site) that help tell the story of the land on which the park now sits.

## Site Restrictions

There are very restrictive land use requirements in place that limit future development and park use. These restrictions need to be taken into consideration when considering the proposed facility and program improvements. The park would benefit from maintaining a forested buffer to separate park development from existing residences that border the western edge of the park.

## Large Base of Existing Trail Users

The largest user group of the park are trail users (hiking, biking, running). Work should be done to a) determine if any new trails can be added (both for recreation and interpretation) in appropriate areas, b) continue to improve the trail signage system, and c) continue to work with volunteer groups on trail construction and maintenance projects.

## Aging Park Infrastructure

Many of the existing park infrastructure – its buildings, parking lot, maintenance shed, playground and other structures – are now at least 15 years old and are showing wear and tear. Some park buildings have been re-purposed from the preceding farm that was on site and will require special consideration in their upkeep. Attention will soon be needed to these important components of the park and its operations.



## Horse Trails

There is a desire among some members of the public for horse trails within Little River Park. This is not feasible at the current time due to the land restrictions currently in place as well as not enough land available for the desired length of trails within the park boundaries. The possibility exists for the construction of a horseback trailhead within the park if adjacent landowners were to develop a network of horse trails outside park boundaries. Horseback riding trails could be developed in the future if more land were acquired for the park, thereby allowing more space to build sustainable horseback trails.

## Additional Programming Potential

The public has shown support for additional programming options at Little River Park and the park could expand future offerings if the two counties were to mutually decide to invest in additional programming.

# Goals And Guiding Principles

As summarized earlier in the document, Durham and Orange counties acquired the park property together for its water quality, habitat and recreational values; had input from a citizen advisory committee regarding appropriate public uses, and had over a decade of experience managing the park and its resources for park patrons to enjoy. Based on that history and background, this Master Plan and park Management Plan are guided by the following goals and guiding principles:

## Guiding Principles

To jointly manage the Park under the following guiding principles:

- Protect the natural habitat, water quality and other unique cultural resources of this significant Park and natural area
- Preserve the Park's cultural and ecological heritage while highlighting these resources for the public where feasible
- Ensure the safety of all Park visitors
- Strive for the highest quality visitor experience through regular self-evaluation and within mutually agreed upon goals and budget
- Implement the vision and goals of the Master Plan through collaboration and partnership of the two jurisdictions
- Evaluate financial and management options to creatively achieve Park goals as cost effectively as possible
- Incorporate Orange County's and Durham County's sustainability goals and policies in everyday Park operations and long-term planning.

These principles translate into goals and objectives in the following four categories:



## Protecting and Conserving Nature

### **Goal 1:**

Maintain the Park largely in a natural state.

### **Objective 1:**

Minimize development within the Park.

### **Goal 2:**

Manage the Park in a way that respects and protects key natural values on-site.

**Objective 1:** Develop visitor opportunities in ways that consider natural area sensitivities.

**Objective 2:** Work with others to manage or maintain key values.

## Connecting with Nature

### **Goal 3:**

Create a connection between the public and the Park's natural and cultural values that fosters appreciation and respect.

**Objective 1:** Provide opportunities for low-impact recreation that are based on, and linked to, experiencing the natural values of the Park.

**Objective 2:** Provide information on-site that connects visitors to the Park, its history, and its key values.

**Objective 3:** Promote awareness of ways the public can assist in the protection of nature and the Park.

## Providing Recreational Experiences

### Goal 4:

Provide engaging recreational opportunities while protecting and conserving natural areas.

**Objective 1:** Work cooperatively with Park users to encourage respectful use of the trails.

**Objective 2:** Develop additional signage, both interpretative and informative, detailing the natural features of the Park, and the need to preserve them.

**Objective 3:** Continue to maintain the existing hiking and biking trails, and other Park amenities to minimize erosion and impact while still providing positive outdoor experiences.

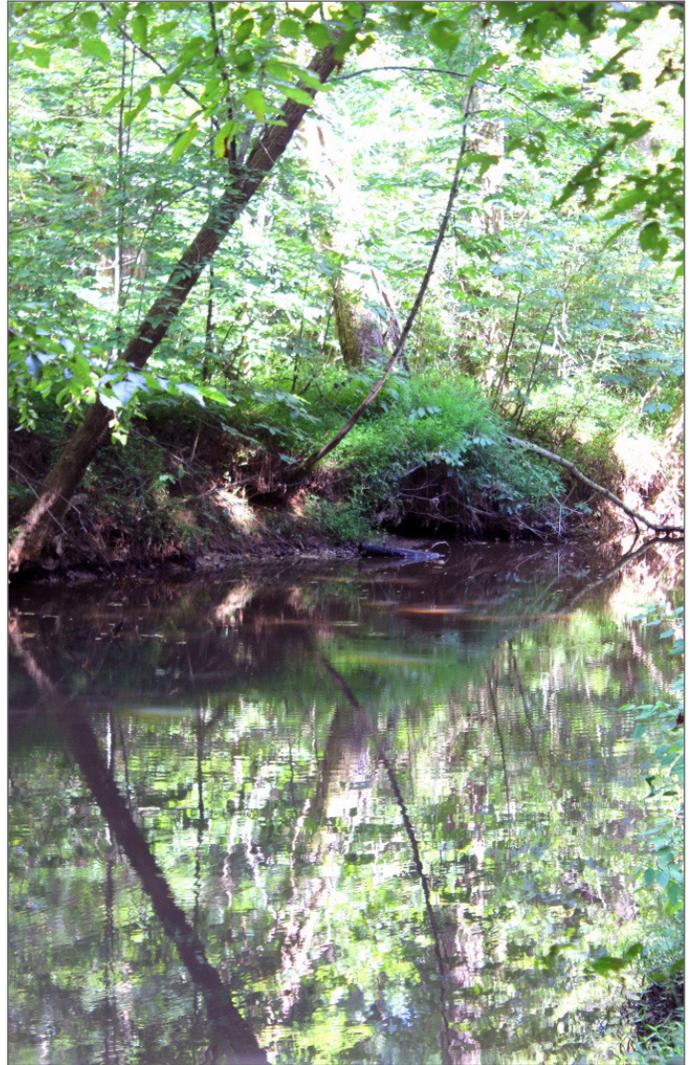
## Collaboration and Cost-effective Management

### Goal 5:

Foster collaboration and partnership between Durham and Orange County, Park Managers, and stakeholders, and seek ways to manage the park with the most efficient use of public funds to create quality recreational and conservation opportunities.

**Objective 1:** Work collaboratively to identify and secure additional funding sources to assist with development of park appropriate amenities or programs.

**Objective 2:** Identify conservation needs within the park and seek funding opportunities or additional expertise to develop appropriate management priorities.



# Recommendations And Proposed Action Strategies

Based on Little River Park's site analysis and site constraints, as well as previous decisions during the park's initial planning and development, the park can generally be divided into three management areas:

- **"Park Developed Area"**

The area towards the front of the park that has most developed amenities including parking lot, shelters, playground and park office. This area includes only a small portion of CWMTF easement on the northern edge of the central meadow.

- **"Low-Impact Natural Area"**

Area shown in pale green, this encompasses the bulk of the park acreage, and includes low-impact hiking trails and mountain biking trails. The intent of these areas is to respect the vegetative and cultural features, while making this area available for public recreation that does not impact the resources. This designation includes the majority of the acreage included within the CWMTF restrictions.

- **"Permanent Preservation Area (Wildlife Corridor)"**

Area shown in darker green on the attached map (Figure 6), this area is generally intended to have little active public use in order to preserve a relatively natural part of the park for wildlife habitat. This area includes a long stretch along the North Fork Little River that is included in the CWMTF easement and adjoining areas of natural resource significance.

Based on the findings and analysis of the site constraints, existing conditions, and park user input contained and summarized in the preceding sections, a number of recommendations have been developed for the future of the park. These include:



## Proposed Facility Improvements and Actions

### Improvements to Existing Nature Trails

Based on both staff observation and survey results, the most-used amenities at Little River Regional Park are the hiking and biking trails. The Park currently offers seven miles of hiking trails and seven miles of single-track mountain bike trails. In addition to being the most-used facilities, surveys have shown that residents and patrons feel that expansion and improvement of the trail networks are a top priority. This is also consistent with Orange County's 2030 Parks and Recreation Master Plan (adopted in 2014).

The addition of new trails or expansion of existing trails would be very challenging under current conditions and protections. This worthy interest must be weighed against the need/desire to maintain portions of the park as a natural area. It is important to note that the land for the park was acquired with the intention to preserve and protect a large wilderness area along the North Fork Little River. However, equally important was the goal to provide a new outdoor recreation opportunity to citizens. Staff has worked hard in the 15 years of park operation to balance these goals and provide a unique outdoor recreation facility.

# Park Management Areas for: Little River Regional Park & Natural Area A Durham County / Orange County Partnership

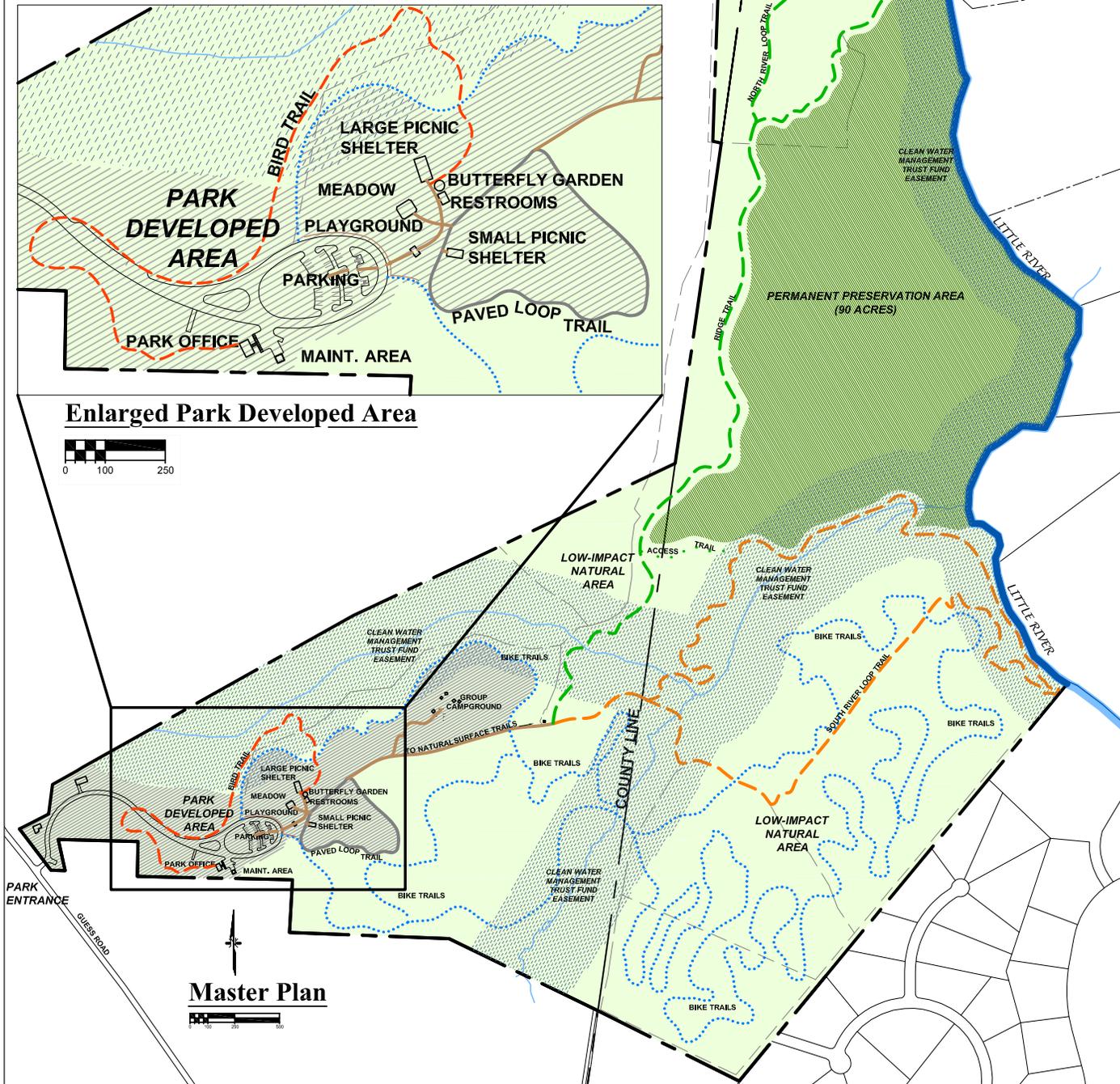


Figure 6  
Park Management Areas

There are opportunities to improve the existing trails and enhance park patron experience, by researching the potential for such things as:

### ***Interpretive Trail Improvements, using existing trails and recent technology***

The park contains a vast array of natural beauty, areas of historical interest, geological features, and diverse plants and wildlife. Over the past 15 years, staff has been documenting these features, and developing tools and exhibits to teach the public about the park's unique appeal. The success of programs such as star gazing, the live-stream camera in the bluebird box, and Tiny Trekkers point to a strong interest from the public to learn and enjoy the many features the park has to offer. The greatest number of park users are hikers. Additional interpretive features could highlight the site's natural and cultural resources in a cost-effective manner. This could include development of an interactive, interpretive hiking trail using existing trails and recent technology that may appeal to some park users as a way to better learn and appreciate these aspects of the site, and would seem a natural fit for the park. Opportunities exist with recent/ current technology to provide interactive trail experiences, which were not available when the park first opened.

### ***Trailhead Displays at the Pack House***

The pack house was moved from the front of the site to its present location along the main trail to serve as a trail head destination for displays and information about the trails. While the building has been moved and stabilized, this area could still have improved displays about natural features on the trails, information about what might be seen on different trails, seasonal displays, etc. to enrich the experience of trail users.

### ***Overlooks/Wildlife Viewing Areas***

Another way to enhance the existing trails is through construction of additional overlooks or nature viewing platforms. There are numerous vistas and locations within the park that provide prime wildlife viewing, and the creation of a larger viewing area/ overlook would create a destination point for hikers. Several sites throughout the park are well suited for such development, but an assessment of each site should be conducted to determine an area best suited for such use, and what limitations may be in place due to conservation measures.



### ***Improvements to Trail Signage***

Several comments were received in the 2012 and 2019 park user surveys from visitors who found the trail signage confusing. In an effort to provide the safest and most enjoyable park experience for all users, efforts should be made to review and improve the existing trail signage to eliminate possible points of confusion.

Expansion and improvement to the trail system may be possible with the help of volunteers. The park has a long, positive relationship with local running club (Trailheads) and regional cycling club (Triangle Off-Road Cyclists), and these relationships have led to the creation of the mountain bike trails, numerous improvements to the trails over the years, and large donations from the running club's annual event. These relationships have a solid foundation and should be encouraged and augmented and attempts to develop additional working relationships with other area groups whose interests align with the natural resources of the park should be pursued in order to increase the pool of volunteers.

### ***Expansion of the Paved Loop Trail***

One of the most popular facilities at Little River Park is the accessible, paved walking loop trail. It provides a consistent walking surface and survey respondents noted a desire to see an expansion of the paved trail. Sites where the loop could be expanded, or areas for a new loop such as around the perimeter of the large open play field could also be explored. In addition, the asphalt surface of the existing path has been undermined by roots and will need to be regraded and paved to maintain its accessibility.

### Increase Areas of Pollinator Habitats

The protection and expansion of pollinator habitat is a national and even global issue. Pollinator species sustain the environment and are critical to food supplies. Orange County has set a goal of increasing pollinator habitat within its parks and open spaces, as well as encouraging habitat along roadsides and on private lands. Little River Park, with its natural resources and open spaces, lends itself to being a place where pollinator habitats may be expanded and introduced. The current pollinator garden is a good start and a popular educational component, but more is possible at the park. Additional areas of pollinator-friendly habitats could be researched for future development.

### Addition of a “Natural Playground”

Over the past decade, research indicates that children benefit greatly from playing and learning in nature. Natural play areas often engage the mind and allow children to use their imaginations more, and cooperate more in play. These types of play areas reduce symptoms of attention deficit and depression, and many experts note that access to nature for a child is akin to the need for good nutrition and adequate sleep.

In a large natural setting, a natural play area at the park would be very much in keeping with the surrounding environs, and allow children to connect, play, and learn in nature. This idea also allows the incorporation of the existing landscape and vegetation to bring nature to children’s daily outdoor play and learning environments.

The steps needed to develop such a play area at North Fork Little River could be researched and incorporated into upcoming improvements. In many cases, natural play areas are not expensive to construct. It is recommended that the existing conventional playground be retained (and when scheduled, replaced).

### Renovations of Park Infrastructure

Having reached the 15-year mark, some of the park infrastructure (including buildings) are beginning to age or no longer efficiently serve their purposes. One such building is the equipment shed, which is not large enough to accommodate needed storage and work space and is beginning to show signs of wear and tear. From park staff perspective, indoor storage and renovations to the maintenance building are important. Analysis of renovation versus replacement of the equipment shed and other similar buildings should be undertaken.



Needed renovations include, but are not limited to:

- Driveway resurfacing (currently needed)
- Buildings (equipment shed, etc.)
- Playground replacement (within the next 5 years)
- Resurfacing the paved looped trail

### Priorities for Future Capital Improvements

As noted in the preceding sections, a number of replacement or new capital improvements to Little River Park will be needed in the next 10 years or more. Some of these improvements will need to be assessed and funded through the Capital Investment Plans of the two counties, while other (smaller) items may be addressed through Annual Objectives and park management.

It is recommended that the two counties assess these needs as part of their respective Capital Improvement Program, or through their Annual Objectives (and annual park budget), and schedule prioritized needs accordingly.

While it is not possible to provide a complete list of all priorities for future capital improvements at the park, it may be helpful to start with a starter list of priorities divided into two categories: 1) Renovations of Existing Facilities, and 2) New Improvements. The following initial list should be re-evaluated on a regular basis as funding and other processes allow, and other needs may also be added as they are identified.

### Renovations of Existing Facilities – Priorities

- Pave/repair park entry road
- Repave existing ADA paved walking loop trail
- Replace existing 15-year-old playground
- Build or renovate existing maintenance building

### New Improvements – Priorities

- Trail improvements (interpretive trail, Pack House, overlooks)
- Create new and improve existing pollinator habitat
- Develop natural play area
- New/expanded ADA accessible paved trail

The items addressed in this master plan will likely need to be implemented at a gradual pace as funding and staffing allows. There is a wide range of improvements and renovations that will take place at Little River Park over the next 20 years, and by developing a multi-prong and phased process to handle both the improvements desired by the public and the routine maintenance and renovations needed, park staff can better plan and budget to meet these needs.

The implementation of this master plan should also include a close look at outside funding opportunities, including grants and donations. The leveraging of county funds, when approved, with grants from entities such as the NC Parks and Recreation Trust Fund, NC Recreational Trails Program and other sources is one possibility.

The support of both counties' governing bodies in funding park operations has allowed Little River Park to thrive and offer a unique recreation opportunity for residents. Future renovations, expansions, and increases in operating costs will be, as always, contingent on the budget and capital funding capabilities of the two counties.

Relationships with local clubs, like the Trailheads and TORC, who use the park and have provided substantial donations that benefit all users should continue to be fostered. Donations by the local running club have allowed the park staff to purchase a wide range of equipment benefiting the park.



## Issues For Further Study

While there are several measures and improvements recommended in this Master Plan for action, a number of other topics have been identified that may be worthy of future pursuit, but need additional research and assessment:

### Additional Land Protection

When the park was initially proposed, it included as a possible additional purchase the 178-acre property that borders the park on the north and to create an overall 569-acre park. This adjacent property was originally proposed for an Orange County C&D landfill (before the park was initially under consideration), and it was subsequently purchased and has remained in private ownership. Development of this property into multiple home sites would reduce the park user experience, and reduce the size of the significantly large area of undeveloped habitat. This property would be a desirable addition to the park if it became available.

### Potential Horse Trails

When the Little River Park Advisory Committee was gathering public input for future uses in the park, there was significant support for horse trails (the property had been used by local equestrians before the property was purchased by Durham and Orange counties). Horse trails were a recommended “conditional use” of the park, but to date those additional conditions have not been met. The public surveys in 2012 and 2019 continued to show interest in horse trails, though there were also several comments requesting that any horse trails be separated from hiking or biking trails. Additional land is needed in order to have sufficient trail length, and the trails would likely need to connect with other privately owned horse trails to create sufficient length. The design and management of the horse trails would require the active support and maintenance of local equestrian groups. Any further study on the potential for horse trails would need to be led in collaboration with local volunteer groups.



### Additional Cultural Studies

There are historical and cultural resources within the park, namely the historical road bed and old home site on the southern portion of the property, that have not been properly assessed for their significance. As funding permits, it would be desirable to conduct further assessments to better understand the history of this portion of the site and for possible interpretation.

### Park Office – Assessment of Function and Future Needs

Park staff has noted the limited size of the current park office and the inability to bring park visitors or program participants inside to get out of the weather or to see exhibits such as the herpatorium and other indoor features. The current office has limited storage space, and it may be that its functions and uses have expanded over the years to the point where an expansion or larger new facility is warranted. An initial assessment could be done to examine in what ways the park office has become something more than an office, and the functions and needs that it now serves, or could serve in the future with additional space. From that evaluation, decisions could be made as to what changes or improvements are needed.



### Disposition of the Laws Farmhouse

The Laws farmhouse is located in Orange County along Guess Road near the entrance to the park and is removed from all of the other park amenities, facilities and parking. The house was built ca. 1929 and contains a portion that may be 19th-century in origin and have historical significance. During the initial park planning and development, the house was determined to have no uses or function for the park. The potential for relocating the house was pursued, but because of the nature of the construction this was not practical. During the initial park development, the house was planned and budgeted for deconstruction. Later, Orange County requested that the funds slated for deconstruction be used instead to stabilize the house to mitigate its further deterioration while Orange County decided what to do with the house. The two boards formally agreed that Orange County would pursue any further actions with respect to the house independent of additional funding from Durham County, an option provided for in the Interlocal Agreement.

At this point in time, Orange County cultural resources staff and the Historic Preservation Commission remain interested in exploring the possible 19th-century portion of the house, and whether that portion (or the entire) structure is worthy of renovation/ restoration. As per the Interlocal Agreement, if the house is retained and further work on it is pursued, this will be done by Orange County alone.

### Scope of Program Offerings

A significant decision for the future of the park is the scope of program offerings. Current programs offered at the park, as noted in the preceding sections, are popular and well-received, and serve an important role in helping connect the public to nature.

With the passage of time and regular public input, it is possible to evaluate the strength of existing programs at the park and assess the possibility for new or revised programs for the future. Both counties will continue to evaluate the potential for new programs and tweaks to current programs to match the community's interests.

There two types of programs currently offered at the park, and that will likely be part of the mix of programming going forward – a) staff-led programs and b) contracted programs.

Staff-led programs are offerings that are developed and implemented by park staff. These programs utilize existing resources in the park and are budgeted and implemented using internal plans and procedures.

Contracted programs are those which are scheduled and offered by contract from outside organizations. The wildlife group CLAWS, Inc. would be an example of a contracted program. Staff uses park patron and public interests in programs to identify offerings in areas where staff may not have expertise or materials, but that non-profit and other related organizations may have along with a structured program. In many cases, contracted programs require funding to pay the organizations for their program offering.

While Orange County's Department of Environment, Agriculture, Parks & Recreation has nature programs as a key part of its mission and function, the Durham County Open Space program does not include programming as a part of its current function and mission for budgetary or staff time. Any new proposed program initiatives should be presented during the annual budget preparation, and both counties should discuss the impacts and feasibility during the budget meetings. Any decisions on programming will be mutually agreed upon at that time. This said, however, it is also possible that Orange County may have an interest in expanding its nature program offerings consistent with its mission and goals, without Durham County in a position



to support such an expansion. To address this type of situation, the Interlocal Agreement includes language to allow one county to undertake a program or event on its own, with communication and concurrence of the other partner.

As this discussion proceeds in coming years, both counties will engage in a dialogue about the future scope of program offerings and program expansion through the Annual Objectives process, and proceed with a mutually-agreed upon plan.

If both counties agree that increased program opportunities are desirable, more data may be needed to determine the most appropriate programs to offer. Data from the survey suggests support for increased program offerings at Little River Park. The 2012 survey, though showing support for increased programs, and



especially programs that promote physical fitness, did not ask respondents to identify specific program choices. The range of potential programs is broad, so a more detailed survey of park users may be helpful in determining where to focus efforts for program development. In addition to soliciting demand for additional programs, financial costs and revenues and facility/staff resources will need to be considered.

While not exhaustive, the following ideas were identified from the surveys as possible new programs: additional environmental education classes; environmental education summer camps; and orienteering/backcountry skills classes. Also mentioned were running clubs/classes; cycling clubs/classes; outdoor fitness classes and "Track Out" camps (for year-round schools).

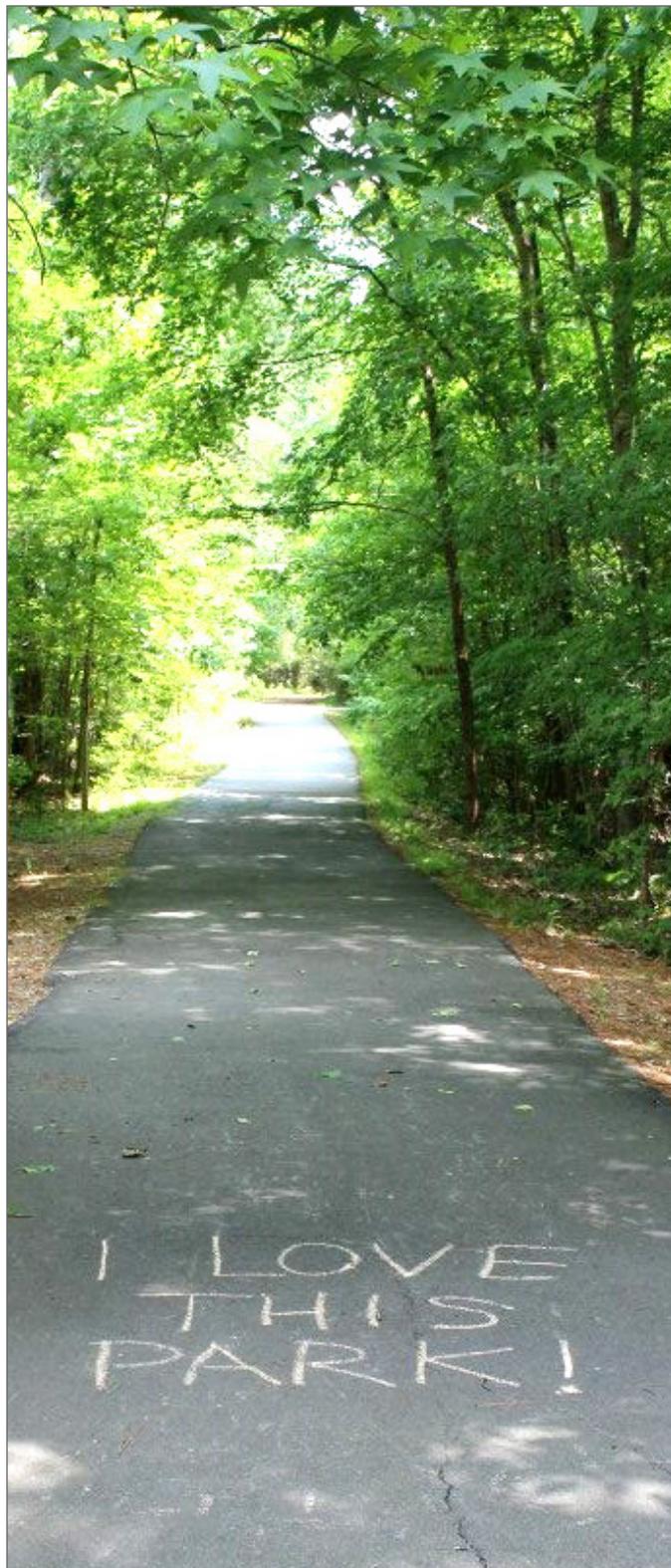
## Conclusion

Collaborations and partnerships have been a part of Little River Park since its very beginning. The community, the two counties, land conservation agencies and local trail groups have all contributed to the protection of this large tract of land along the North Fork Little River. As one of sources of water for Durham, it would make sense to protect this stretch of river. It supports species of fish which are indicators of high water quality. Other species of wildlife that are listed as threatened, of special concern or regionally rare including freshwater mussels, black vultures and striped skunk have been documented within the park. The land mass which formed under this area tells the story of 650 million years of volcanic activity, tectonic upheaval and erosion. At least 12 areas of cultural importance have been documented within the park that can trace its land use records back to the 1790s. After nearly 15 years of operation, Little River Park continues to grow into a unique place for nature recreation.

Public input indicates the public's desire to preserve the park's natural resources as well a need for growth. Improvement or expansion of the trail network and the addition of programs or facilities that promote physical fitness also ranked as top priorities. There is also strong support for fee increases to support the expansion of park programs. Park statistics reflect the support of the community: annual attendance and program participation has more than doubled in the park's first ten years.

Accomplishing the goals of the master plan will require the support of both counties governing bodies. For the park to grow and thrive and continue to offer a unique natural and recreational opportunity for the region will require a combination of increased budget, funding for CIP projects, and outside revenue through grants and donations.

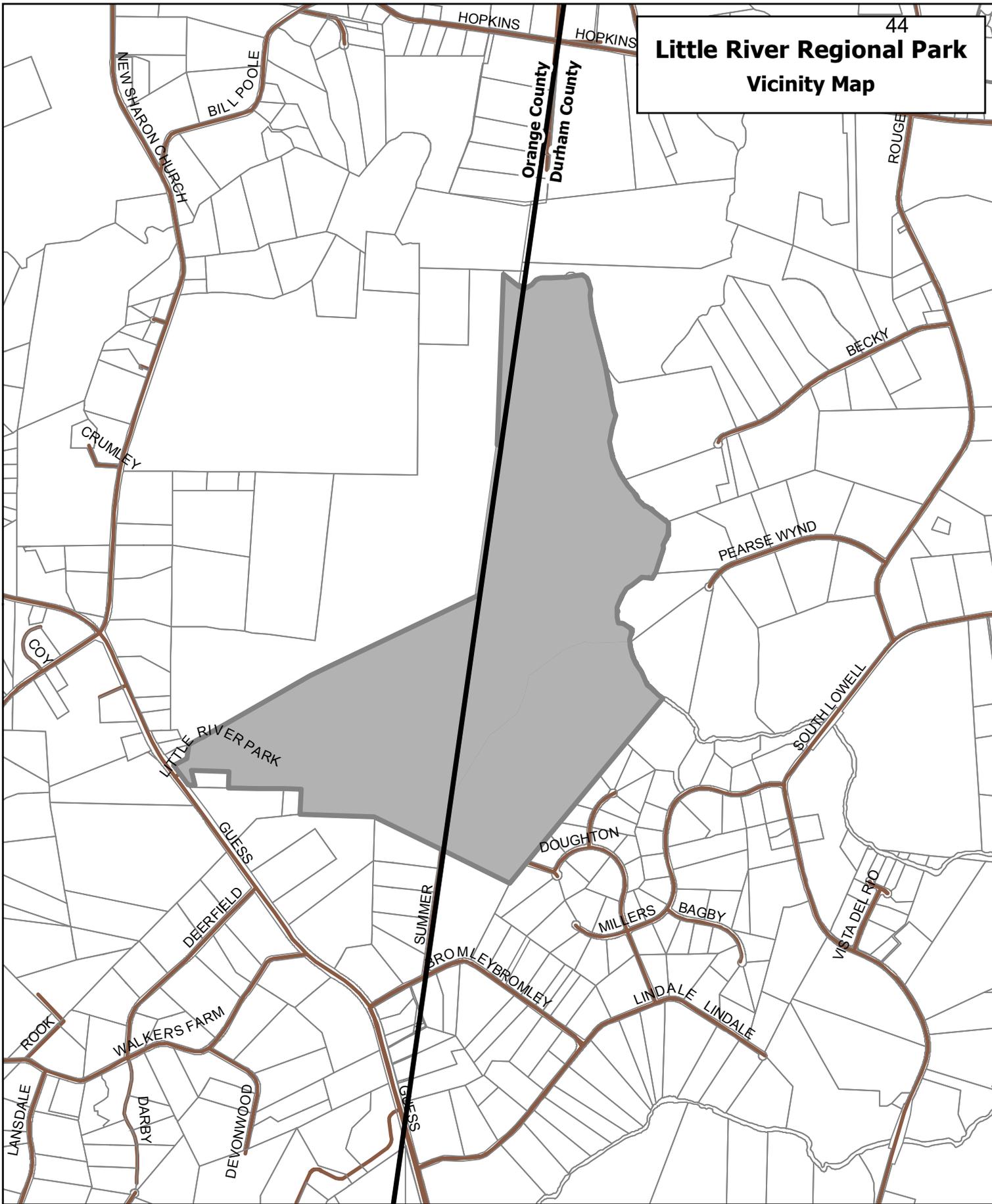
The future Little River Park lies in finding the balance between the desire for growth and expansion of recreational opportunities weighed against the intentions with which this partnership began: to preserve and protect a large wilderness area along an important source of clean water. The projects and objectives outlined in this master plan can serve to strengthen the partnerships already in place and to also to explore new partnerships.





# Little River Regional Park Vicinity Map

44



-  County boundary
-  Little River Regional Park
-  Parcel boundary
-  Streets



0 375 750 1,500 Feet

Orange County  
Dept. of Environment, Agriculture,  
Parks and Recreation  
IT-GIS 6/7/2011



**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 16, 2021

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

**SUBJECT:** Approval of Trail Easement and Conservation Easement Amendment – Carl and Eve Shy Property

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

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**ATTACHMENT(S):**

1. Location Map
2. Site Map
3. Deed of Trail Easement
4. Conservation Easement Amendment

**INFORMATION CONTACT:**

David Stancil, 245-2510  
Christian Hirni, 245-2514

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**PURPOSE:** To accept a trail easement donation for the purpose of construction of a section of the NC Mountains-to-Sea Trail (MST) and a small parking area, and to approve an amendment of an existing conservation easement held by the County.

**BACKGROUND:** Dr. Carl and Eve Shy own two parcels totaling approximately 45 acres adjacent to the OWASA Cane Creek Reservoir lands in Bingham Township. The Shys donated a conservation easement on this land to the County in 2002. During MST public meetings in 2017, Mr. Shy declared an interest to also donate land for a Trail Easement, along with a small field for a potential informal parking area, for the purposes of the MST. With a trail easement, the landowner retains ownership of the land and certain rights, but yields the right of public access and the County's right to construct and maintain a trail for the purposes of the Mountains to Sea Trail. Because of the location at the intersection of Bradshaw Quarry Road and Apple Mill Road, and its adjacency to the OWASA Cane Creek Reservoir lands where the MST would traverse, it is a vital connection point for the MST in this area. Please see the attached maps.

In addition to the trail easement donation, a modification is needed to the existing Shy conservation easement to allow for the trail. This conservation easement amendment has been agreed to by both parties and is attached.

**FINANCIAL IMPACT:** Since this is a trail easement donation, there is no purchase cost of the trail easement. Estimated closing costs (easement survey, title search, recording fees, etc.) are projected to be approximately \$15,000-\$20,000 to be paid by the County. Funding would come from the existing Mountains to Sea Trail capital project funds (\$330,000 balance). Any closing costs for the conservation easement amendment would come from the same.

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

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

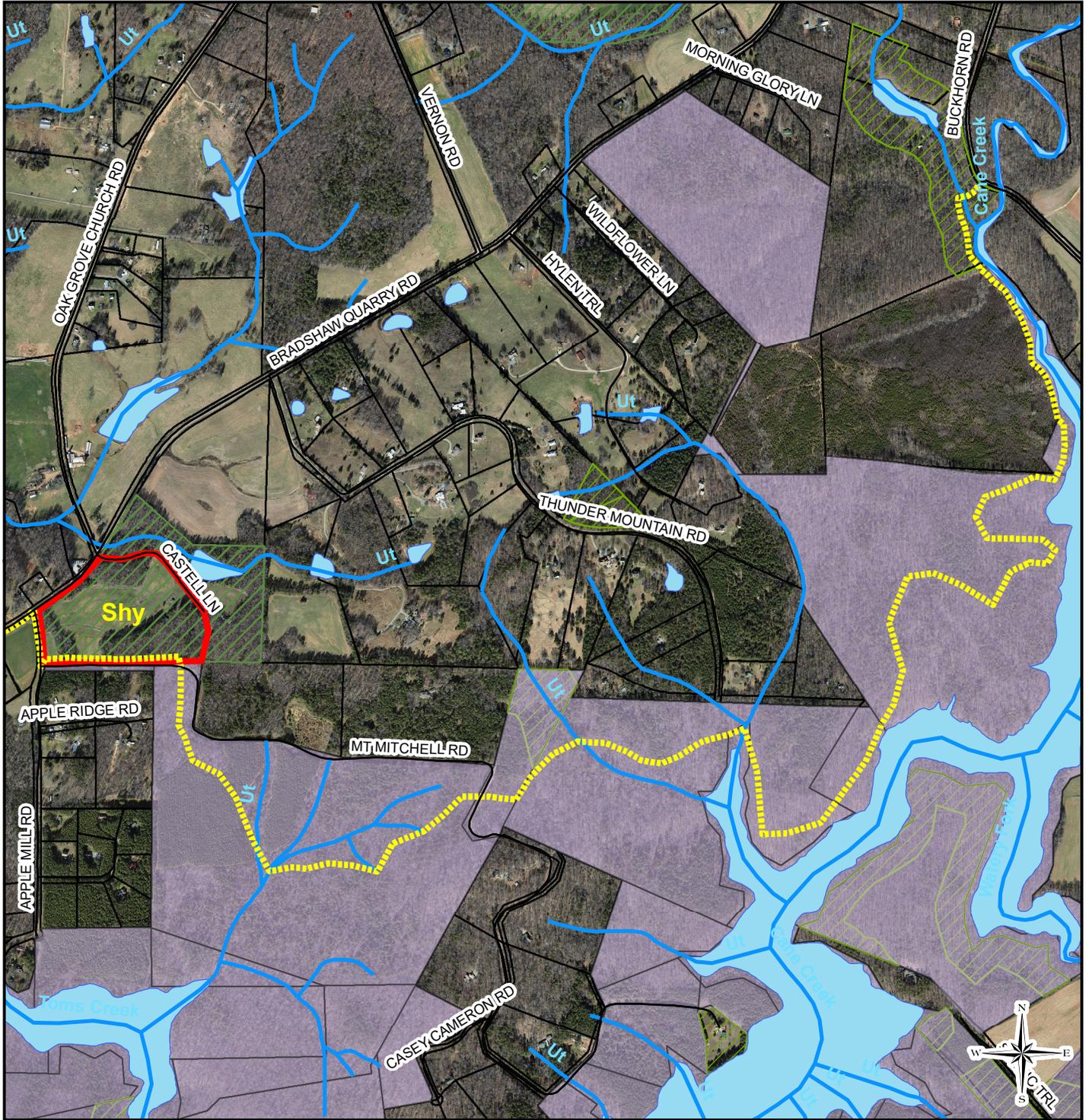
- **CLEAN OR AVOIDED TRANSPORTATION**

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

The acquisition of this and subsequent trail easements will progress the continued effort of a Statewide trail system, allowing for local and statewide “thru hiking”/foot travel opportunities and promoting healthy recreation for locals and visiting individuals between several municipalities and areas of natural and cultural interests.

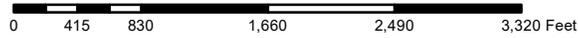
**RECOMMENDATION(S):** The Manager recommends that the Board approve and authorize the Chair to sign 1) the MST trail easement donation, and 2) the amendment to the existing conservation easement as presented, subject to final approval and modifications by the County Attorney, and authorize the expenditure of funds for closing costs as listed above, with expectation of final closing to occur before Spring 2022.

# Carl and Eve Shy- MST Context Map



**Tract Information:**

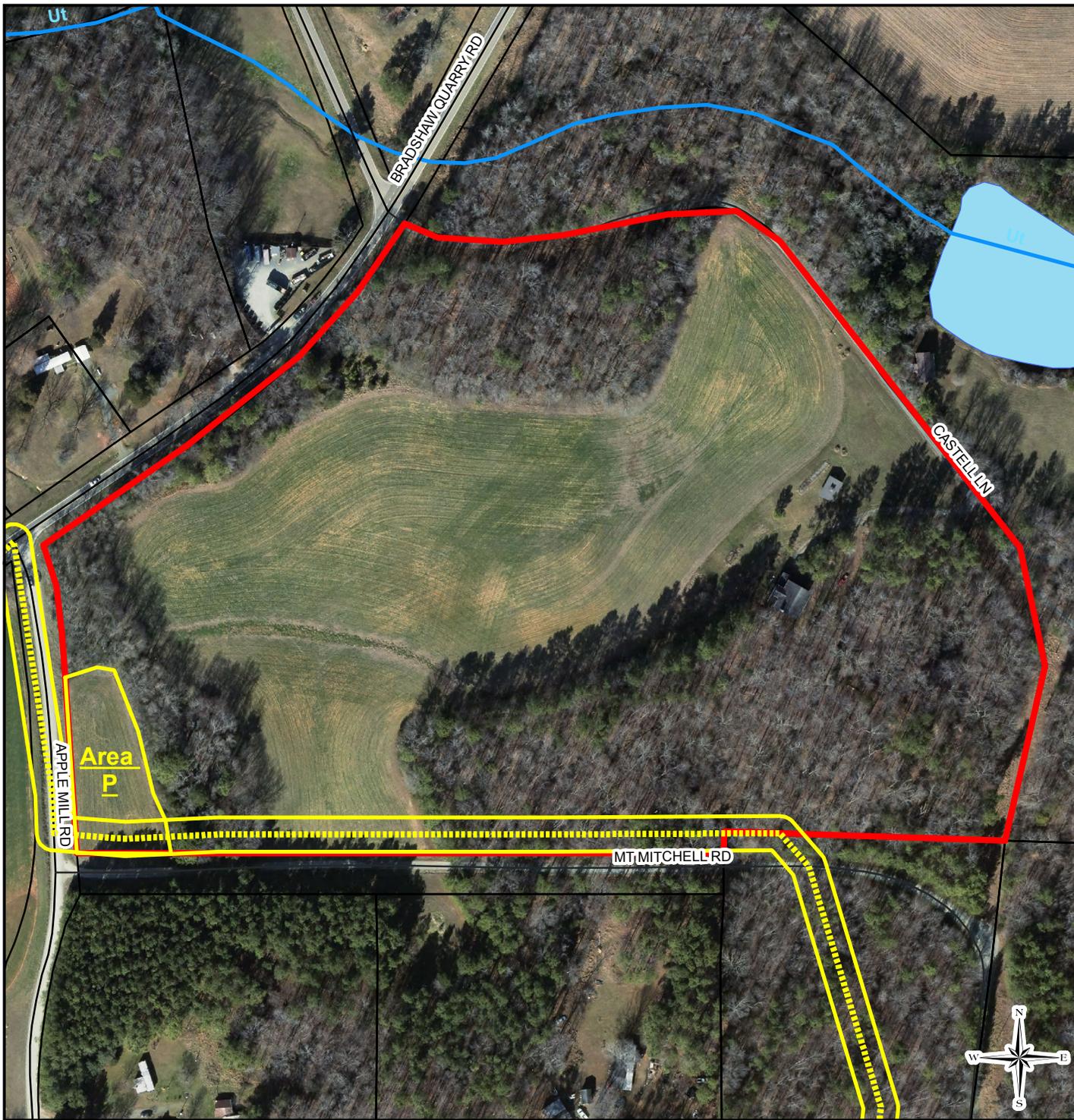
Landowner: Carl and Eve Shy  
 Lat: 35' 58.58"  
 Long: 79' 14.02"  
 Date: 11/03/2021  
 Image: 2017 Aerial Photo  
 Created By: Christian Hirni  
 Acres: N/A



Department of Environment,  
 Agriculture, Parks & Recreation

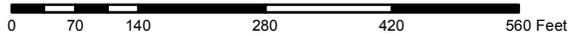
| Legend |                        |
|--------|------------------------|
|        | Roads                  |
|        | Adjusted Trail Route   |
|        | Tract Boundary         |
|        | Streams                |
|        | Open Space- Other      |
|        | County Easements       |
|        | Conservation Easements |
|        | Tax Parcels            |

# Shy- MST Easement Scenario



**Tract Information:**

Landowner: Shy  
 Lat: 35' 58.58"  
 Long: 79' 14.02"  
 Date: 08/10/2021  
 Image: 2017 Aerial Photo  
 Created By: Christian Hirni  
 Acres: Park- .6 ac, TE- ~1 ac



Department of Environment,  
 Agriculture, Parks & Recreation

| Legend |                |
|--------|----------------|
|        | Roads          |
|        | Proposed Trail |
|        | Trail Easement |
|        | Tract Boundary |
|        | Streams        |
|        | Tax Parcels    |

## Attachment 3

This instrument prepared by and return to:

John L. Roberts, Office of the Orange County Attorney  
Box 8181, Hillsborough, NC 27278

STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

PIN 9831842137

### DEED OF TRAIL EASEMENT

This Deed of Trail Easement (“Easement”) is granted on this \_\_\_ day of \_\_\_\_\_, 2021, by **CARL M. SHY** and **EVE CAROL SHY**, husband and wife, having an address of 6626 Bradshaw Quarry Road, Efland, NC 27243 (referred to as “Grantors”), to **ORANGE COUNTY, NORTH CAROLINA**, having an address of Post Office Box 8181, Hillsborough, NC 27278, (referred to herein as “Grantee”). The Grantor and Grantee are collectively referred to as “**The Parties**”.

The designation Grantors and Grantee as used herein shall include said parties, their heirs, successor and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

### RECITALS

- A. Grantors are the sole owner in fee simple of certain real property situated, lying, and being in Orange County, North Carolina, being more particularly described in that deed recorded in Deed Book 4735, Page 72, Orange County Registry, North Carolina (hereinafter, the “Property”).
- B. Grantee is an entity qualified to accept, hold and manage land and easements under the North Carolina Conservation and Historic Preservation Agreements Act, Chapter 121, Article 4 of the North Carolina General Statutes (the “Act”), which authorizes and permits the creation and enforcement of conservation easements for the purpose of, inter alia, retaining land areas predominantly in their historic, agricultural, natural, scenic, open or wooded condition.
- C. Pursuant to the Act, Grantors desire to grant a trail easement over a certain portion of the Property, consisting of **1.6 acres**, more or less, is the subject of this Easement and **is marked on**

the plat of survey recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_, Orange County Registry, and described in **Exhibit A** attached hereto and incorporated herein by this reference (hereinafter referred to as the “Trail Area”) within which a trail, parking area, and trail amenities (hereafter referred to as the “Trail and Amenities”) may be constructed, thereby restricting and limiting the use of the Trail Area to the terms, conditions and purposes hereinafter set forth, and Grantee is willing to accept such easement.

**D.** Grantor and Grantee understand that the Trail Area overlaps with an existing conservation easement described in the “Conservation Easement” recorded in Book 2757, Page 110, Orange County Registry, and is further identified as Lot 1-R (consisting of Lots 1-A and 1-B) and Lot 2 on the plat of property titled “Property of Carl M. Shy and Eve Carol Shy,” prepared by ENT Land Surveys, Inc., which plat is recorded at Plat Book 90 Page 2, Orange County Registry. The Trail Area is restricted and limited in use in accordance with the terms and conditions of this easement as well as the Conservation Easement as amended by “Amendment to Conservation Easement” recorded in Book 5894, Page 30, Orange County Registry and as amended by “Amendment to Conservation Easement” recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, Orange County Registry.

**E.** By restricting and limiting the use of the Trail Area in accordance with the terms and conditions of this Easement, the Parties intend to preserve the natural features and resources of the Trail Area; protect the habitat of native plants and animals; sustain scenic values; maintain water quality and utilize the Trail Area for public educational, scientific and low-impact recreational pursuits (said purposes being hereinafter referred to as the “Conservation Values”).

**F.** The Parties acknowledge and agree that (i) the recording of this Easement shall be conclusive evidence of its acceptance of same by Grantee; (ii) Grantee will be the “holder” (as that term is defined in the Act) of this Easement and (iii) Grantee is a “qualified organization” and “eligible donee” within the meaning of Section 170(h)(3) of the Internal Revenue Code (the “Code”) and regulations promulgated thereunder.

**G.** Grantee intends to include the Trail and Amenities as part of the North Carolina Mountains-to-Sea Trail and Grantors and Grantee agree that such inclusion grants the Grantee, and its agents or representatives, the right to establish a trail, parking area, and trail amenities for use by the general public within the Trail Area.

**H.** The undersigned Grantee acknowledges that Grantors have donated the easement contained herein over the Trail Area in accordance with the provisions of Article V of this Easement.

**I.** The Parties acknowledge and agree that as a component of the North Carolina Mountains-to-Sea Trail, the Trail Area, in accordance with Chapter 143B, of the North Carolina General Statutes, shall be subject to a general management plan devised by the North Carolina Department of Natural and Cultural Resources (“NCDNCR”).

NOW, THEREFORE, for the reasons given and other good and valuable consideration and in consideration of their mutual covenants, terms, conditions and restrictions contained

herein, Grantors hereby voluntarily grant and convey to Grantee, its successors or assigns, and Grantee, its successors or assigns, hereby voluntarily accepts, forever and in perpetuity an Easement on the Property, which Easement is an immediately vested interest in real property of the nature and character described herein, and a right-of-way over, under, and across the Trail Area. Grantor promises that they will not perform, nor knowingly allow others to perform, any act on or affecting the Trail Area that is inconsistent with the covenants contained herein. Grantors authorize Grantee to enforce these covenants in the manner described below.

## **ARTICLE I. GENERAL**

1.1. Statement of Purpose. The purposes of this Easement are to prevent any use of the Trail Area that will significantly impair or interfere with the Conservation Values and to allow for the inclusion of the Trail Area in the North Carolina Mountain-to-Sea Trail so that the Trail Area may be used for educational, scientific and low-impact recreational activities by the general public pursuant to a general management plan that is consistent with the Conservation Values. Grantors intend that this Easement will restrict the use of the Trail Area to such activities as are consistent with these purposes. Grantee agrees that this Easement shall be held exclusively for the purposes set forth herein and as specified in Section 170(h)(4)(A) (or any successor section) of the Code and shall be construed to promote the purposes of the Act.

1.2. Perpetual Duration. This Easement over the Trail Area as further described in **Exhibit A**, shall be perpetual. It is an easement in gross, runs with the land, and is enforceable by Grantee against Grantors as provided herein, and against Grantors' representatives, successors, assigns, leases, agents and licensees.

1.3. Compliance with other Regulatory Requirements. Both Parties are responsible for complying with any and all additional permits or regulation to use or develop the Trail Area under the terms of this Easement, including Orange County, State of North Carolina or Federal requirements, regardless of any reserved rights or permissions contained in this Easement document.

## **ARTICLE II. RESERVED RIGHTS OF GRANTORS**

Subject to the terms, conditions and restrictions contained herein, Grantors reserve for itself and its successors and assigns the following rights:

2.1. Quiet Enjoyment. All rights accruing from Grantors' fee ownership of the Trail Area, including the right to engage in or permit or invite others to engage in all uses of the Trail Area that are consistent with the Conservation Values, including any reasonable use of the Property that will not interfere with the Trail and Amenities and is not otherwise prohibited by the terms of this Easement.

2.2. Educational and Recreational Uses. Utilization of the Trail Area for scientific, educational and low-impact recreational activities to the same extent the Trail Area is utilized by Grantee for such purposes; specifically, Grantors retain the right to engage in and permit others to engage in such activities that may include, without limitation, walking, hiking, plant and animal observation and study.

2.3. Vegetation Removal. Cutting or clearing of vegetation for insect or disease control, control of non-native plants, removal of trees that threaten to fall on the Trail Area or on land outside the boundaries of the Trail Area; Grantors do not assume any responsibility or liability to the general public for failing to do so.

2.4. Fencing. Grantors may install fencing, at Grantors' expense, along the perimeter of the Trail Area, not to exceed five (5) feet in height and constructed of post-and-rail or other open weave construction that preserves scenic views from the Trail and Amenities. Grantors shall not, through fencing or any other means, methods, or materials, impede access to or discourage use of the Trail and Amenities.

2.5. Transfer. Grantors retain the right to sell, give, mortgage, lease, or otherwise convey the Trail Area subject to the terms of this Easement.

### ARTICLE III. RESERVED RIGHTS OF GRANTEE

Grantors are not responsible for costs associated with construction and maintenance of the Trail and Amenities or improvements or accessory facilities of the Trail and Amenities. Grantee reserves for itself and its successors and assigns the following rights:

3.1. Improvements. Grantee reserves the right to construct a trail as follows:

- (a) The Trail shall be constructed of a pervious surface, no more than four (4) feet in trail width and in accordance with best management practices to minimize soil erosion and water quality impacts.
- (b) The Trail may be covered, if at all, by wood chips, gravel, or other porous surface.
- (c) The Trail may include steps and railings and other trail surface structures necessary to facilitate safe passage.

3.2. Parking Area Improvements. Grantee reserves the right to construct parking area improvements consisting of a driveway and parking area for no more than ten (10) cars located within the area marked as "AREA P" on the Plat recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_ of the Orange County Registry and attached to this easement document as **Exhibit A** provided that such construction meets all applicable setback, zoning and construction regulations.

3.3. Trail Amenities. Grantee reserves the right to add the following to the Trail Area:

- (a) A reasonable number of benches.
- (b) Signs to mark the Trail and provide information regarding applicable time, place, and manner restrictions.
- (c) Signs for interpretive purposes and to indicate the interest of Grantee in the Trail Area.
- (d) Fencing, gates and barriers to control access.
- (e) Portable toilet, composting toilet system, vault privy system, or similar at or near the parking area as described herein in section 3.2

## ARTICLE IV. PROHIBITED AND RESTRICTED ACTIVITIES

Any activity on, or use of, the Trail Area inconsistent with the purposes of this Easement is prohibited. Other than as provided herein, the Trail Area shall be maintained in its natural, scenic, wooded and open condition and restricted from any use that would impair or interfere with the Conservation Values or the purposes of this Easement. Except for those rights specifically reserved to Grantors in Article II and without limiting the generality of the foregoing, the following activities and uses are expressly prohibited or restricted as indicated:

4.1. Trail Area Use. Access to the Trail Area by the general public is subject to the following limitations:

- (a) The Trail may be used only for walking, nature study, and the like.
- (b) Use is limited to the hours between dawn and dusk.
- (c) Smoking or lighting of fires is prohibited.
- (d) Consumption of alcoholic beverages is prohibited.
- (e) Trapping or hunting is prohibited.

4.2. Mechanized Vehicles. There shall be no use of motorized or mechanized vehicles on the Trail Area except within the Parking Area Improvements as described herein in Section 3.2 and as necessary for the construction, maintenance, operation and management of the North Carolina Mountains-to-Sea Trail. Bicycles are considered to be mechanized vehicles for the purposes of this Easement.

4.3. Industrial or Commercial Use: Industrial and commercial activities are prohibited in the Trail Area.

4.4. Residential Use, Structures, and Signs. There shall be no residential use of the Trail Area. There shall be no constructing or placing of any building, mobile home, billboard or other advertising display, antenna, utility pole, tower, conduit line, or any other temporary or permanent structure or facility on or above the Trail Area except for the following: underground utilities such as water, sewer, electric, fiber optic cable or other communication and internet providing lines, bathroom facility, placement and display of no trespassing signs, local, state or federal traffic or similar informational signs, boundary fencing, signs identifying the Conservation Values of the Trail Area, and/or signs identifying Grantors as owner of the Property and Grantee as holder of this Easement, signs identifying the Trail Area as a part of the North Carolina Mountains-to-Sea Trail, signs giving directions or prescribing rules and regulations for the use of the Trail Area, educational and interpretative signs, identification labels or any other similar temporary or permanent signs.

4.5. Agricultural, Timber Harvesting, Grazing and Horticultural Use. Agricultural, timber harvesting, grazing, horticultural and animal husbandry operations are prohibited; provided that this provision shall not prohibit plantings for wildlife habitat or wildlife management.

4.6. Disturbance of Natural Features, Plants and Animals. There shall be no cutting or removal of trees, or the disturbance of other natural features on the Trail Area except for the following: (i) as incidental to boundary marking or fencing as allowed hereunder; and (ii) cutting or clearing of vegetation for insect or disease control, control of non-native plants, removal of trees that threaten to fall on the Trail Area or on land outside the boundaries of the Trail Area and as necessary for the construction, maintenance, operation and management of the North Carolina Mountains-to-Sea Trail and Amenities. Design and construction of the Trail and Amenities will be planned and built to minimize environmental impacts to the extent practical. Trees that fall within the Trail Easement area as a result of natural cause or “Acts of God”, and obstruct passage through are hereby considered within the parameters of Section 6.2 “Upkeep and Maintenance”, and removal from the Trail Easement Area will be the sole responsibility of the Grantee.

4.7. Wetlands and Water Quality. There shall be no pollution or alteration of water bodies and no activities that would be detrimental to water purity or that would alter natural water levels, drainage, sedimentation and/or flow in or over the Trail Area or into any surface waters, or cause soil degradation or erosion nor diking, dredging, alteration, draining, filling or removal of wetlands, except activities for the above and activities to restore natural hydrology or wetlands enhancement as permitted by Grantee and appropriate governmental authorities.

4.8. Dumping and Filling. The dumping, accumulation, storage, or burying of soil, trash, ashes, garbage, waste, appliances, abandoned or unlicensed vehicles, inoperable or broken machinery, debris, junk, radioactive or hazardous waste, or other materials on the Trail Area is prohibited. Automobiles, trailers, machinery and recreational vehicles shall not be stored on the Trail Area.

4.9. Mineral Use, Excavation, Dredging. There shall be no filling, excavation, dredging, mining or drilling; no removal of topsoil, sand, gravel, rock, peat minerals or other minerals, and no change in the topography of the Trail Area in any manner except as reasonably necessary for the purposes of combating erosion and as reasonably necessary for any activities otherwise permitted on the Trail Area pursuant to the terms of this Easement.

## **ARTICLE V. FEDERAL TAX ITEMS**

5.1. Qualified Conservation Contribution. The Easement granted under this agreement has been donated in whole or in part to Grantee by the undersigned Grantors. It is intended to qualify as a charitable donation of a partial interest in real estate (as defined under §170(f)(3)(B)(iii) of the Code) to a qualified organization (as defined in §1.170A-14(c)(1) of the Regulations).

5.2. Definitions of Code and Regulations. “Code” means the Internal Revenue Code of 1986, as amended through the applicable date of reference. “Regulations” mean the provisions of C.F.R. §1.170A-14 as amended through the applicable date of reference.

5.3. Public Benefit. This easement is given for public outdoor recreation and education and is for the substantial and regular use of the general public or the community. This Easement provides significant public benefit as defined in §1.170A-14(d)(2)(i) of the Regulations. Public policies and programs that illustrate and support the significant public benefit of this Easement include:

- (a) The 2030 Orange County Comprehensive Parks and Recreation Master Plan, which recommends the development of a master plan for the Orange County segment of the Statewide Mountains-to-Sea Trail as well as linking to the priorities set forth in the existing North Carolina State Trails Program; and
- (b) The Orange County Board of Commissioners' goal (adopted June 21, 1999) to identify and coordinate the preservation of the County's most significant natural areas; and
- (c) The Land Use Element of the Orange County Comprehensive Plan (adopted November 18, 2008) with its goal of "Land uses that are appropriate to on-site environmental conditions and features, and that protect natural resources, cultural resources, and community character;" and
- (d) The Orange County Lands Legacy Action Plan, which was adopted by the Orange County Board of Commissioners on December 12, 2017, and which sets an objective to acquire key parcels needed for a public pedestrian trail and wildlife corridor that would connect Hillsborough Riverwalk to the Haw River for the planned North Carolina Mountains-to-Sea Trail; and
- (e) N.C.G.S. § 113-34.1 authorizing the Department of Environment and Natural Resources to develop and maintain the North Carolina Mountains-to-Sea Trail, of which this easement will be a part.

5.4. Mineral Interests. No Person has retained a qualified mineral interest in the Trail Area of a nature that would disqualify the Easement for purposes of §1.170A-14(g)(4) of the Regulations.

5.5. Notice Required Under Regulations. To the extent required for compliance with §1.170A-13(g)(4)(ii) of the Regulations, Grantors agree to notify Grantee before exercising any reserved right that may have an adverse impact on the conservation interests or public recreational purposes associated with the Trail Area.

5.6. Trail Area Right. In accordance with §1.170A-14(g)(6) of the Regulations, the undersigned Grantors agree that the Easement granted under this agreement gives rise to a property right, immediately vested in the Grantee, that entitles the Grantee to compensation upon extinguishment of the easement. The fair market value of the property right is to be determined in accordance with the Regulations; i.e., it is at least equal to the proportionate value that this easement as of the Easement Date bears to the value of the Property as a whole as of the Easement Date. Grantee must use any funds received by application of this provision in a manner consistent with the recreational and conservation purposes of this Easement.

5.7. Qualification Under §2031(C) of the Code. To the extent required to qualify for exemption from federal estate tax under §2031(c) of the Code, and only to the extent such

activity is not otherwise prohibited or limited under this Easement, Grantors agree that commercial recreational uses are not permitted within the Trail Area.

#### **ARTICLE VI. ONGOING RESPONSIBILITY OF GRANTORS AND GRANTEE**

This Easement is not intended in any way to affect any existing obligation of the Grantors as owner of the Property. Among other things, this shall apply to:

6.1. Taxes. Grantors shall continue to be solely responsible for payment of all taxes and assessments levied against the Property. If Grantee is ever required to pay any taxes or assessments on their interest in the Property, Grantors shall upon demand reimburse Grantee for the same.

6.2. Upkeep and Maintenance. Trail Area shall be maintained so as to not interfere with the intended use of the trail and amenities.

- a. Grantors shall continue to be solely responsible for the upkeep and maintenance of the Trail Area apart from the trail and amenities. Grantee shall have no obligation for the upkeep or maintenance of the Trail Area, except as described herein.
- b. Grantee shall be solely responsible for construction, upkeep, and maintenance of the Trail and Amenities, except as described herein. Grantee shall make periodic inspections to ensure the upkeep and maintenance of the Trail and Amenities. Upon notice from Grantors of any upkeep or maintenance issue, Grantee shall make additional inspection and plan of remediation. Such plan of remediation shall occur within one year of notice.

6.3. Transfer of Trail Area. Grantors agree to incorporate by reference the terms of this Easement in any deed or other legal instrument by which they transfer or divest themselves of any interest, including leasehold interests, in the Trail Area. Grantors shall notify Grantee in writing at least thirty (30) days before conveying the Trail Area, or any interest therein. Failure of Grantors to do so shall not impair the validity of the Easement or limit its enforceability in any way.

6.4. Transfer of Easement. Grantee shall have the right to transfer this Easement to any public agency or private nonprofit organization that, at the time of transfer, is a qualified organization under 26 U.S.C. Section 170(h) of the Internal Revenue Code, as amended and under NGS 121-34 *et seq.*, provided the agency or organization expressly agrees to assume the responsibility imposed on Grantee by this Easement. As a condition of such transfer, Grantee shall require that the conservation purposes intended to be advanced hereunder shall be continued to be carried out. If Grantee ever cease to exist or no longer qualify under 26 U.S.C. Section 170(h) of the Internal Revenue Code, or applicable state law, a court with jurisdiction shall transfer this Easement to another qualified organization having similar purposes that agrees to assume the responsibility imposed by the Easement.

6.5. Inspection and Access. With reasonable advance notice to the Grantors or with Grantors' prior verbal consent, Grantee, their employees and agents, successors and assigns, shall have the right to enter the Trail Area for the purpose of inspecting the Trail Area to determine whether Grantors, their successors or assigns are complying with the terms, conditions and restrictions of this Easement.

6.6. Enforcement. Grantee shall have the responsibility for management, monitoring and enforcement of the terms of this Easement. Grantee shall complete and file the monitoring reports, a copy of which is kept on file with Orange County.

Grantee shall have the right to prevent violations and remedy violations of the terms of this Easement through judicial action, which shall include, without limitation, the right to bring proceedings in law or in equity against any party or parties attempting to violate the terms of this Easement. Except when an ongoing or imminent violation could irreversibly diminish or impair the Conservation Values of the Trail Area, Grantee shall give Grantors written notice of the violation and Grantors shall have thirty (30) days to cure the violation, before commencing any legal proceedings. If a court of competent jurisdiction determines that a violation may exist or has occurred, Grantee may obtain an injunction to stop the violation, temporarily or permanently. The parties agree that a court may issue an injunction or order requiring Grantors to restore the Trail Area to its condition prior to the violation, as restoration of the Trail Area may be the only appropriate remedy. The failure of Grantee to discover a violation or to take immediate legal action shall not bar it from doing so at a later time. In any case where a court finds no such violation has occurred, each party shall bear its own costs. In any case where the Court finds that a violation has occurred, Grantee shall have the right to recover its legal costs from Grantors, including attorney's fees or expenses associated with any enforcement or remedial action as it relates to the enforcement of this Easement.

## ARTICLE VII. REPRESENTATIONS OF THE PARTIES

7.1. Grantors' Title Warranty. Grantors covenant, represent and warrant (i) that it is the sole owner and is seized of the Trail Area in fee simple and has the right to grant and convey this Easement; (ii) that there is legal access to the Trail Area; (iii) that the Trail Area is free and clear of any and all encumbrances, except those permitted title exceptions listed on **Exhibit B**, attached hereto and incorporated herein by this reference, none of which would nullify, impair or limit in any way the terms or effect of this Easement; (iv) Grantors shall defend its title to the Trail Area against the claims of all persons whomsoever; and (v) Grantors covenant that Grantee, its successors and assigns, shall have the use of and enjoy all of the benefits derived from and arising out of this Easement.

7.2. Grantors' Environmental Warranty. Grantors know of no release or threatened release of any Hazardous Materials on, at, beneath or from the Trail Area, or arising from or connected with a violation of any Environmental Laws. Grantors hereby promise to hold harmless and indemnify Grantee against all litigation, claims, demands, penalties and damages, including reasonable attorneys' fees, arising from or connected with the release or threatened release by

Grantors, their agents, assigns, and guests, of any Hazardous Materials on, at, beneath or from the Trail Area, or arising from or connected with a violation of any Environmental Law.

“Environmental Law” or “Environmental Laws” means any and all Federal, state, local or municipal laws, rules, orders, regulations, statutes, ordinances, codes, guidelines, policies or requirements of any governmental authority regulating or imposing standards of liability or standards of conduct (including common law) concerning air, water, solid waste, hazardous materials, worker and community right-to-know, hazard communication noise, radioactive material, resource protection, subdivision, inland wetlands and watercourses, health protection and similar environmental health, safety, building and land use as may now or at any time hereafter be in effect.

“Hazardous Materials” means any petroleum, petroleum products, fuel oil, waste oils, explosives, reactive materials, ignitable materials, corrosive materials, hazardous chemicals, hazardous wastes, hazardous substances, extremely hazardous substances, toxic substances, toxic chemicals, radioactive materials, infectious materials and any other element, compound, mixture, solution or substance which may pose a present or potential hazard to human health or the environment.

7.3. Liability. Grantors have entered into this Easement in order to make the Trail Area available to the public for recreational and educational purposes as contemplated by Chapter 38A and Section 143B-135.118 of the North Carolina General Statutes and therefore is afforded the statutory limitations upon liability of an “owner” under those provisions as they may be amended from time to time.

## **ARTICLE VIII. MISCELLANEOUS**

8.1. Recording. Grantee shall record this instrument in a timely fashion in the official record of Orange County, North Carolina, and may re-record it at any time as may be required to preserve the rights of the Grantee.

8.2. Survival of Terms/Merger of Fee and Easement. Grantors and Grantee agree that the terms of this Easement shall survive any merger of this fee and easement interest in the Trail Area. In the event Grantee becomes owner of the Trail Area, or any portion thereof, Grantee shall transfer its rights title and interest in this Easement to a third party in accordance with sections 6.4.

8.3. Amendment of Easement. This Easement may be amended only with the written consent of the Grantors and Grantee. Any such amendment shall be consistent with the purposes of this Easement and shall comply with Sec. 170(h) of the Internal Revenue Code, or any regulations promulgated in accordance with that section. Any such amendment shall also be consistent with the Uniform Conservation and Historic Preservation Agreements Act, N.C.G.S. Section 121-34 *et seq.*, or any regulations promulgated pursuant to that law. The Grantors and Grantee have no right or power to agree to any amendment that would affect the enforceability of this Easement.

8.4. Procedure in the Event of Termination of Easement. If the North Carolina Mountains-to-Sea Trail is not routed through the Trail Area within ten (10) years of the execution of this Easement at the Grantors request, this Easement may be terminated.

If it is determined that conditions on or surrounding the Trail Area have changed so much that it is impossible to fulfill the conservation purposes set forth above, a court with jurisdiction may, at the Grantors request, terminate this Easement.

If condemnation of a part of the Trail Area or of the entire Property by public authority renders it impossible to fulfill any of these conservation purposes, the Easement may be terminated through condemnation proceedings.

8.5. Interpretation. This Easement shall be interpreted under the laws of the State of North Carolina, resolving any ambiguities and questions of the validity of specific provisions so as to give maximum effect to its conservation purposes.

8.6. Perpetual Duration; Severability. The Easement created by this Deed shall be a servitude running with the land in perpetuity. Every provision of this Deed of Trail Easement that applies to the Grantors or the Grantee shall also apply to their respective agents, heirs, executors, administrators, assigns, and all other successors as their interests may appear. Invalidity of any of the covenants, terms or conditions of this Easement, or any part thereof by court order or judgment shall in no way affect the validity of any of the other provisions hereof, which shall remain in full force and effect.

8.7. Subsequent Liens on the Trail Area. No provision of this Easement should be construed as impairing the ability of Grantors to use the Trail Area as collateral for subsequent borrowing. Any such liens shall be and remain subordinate to this Easement.

8.8. Subsequent Easements/Restrictions on the Trail Area. The grant of any easement or use restriction that might diminish or impair the Conservation Values of the Trail Area is prohibited. Any such easement or restriction shall be subordinated to this Easement.

8.9. Notices. Any notices required by this Easement shall be in writing and shall be personally delivered or sent by first class mail to Grantors or Grantee respectively, at the following address, unless a party has been notified in writing by the other of a change of address.

To the Grantors:

Carl and Eve Shy  
6626 Bradshaw Quarry Road  
Efland, NC 27243

Ann Shy,  
1111 Castell Lane  
Efland, NC 27243

To the Grantee:

Orange County DEAPR  
PO Box 8181  
Hillsborough, NC 27278

8.10. Entire Agreement. This instrument sets forth the entire agreement of the Parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings or agreements relating to the Easement. If any provision is found to be invalid, the remainder of the provisions of this Easement, and the application of such provision to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

8.11. Availability or Amount of Tax Benefits. Grantee make no warranty, representation or other assurance regarding the availability, amount or effect of any deduction, credit or other benefit to Grantors or any other person or entity under United States or any state, local or other tax law to be derived from the donation of any part of the value of this Easement or other transaction associated with the donation of this Easement. Grantors' donation is not conditioned upon the availability or amount of any such deduction, credit or other benefit. Grantee makes no warranty, representation or other assurance regarding the value of this Easement or of the Trail Area. As to all of the foregoing, Grantors are relying upon Grantors' own legal counsel, accountant, financial advisor or other consultant and not upon Grantee's legal counsel, accountant, financial advisor or other consultant of Grantee. In the event of any audit or other inquiry of a governmental authority into the effect of this donation upon the taxation or financial affairs involving Grantors or Grantors' heirs, successors or assigns or other similar matter then Grantee shall be reimbursed and indemnified for any cost or expense of any kind or nature whatsoever incurred by Grantee in responding or replying thereto.

8.12. Warranties and Representations of Owner. By signing this Easement, Grantors acknowledges, warrants and represents to Grantee that:

- (a) Grantors have had the opportunity to be represented by counsel of Grantors' choosing and fully understand that Grantors are hereby permanently relinquishing property rights which would otherwise permit Grantors to have a fuller use and enjoyment of the Trail Area.
- (b) There are no recorded or unrecorded leases or other agreements for the production of minerals or removal of timber from the Trail Area which would, if any of the activities permitted under such lease or other agreement were undertaken by Grantors, violate the covenants or restrictions in this Easement or otherwise defeat the conservation Purpose.

TO HAVE AND TO HOLD this Deed of Conservation Easement unto Grantee, their successors and assigns, forever.

IN WITNESS WHEREOF, the Grantors and Grantee, intending to legally bind themselves, have set their hands on the date first written above.

GRANTORS:

\_\_\_\_\_  
Carl M. Shy

\_\_\_\_\_  
Eve Carol Shy

Accepted:

GRANTEE:

ORANGE COUNTY, NORTH CAROLINA

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

ATTEST:

By: \_\_\_\_\_  
Laura Jensen, Clerk to the  
Board of Commissioners

Acknowledgments

NORTH CAROLINA  
COUNTY OF ORANGE

I, \_\_\_\_\_, a Notary Public for said County and State do hereby certify that \_\_\_\_\_ personally appeared before me and acknowledged the due execution of the foregoing instrument.

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

\_\_\_\_\_

Notary Public

My commission expires:

\_\_\_\_\_

NORTH CAROLINA  
COUNTY OF ORANGE

I, \_\_\_\_\_, a Notary Public of Orange County, North Carolina do hereby certify that Laura Jensen personally appeared before me this day and acknowledged that she is Clerk to the Board of Commissioners for Orange County, North Carolina and that by authority duly given and as the act of Orange County, North Carolina the foregoing instrument was signed in its name by the Chair of the Orange County Board of Commissioners, and attested by her as Clerk to said Board of Commissioners.

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

\_\_\_\_\_

Notary Public

My commission expires:

\_\_\_\_\_

## Attachment 4

This instrument prepared by and return to: John L. Roberts, Office of the Orange County Attorney  
Box 8181, Hillsborough, NC 27278

NORTH CAROLINA  
COUNTY OF ORANGE

**AMENDMENT TO CONSERVATION EASEMENT**

This Amendment to Conservation Easement (“Conservation Easement Amendment”) is granted on this \_\_ day of \_\_\_\_\_, 2021, by **CARL M. SHY** and **EVE CAROL SHY**, husband and wife, having an address at 6626 Bradshaw Quarry Road, Efland, NC 27243 (hereinafter "Grantors"), to **ORANGE COUNTY, NORTH CAROLINA**, having an address of Post Office Box 8181, Hillsborough, NC 27278 (hereinafter “Grantee”)

**WHEREAS:**

Grantors are the sole owners in fee simple, of certain Property, more particularly described in the “Conservation Easement” recorded at Book 2757, Page 110, Orange County Registry, which property is further identified as Lot 1-R (consisting of Lots 1-A and 1-B) and Lot 2 on the plat of property titled “Property of Carl M. Shy and Eve Carol Shy,” prepared by ENT Land Surveys, Inc., which plat is recorded at Plat Book 90 Page 2, Orange County Registry. References in this Conservation Easement Amendment to “the Property” mean the property described in the Conservation Easement as amended by “Amendment to Conservation Easement” recorded at Book 5894, Page 30, Orange County Registry.

Grantors and Grantee have agreed to amend the Conservation Easement, as expressly provided herein.

NOW, THEREFORE, for the reasons given herein and in consideration of the terms, covenants and conditions set forth in the Conservation Easement, Amendment to Conservation Easement and this Conservation Easement Amendment, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantors convey unto Grantee a conservation easement, of the nature and character and to the extent hereinafter set forth, in respect to the Property as described in Exhibit A to the Conservation Easement and further covenant and agree as follows:

1. Subparagraph 2.2 of Paragraph 2 is deleted in its entirety and replaced with the following:

2.2 Construction. Grantors shall have the right to construct and maintain two, and only two, permanent residences within the Easement Area. The first residence currently exists on the 14.32-acre Lot 1-A. The second residence is being constructed on Lot 2 and within a Residential Envelope identified on Exhibit B. Grantors may construct driveways, utilities, wells, and accessory structures whose use is incidental to and serves the two residences. Grantors may also construct driveways to provide access to Castell Lane from other parts of Lot 1A or Lot 1B. Grantors may also construct outbuildings and improvements for agricultural, horticultural, educational, artistic or recreational purposes or for their own home-based small business, so long as authorized by Orange County zoning regulations, consistent with permits required by and issued by Orange County under its laws and ordinances for such buildings and land uses, and have advanced written permission of the Grantee. Grantee may construct a trail, parking area, and accessory structures for the NC Mountains-to-Sea Trail within the Easement Area. Furthermore, there shall be no constructing or placing of any airplane landing strip, billboard or other advertising display, utility pole, utility tower, conduit or line on or above the Easement Area other than those necessary to service the Easement Area's improvements and remaining compatible with the conservations values or interests of the Easement Area. Outdoor lighting shall be placed and shielded so as to minimize the impact on surrounding areas.

2. A new subparagraph 4(e) of Paragraph 4 is added to read as follows:

(e) Right to Construct and Maintain Trails. The right, but not the obligation, to construct a trail, parking area, and accessory structures within the Easement Area.

3. Continued Force and Effect. The parties confirm the Conservation Easement as amended by this Conservation Easement Amendment and acknowledge and agree, as amended by this amendment, the Conservation Easement is binding and remains in full force and effect.

TO HAVE AND TO HOLD this Conservation Easement Amendment unto Grantee, its successors and assigns, forever.

**[The remainder of this page is intentionally left blank. Signature page follows.]**

IN WITNESS WHEREOF, the Grantors and Grantee, intending to legally bind themselves, have set their hands on the date first written above.

GRANTORS:

\_\_\_\_\_  
Carl Michael Shy

\_\_\_\_\_  
Eve Carol Shy

Accepted:

GRANTEE:

ORANGE COUNTY, NORTH CAROLINA

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

ATTEST:

\_\_\_\_\_  
Laura Jensen, Clerk to the  
Board of Commissioners

Acknowledgments

NORTH CAROLINA  
COUNTY OF ORANGE

I, \_\_\_\_\_, a Notary Public in and for said County and State do hereby certify that \_\_\_\_\_ and \_\_\_\_\_ personally appeared before me this day and duly acknowledged the execution of the foregone Conservation Easement.

WITNESS my hand and official stamp or seal, this the \_\_\_\_ day of \_\_\_\_\_, 2021.

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

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

NORTH CAROLINA  
COUNTY OF ORANGE

I, a Notary Public of the County and State aforesaid, certify that Laura Jensen personally came before me this day and acknowledged that she is Clerk to the Board of Commissioners for Orange County, North Carolina and that by authority duly given and as the act of said County, the foregoing instrument was signed in its name by the Chair of said Board of Commissioners and attested by her as Clerk to said Board of Commissioners.

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

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

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

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 16, 2021

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

**SUBJECT:** Orange County Sportsplex Field House Stormwater Control Measure Access and Maintenance Easement and Agreement with Town of Hillsborough (103 Meadowlands Drive, Hillsborough)

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**DEPARTMENT:** Asset Management Services,  
County Attorney, Environment,  
Agriculture, Parks & Recreation

**ATTACHMENT(S):**  
Stormwater Control Measure Access and  
Maintenance Easement and  
Agreement  
Exhibit C – Stormwater BMP Easement

**INFORMATION CONTACT:**  
Angel Barnes, Capital Projects Manager,  
919.245.2628  
Steven Arndt, Asset Management  
Services Director, 919.245.2658

**PURPOSE:** To:

- 1) Approve a Stormwater Control Measure Access and Maintenance Easement and Agreement with the Town of Hillsborough for the Orange County Sportsplex Field House Stormwater Control Measures; and
- 2) Authorize the Chair to sign the necessary paperwork upon final County Attorney review.

**BACKGROUND:** The Town of Hillsborough is requesting a Stormwater Control Measure Access and Maintenance Easement and Agreement for the Orange County Sportsplex Field House facility located at 103 Meadowlands Drive, Hillsborough. In 2018 the stormwater system was installed to meet the required standards. This agreement is to grant Town of Hillsborough staff access to the stormwater control measures for required inspections.

**FINANCIAL IMPACT:** There is no financial impact with granting this Stormwater Control Measure Access and Maintenance Easement and Agreement.

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

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

The fair treatment and meaningful involvement of people of all races, cultures, incomes and educational levels with respect to the development and enforcement of environmental laws, regulations, policies, and decisions. Fair treatment means that no group of people

should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

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

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

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

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

- 1) Approve a Stormwater Control Measure Access and Maintenance Easement and Agreement with the Town of Hillsborough for the Orange County Sportsplex Field House Stormwater Control Measures; and
- 2) Authorize the Chair to sign the necessary paperwork upon final County Attorney review.

Prepared by and Return to: Heather Fisher, AICP, Stormwater Coordinator, Town of Hillsborough Planning Department, Stormwater and Environmental Services Division, 101 East Orange Street, P.O. Box 429, Hillsborough, NC 27278

STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

STORMWATER CONTROL MEASURE  
EASEMENT AND MAINTENANCE AGREEMENT

PINs: 9874-71-1038, 9874-71-5479, 9874-71-6466, and  
9874-71-7383

This STORMWATER CONTROL MEASURE EASEMENT AND MAINTENANCE AGREEMENT (“Easement and Agreement”), made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Orange County, a North Carolina county, whose principal address is 200 South Cameron Street, P.O. Box 8181, Hillsborough, NC 27278 (hereafter “Grantor”), with, to, and for the benefit of the Town of Hillsborough, a municipal corporation of the State of North Carolina, whose address is 101 East Orange Street, P.O. Box 429, Hillsborough, NC 27278 (hereinafter “Grantee” or “Town”).

WITNESSETH:

THAT WHEREAS, Grantor is the owner in fee simple of certain real properties situated in the Town of Hillsborough, Hillsborough Township, Orange County, North Carolina and more particularly described as follows:

PIN 9874-71-1038: All of the 16.35 acres identified as “Lot 1” as shown on the plat and survey by PCA & Associates entitled “Property Surveyed for Orange Co. Community Athletic Corp.” recorded in Plat Book 70, Page 178 of the Orange County Registry; and

PINs 9874-71-5479, 9874-71-6466, and 9874-71-7383:  
All of the 2.63 acres identified as “New Annexation Area All Lots” as shown on the plat and survey by Riley Surveying, P.A. entitled “Contiguous Annexation Map Lots 16-22 and a Portion of 15 C.P. Whitfield Farm Subdivision” recorded in Plat Book 116, Page 55 of the Orange County Registry

(hereafter referred to as “Properties”); and

WHEREAS, the properties are located within the planning jurisdiction of the Town of Hillsborough, and are subject to certain requirements set forth in the UDO (Unified Development Ordinance) of the Town, (hereafter “Hillsborough UDO”), as such may be amended from time to time; and

WHEREAS, one of the conditions for development of the Properties is the granting or dedication of a Stormwater Control Measure easement (“hereafter SCM Easement”), which includes the implementation of certain stormwater practices such as, but not limited to, the construction, operation and maintenance of engineered stormwater control measure(s) as provided by the Hillsborough UDO; the dedication of an access easement for inspection and maintenance of the SCM easement areas and engineered structures; and the assumption by Grantor of certain specified maintenance and repair responsibilities; and

WHEREAS, this Easement and Agreement has been procured in accordance with the requirements of NCGS Section 143-211 et. seq. and Section 6 (Development Standards), Article 6.20 (Stormwater Management) of the Hillsborough UDO.

NOW, THEREFORE, for a valuable consideration, including the benefits Grantor may derive therefrom, the receipt of which is hereby acknowledged, Grantor has dedicated, bargained and conveyed and by these presents does hereby dedicate, bargain, sell, grant and convey unto the Grantee, its successors and assigns, a perpetual, and irrevocable right and easement in, on, over, under, through and across the Properties (1) for an SCM easement of the nature and character and to the extent hereinafter set forth, more particularly shown, described and identified as “20’SCM Access & Maintenance Easement” and “SCM Access & Maintenance Easement (Variable Width)” as shown on the plat and survey entitled “Dedication of SCM Access & Maintenance Easement and Public Pedestrian Sidewalk Easement” by Riley Surveying, P.A. in Plat Book 120, Page 161 of the Orange County Registry, which which is incorporated herein by reference and made a part of this document; upon which Grantor shall construct, maintain, repair and reconstruct stormwater control measure(s), including detention pond(s), pipes and water control structures, berms and dikes, and shall establish and maintain vegetative filters and groundcovers; and (2) an access easement more particularly shown and described on the Plat herein referenced, for the purpose of permitting Town inspection and, if necessary, maintenance and repair of the SCM easement areas and engineered structure(s) as more fully set forth herein and in the Hillsborough UDO.

The terms, conditions, and restrictions of the Easement and Agreement are:

1. Grantor represents and warrants that Grantor is financially responsible for construction, maintenance, repair and replacement of all stormwater control measures, appurtenances and vegetation, including the impoundment. Grantor agrees to perform the maintenance as outlined in the Stormwater Control Measure Operation and Maintenance Manual attached hereto as Exhibit A and in consideration of the Certificate of Compliance with stormwater regulations received for Properties.
2. If Grantor fails to comply with these requirements, or any other obligations imposed herein, in the Hillsborough UDO, Stormwater Management Plan Approval, or Stormwater Control Measure Operation and Maintenance Manual, the Town may perform such work as Grantor is responsible for and recover the costs thereof from the Grantor.
3. This Easement and Agreement gives the Grantee the following affirmative rights: Grantee, its officers, employees, and agents may enter the SCM Easement whenever reasonably necessary for the purpose of inspecting same to determine compliance herewith, to maintain same and make repairs or replacements to the engineered stormwater control measure(s) and appurtenances and conditions as may be necessary or convenient thereto in the event the Grantor defaults in its obligations and to recover from the Grantor the cost thereof, and in addition to other rights and remedies available to it, to enforce by proceedings at law or in equity the rights, covenants, duties, and other obligations herein imposed.
4. The Grantee is under no obligation to maintain or repair the above referenced facilities, and in no event shall this Easement and Agreement be construed to impose any such obligation on the Town.
5. The Grantee shall not be liable to any person for the condition or operation of the above referenced facilities.
6. The Grantor and the Grantor’s heirs, administrators, executors, assigns and any other successor in interest shall indemnify and hold harmless the Grantee and its officers, agents and employees for any and all damages, accidents, casualties, occurrences, claims or attorney’s fees which might arise or be asserted, in whole or in part, against the Grantee from the construction, presence, existence, or maintenance of the stormwater control facilities subject to the Agreement. In the event a claim is asserted against the Grantee, its officers, agents or employees, the Grantee shall notify the Grantor and the Grantor shall defend at the Grantor’s expense any suit based on such claim. If any judgment or claims against the Town, its officers, agents or employees shall be allowed, the Grantor shall pay the same all costs and expenses in connection therewith. The Grantee will not indemnify, defend or hold harmless in any fashion the Grantor from any claims arising from any failure, regardless of any language in any attachment or other document that the Grantor may provide.
7. This agreement shall not in any way diminish, limit, or restrict the right of the Town to enforce any of its ordinances as authorized by law.

The Grantor shall in all other respects remain the fee owner of the Property and area subject to this Easement and Agreement and may make all lawful uses of the Property not inconsistent with this Easement and Agreement.

The Grantee does not waive or forfeit the right to take action to ensure compliance with the terms, conditions and purposes of this Easement and Agreement by a prior failure to act.

The Grantor agrees that the terms, conditions and restrictions of this Easement and Agreement will be promptly recorded by Grantor in the Orange County Registry. The designation Grantor and Grantee shall include the parties, their heirs, successors and assigns.

TO HAVE AND TO HOLD the aforesaid rights, privileges, and easement herein granted to the Grantee, its successors and assigns forever and the same Grantor does covenant that Grantor is seized of said premises in fee and has the right to convey the same, that except as set forth below the same is free from encumbrances and that Grantor will warrant and defend the said title to the same against claims of all persons whosoever.

The covenants agreed hereto and the conditions imposed herein shall be binding upon the Grantor and its agents, personal representatives, heirs and assigns, and all other successors in interest to Grantor and shall continue as a servitude running in perpetuity with the above described land.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its name, the day and year first above written.

Orange County, a North Carolina county

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

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public of the County and State aforesaid, certify that Penny Rich, Chair of the Orange County Board of Commissioners, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

My commission expires: \_\_\_\_\_, 20\_\_\_\_.



ORD-2021-027

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 16, 2021

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

**SUBJECT:** Fiscal Year 2021-22 Budget Amendment #4

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**DEPARTMENT:** Finance and Administrative Services

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**ATTACHMENT(S):**

Attachment 1. Year-to-Date Budget  
Summary

**INFORMATION CONTACT:**

Rebecca Crawford, (919) 245-2152  
Gary Donaldson, (919) 245-2453

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**PURPOSE:** To approve budget, grant, and capital project ordinance amendments for Fiscal Year 2021-22.

**BACKGROUND:**

**Department of Social Services**

1. The Department of Social Services has been allocated \$32,956 in American Rescue Plan Act (ARPA) funding and \$12,104 in Consolidated Appropriations Act (CAA) funding by the state to be used for administration of the Food and Nutrition Services Programs.

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

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

**Library Services**

2. The department has received \$12,935 from the Orange County Friends of the Library to cover the costs of inclusive departmental programming, professional membership dues, and conference fees. This amendment recognizes the receipt of this donation.

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

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

### County Attorney

3. Technical Amendment – The County Attorney’s office has identified increased costs to its litigation expenses based on ongoing legal matters. This amendment moves \$12,500 in savings identified in County utility accounts due to the hybrid work model to fund these expenses.

**SOCIAL JUSTICE IMPACT:** There are no Orange County social justice goals associated with this item.

### Health Department

4. The Orange County Health Department has received the following additional funds:
  - **Advancing Equity Grant** - \$39,900 in Centers for Disease Control (CDC) funds through the North Carolina Department of Health and Human Services to address COVID-19 related health disparities and advance health equity. The grant service period is September 1, 2021 through May 31, 2022. Funds will be used for staff and community training, advertising material, contract interpreters and translators, child care, speaker fees, and gift cards to be used to incentivize students for participating in school diversity and equity campaigns.
  - **FDA Retail Program Grant** - \$6,148 in US Food and Drug Administration (FDA) grant funds for the Retail Program Standards program. The grant period ends March 31, 2022. These funds will be used for purchasing equipment and supplies to achieve Food and Lodging’s FDA voluntary standards.

This amendment recognizes the receipt of these funds.

**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: 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.

### Planning and Inspections Department

5. Capital Project - This amendment transfers \$25,000 of Alternative Financing from the Battle Courtroom Remediation project to the Historic Rogers Road Connection project for construction of two primary, low to moderate income residence sewer connections. The current approved life-to-date budget of \$7,222,000 is fully expended.

***Battle Courtroom Remediation (-\$25,000) - Project # 10067***

Revenues for this project:

|                              | Current<br>FY 2021-22 | FY 2021-22<br>Amendment | FY 2021-22<br>Revised |
|------------------------------|-----------------------|-------------------------|-----------------------|
| Alternative Financing        | \$200,000             | (\$25,000)              | \$175,000             |
| Transfer From General Fund   | \$534,000             |                         | \$534,000             |
| <b>Total Project Funding</b> | <b>\$734,000</b>      | <b>(\$25,000)</b>       | <b>\$709,000</b>      |

Appropriated for this project:

|                       | Current<br>FY 2021-22 | FY 2021-22<br>Amendment | FY 2021-22<br>Revised |
|-----------------------|-----------------------|-------------------------|-----------------------|
| Equipment             | \$0                   | \$0                     | \$0                   |
| Professional Services | \$7,352               | \$0                     | \$7,352               |
| Construction          | \$726,648             | (\$25,000)              | \$701,648             |
| <b>Total Costs</b>    | <b>\$734,000</b>      | <b>(\$25,000)</b>       | <b>\$709,000</b>      |

***Historic Rogers Road (\$25,000) - Project # 10054***

Revenues for this project:

|                                  | Current<br>FY 2021-22 | FY 2021-22<br>Amendment | FY 2021-22<br>Revised |
|----------------------------------|-----------------------|-------------------------|-----------------------|
| Contribution from Municipalities | \$102,600             | \$0                     | \$102,600             |
| Alternative Financing            | \$6,392,000           | \$25,000                | \$6,417,000           |
| Transfer From General Fund       | \$727,400             | \$0                     | \$727,400             |
| <b>Total Project Funding</b>     | <b>\$7,222,000</b>    | <b>\$25,000</b>         | <b>\$7,247,000</b>    |

Appropriated for this project:

|                                   | Current<br>FY 2021-22 | FY 2021-22<br>Amendment | FY 2021-22<br>Revised |
|-----------------------------------|-----------------------|-------------------------|-----------------------|
| Historic Rogers Road Expenditures | \$7,222,000           | \$25,000                | \$7,247,000           |
| <b>Total Costs</b>                | <b>\$7,222,000</b>    | <b>\$25,000</b>         | <b>\$7,247,000</b>    |

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

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

**ENVIRONMENTAL IMPACT:** 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.

**FINANCIAL IMPACT:** Financial impacts are included in the background information above. This budget amendment provides for the receipt of these additional funds in FY 2021-22 and increases the General Fund by \$104,043.

**ENVIRONMENTAL IMPACT:** There are no Orange County Environmental Responsibility Goal impacts associated with these items other than as noted otherwise above.

**RECOMMENDATION(S):** The Manager recommends the Board approve the budget, grant, and capital project ordinance amendments for Fiscal Year 2021-22.

## Year-To-Date Budget Summary

*Fiscal Year 2021-22*

| <b>Fund Budget Summary</b>  | <b>General Fund</b>  |
|---|----------------------|
| Original Budget   | \$240,762,361        |
| Additional Revenue Received Through Budget Amendment #4 (November 16, 2021)   |                      |
| Grant Funds   | \$1,999,917          |
| Non Grant Funds   | \$590,781            |
| Fund Balance for Anticipated Appropriations (i.e. Encumbrances)               |                      |
| Fund Balance Appropriated to Cover Anticipated and Unanticipated Expenditures | (\$551,786)          |
| <b>Total Amended Budget</b>   | <b>\$242,801,273</b> |
| Dollar Change in 2021-22 Approved Budget                                      | \$2,038,912          |
| % Change in 2021-22 Approved Budget   | 0.85%                |

### Authorized Full Time Equivalent Positions

|  |                |
|--|----------------|
| Original Approved Full Time Equivalent Positions (includes Permanent and Time Limited) | 947.980        |
| Changes to Full Time Equivalent Positions  | 3.625          |
| <b>Total Approved Full-Time-Equivalent Positions for Fiscal Year 2021-22</b>           | <b>951.605</b> |

ORD-2021-028

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 16, 2021

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

**SUBJECT:** Fine Free Initiative for Orange County Library Services and Approval of Budget Amendment #4-A

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**DEPARTMENT:** Library Services

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**ATTACHMENT(S):**

**INFORMATION CONTACT:**

Erin Sapienza, Interim Library Director,  
919-245-2529

Bonnie Hammersley, County Manager,  
919-245-2306

Gary Donaldson, Chief Financial Officer,  
919-245-2453

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**PURPOSE:** To approve the elimination of late fines for Orange County library patrons, including the immediate elimination of all late fines and forgiveness of all existing fines, and approve Budget Amendment #4-A.

**BACKGROUND:** Library fines have been a mechanism to ensure timely return of materials. However, for those who cannot afford to pay fines, late fines have a disproportionately negative impact. The library wants to ensure that all residents have equal access to service and seeks to eliminate this barrier for those who face economic challenges.

Staff proposes that the Board approve forgiveness of all existing late fines and the elimination of all late fines moving forward. The Library Services Department would continue to assess fees for damaged or lost material.

Elimination of late fines for library patrons, including the immediate elimination of all late fines and forgiveness of all existing fines, would result in a reduction of revenue totaling \$19,850 annually, which is proposed to be replaced with an appropriation of General Fund fund balance to ensure there are no service level impacts.

**FINANCIAL IMPACT:** The FY 2021-22 revenue loss of \$19,850 will be offset by approval of Budget Amendment #4-A, a fund balance transfer of \$19,850, resulting in no impact on the General Fund operating budget.

The Year-To-Date General Fund Balance appropriation will total \$1,396,548 after this budget amendment.

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

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

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

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

**RECOMMENDATION(S):** The Manager recommends that the Board approve the elimination of late fines for Orange County library patrons, including the immediate elimination of all late fines and forgiveness of all existing fines, and approve Budget Amendment #4-A appropriating \$19,850 in General Fund fund balance to replace lost revenue related to elimination of these fines.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 16, 2021

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

**SUBJECT:** Approval of WatchGuard Agreement for In-Car Video System and Evidence Management Software

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**DEPARTMENT:** Sheriff's Office

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**ATTACHMENT(S):**

**INFORMATION CONTACT:**

Sheriff Charles S. Blackwood,  
919.245.2900

Jennifer Galassi, Legal Advisor to the  
Sheriff, 919.245.2952

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**PURPOSE:** To approve the WatchGuard Agreement for in-car video system and evidence management software for the Sheriff's Office.

**BACKGROUND:** The in-car cameras currently installed in the Sheriff's Office fleet vehicles were placed into service in 2016. During the ensuing six (6) years, numerous advances and improvements in both camera hardware and supporting software have occurred. As the current in-car cameras malfunction, the cost to repair them, if an option at all, rivals the expense of replacement with new equipment. Additionally, the software used with the body-worn cameras is not compatible with the in-car cameras. As routinely occurs with other equipment used by first responders, it is time to upgrade and replace the in-car camera systems and supporting evidence management software.

Under this Agreement, the Sheriff's Office will purchase seventy (70) in-car video systems and Video-as-a-Service which includes cloud-based evidence management system for unlimited users with unlimited storage and unlimited cloud sharing. During the five-year term of the Agreement, WatchGuard also will provide support services and a warranty. The Agreement has been reviewed by the Legal Advisor to the Sheriff as well as the County Attorney.

**FINANCIAL IMPACT:** Funds have been appropriated to cover the total cost, apportioned over a five-year term, of the Agreement (\$627,575). The source of funding is the Asset Forfeiture Fund, which currently has \$871,927.38 available.

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

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

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

**RECOMMENDATION(S):** The Manager recommends that the Board approve the WatchGuard Agreement for in-car video system and evidence management software and authorize the Chair to sign any documents as necessary.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 16, 2021

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

**SUBJECT:** Approval of Chapel Hill/Orange County Visitors Bureau Advisory Board  
Amended Policies and Procedures

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**DEPARTMENT:** Economic Development/Visitors  
Bureau

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**ATTACHMENT(S):**

Mark-up Draft Amended Policy and  
Procedures  
Clean Draft Amended Policy and  
Procedures

**INFORMATION CONTACT:**

Laurie Paolicelli, (919) 259-1658

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**PURPOSE:** To approve amendments to the Chapel Hill/Orange County Visitors Bureau Advisory Board Policy and Procedures document to remove the Orange County residency requirement for members, and to address other house-keeping updates.

**BACKGROUND:** The Orange County BOCC Advisory Board Policy requires all members to be Orange County residents. Advisory Board specific policies may indicate other requirements. Many of the volunteers and members of the Chapel Hill/Orange County Visitors Bureau Advisory Board do not reside in Orange County, but work in Orange County tourism. It would be very difficult for the Chapel Hill/Orange County Visitors Bureau Advisory Board to find diverse and good representation if membership is limited to only Orange County residents.

The amended language is proposed as follows:

*“A majority of members shall be residents of Orange County and shall maintain their domicile in Orange County. Domicile is defined as one’s permanent established home as distinguished from one’s temporary although actual place of residence. The Clerk shall confirm the residency of applicants.*

*Members shall have a direct or indirect background in tourism and be actively involved in promoting tourism. Candidates should either live in Orange County, have invested in Orange County, or have a direct tourism interest in Orange County.”*

As part of this consideration, other house-keeping updates are also proposed as follows:

- To correct language referring to Chapel Hill/Orange County Visitors Bureau Advisory Board to include “Advisory Board” which was inadvertently omitted from the previously approved Policies and Procedures document.
- To delete the sentence, “The Orange County Advisory Board Policy is attached hereto as “Exhibit A.”, which is unnecessary.

- To correct some grammatical errors.
- To update names of representative organizations to their current organizational names.

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

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

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

**RECOMMENDATION(S):** The Manager recommends that the Board approve the amendments to the Chapel Hill/Orange County Visitors Bureau Advisory Board Policies and Procedures document.

## CHAPEL HILL ORANGE COUNTY VISITORS BUREAU ADVISORY BOARD POLICIES AND PROCEDURES

### SECTION I: SCOPE

#### A. Purpose

1. To establish a policy and procedures whereby the Orange County Board of Commissioners will establish the specific policies and procedures governing the Chapel Hill/Orange County Visitors Bureau Advisory Board.
2. The Orange County Board of Commissioners may appoint an advisory board whose duty is to serve in an advisory capacity to the Orange County Board of Commissioners regarding visitors' services in Orange County.

#### B. Authority

1. North Carolina General Statute 153A-76 grants boards of county commissioners the authority to establish advisory boards.
2. The Orange County Advisory Board Policy serves as the underlying policy document to which the Chapel Hill/Orange County Visitors Bureau Advisory Board, in addition to this policy and procedure document, is subject. ~~The Orange County Advisory Board Policy is attached hereto as "Exhibit A".~~
3. In the event that there is a conflict between the Orange County Advisory Board Policy and this Policies and Procedures document this Policies and Procedures document shall control.

#### C. Charge

- ~~1.~~ 4. The charge of the Chapel Hill/Orange County Visitors Bureau Advisory Board is as follows:

–To develop and coordinate visitor services in Orange County and to implement marketing programs that will enhance the economic activity and quality of life in the community.

The purpose for which the Chapel Hill/Orange County Visitors Bureau Advisory Board was formed: The Chapel Hill/Orange County Visitors Bureau was established in 1982 as a department of county government for the purpose of developing year-round sustainable tourism for the towns that comprise Orange County in a manner favorable to impact its economic well-being. The board's purpose is to serve in an advisory capacity to Orange County Board of Commissioners by adopting an annual marketing plan and program of

work for Visitor Bureau staff as necessary to carry out the Visitor Bureau's mission as stated above and below.

## SECTION II: GOALS AND OBJECTIVES

### A. Goals

1. The Chapel Hill/Orange County Visitors Bureau [Advisory Board](#) shall position Orange County as a desirable meeting and vacation destination to select visitor markets with careful consideration of the needs and assets of the communities that comprise Orange County
2. To work in cooperation with community organizations to achieve an effective, coordinated and comprehensive marketing program with high-quality collateral materials, on-line programs, and visitor services.
3. To serve as a county-wide leader in developing strategies for consistently providing quality visitor services to travelers who visit Orange County.
4. To encourage longer stays, increased spending and repeat visits of travelers to Orange County.
5. To examine the range of visitor services available, to identify unmet needs and to encourage private businesses to meet those needs, as appropriate.
6. To operate in a manner that contributes to the economic development and quality of life that comprises Orange County.

### B. Objectives

1. To establish the Bureau as the premier destination marketing organization in the region. [By](#) highlighting the Orange County towns of Chapel Hill, Carrboro, Hillsborough and surrounding areas. Improving the promotion of Orange County will inevitably enhance the promotions and quality of tourism opportunities throughout the county. The marketing initiatives will create awareness of the tourism assets of Orange County; increase the level of interest in Chapel Hill/Carrboro/Hillsborough destinations for leisure travel; and increase the level of interest in Orange County as a destination for business meetings and conferences.

## SECTION III: MEMBERSHIP

### A. Authority

1. North Carolina General Statute 153A-76 grants boards of county commissioners the authority to establish advisory boards and to appoint members to and remove members from those advisory boards. In acting on this authority the Orange County Board of Commissioners hereby establishes certain general conditions to which applicants and

members of advisory boards should conform.

B. Composition

~~B.~~

| <u>1. QTY</u>       | <u>Representation</u>   |
|---------------------|---|
| 1                   | <del>Orange County/Hillsborough</del> <u>Hillsborough/Orange County</u>                                   |
| Chamber of Commerce |   |
| 1                   | <del>Chapel Hill/Carrboro Chamber of Commerce</del> <u>The Chamber for a Greater Chapel Hill/Carrboro</u> |
| 1                   | <u>The</u> Alliance for Historic Hillsborough   |
| 1                   | UNC – Chapel Hill   |
| 2                   | Orange County Lodging Assoc. (hotel under 100 & over 100 rooms)   |
| 1                   | Town of Chapel Hill Council   |
| 1                   | Town of Hillsborough Board of Commissioners   |
| 1                   | Town of Carrboro <del>Board of Aldermen</del> <u>Council</u>  |
| 1                   | North Carolina H.S. Athletic Association  |
| 1                   | Economic Development Commission– Orange County  |
| 1                   | Board of County Commissioners   |
| 1                   | Orange County Arts Commission Board Liaison   |
| 1                   | Economic Development Staff – Town of Chapel Hill (ex-officio)   |
| 1                   | Economic Development Staff – Town of Carrboro (ex-officio)  |
| 1                   | Chapel Hill Downtown Partnership Staff (ex-officio)   |
| 1                   | At-large  |

2. A majority of members shall be residents of Orange County and shall maintain their domicile in Orange County. Domicile is defined as one’s permanent established home as distinguished from one’s temporary although actual place of residence. The Clerk shall confirm the residency of applicants.

3. Members shall have a direct or indirect background in tourism and be actively involved in promoting tourism. Candidates should either live in Orange County, have invested in Orange County, or have a direct tourism interest in Orange County.

SECTION IV.MEETINGS

A. Staffing

1. Orange County staff may, upon the approval of the Orange County Manager, serve support functions as follows:
  - a. Administrative Duties, meeting minutes.
2. Regular meetings shall occur the third Wednesday of every month at 8:00 a.m. at various locations throughout Orange County.

## SECTION V. ORIENTATION

### A. Attendance

1. Each member shall attend an orientation presented by the Orange County Staff for familiarize the advisory board members with the operation of County government, the Visitor Bureau's Department rules, and the operating procedures of the advisory board.
2. Each voting member will be encouraged to complete the orientation within six weeks of his or her appointment and participate in at least one meeting with the staff.

## SECTION VI. BY-LAWS

### A. By-Laws

1. Any Bylaws adopted by the Chapel Hill/Orange County Visitors Bureau [Advisory Board](#) are void and no further bylaws shall be adopted. Procedure shall be governed solely by this policy document and the General Advisory Board Policy Document.
2. Should the Chapel Hill/Orange County Visitors Bureau [Advisory Board](#) determine modifications to policies and procedures are necessary the Chapel Hill/Orange County Visitors Bureau [Advisory Board](#) may petition the Board of County Commissioners for such modifications.

# CHAPEL HILL/ORANGE COUNTY VISITORS BUREAU ADVISORY BOARD

## POLICIES AND PROCEDURES

### SECTION I: SCOPE

#### A. Purpose

1. To establish a policy and procedures whereby the Orange County Board of Commissioners will establish the specific policies and procedures governing the Chapel Hill/Orange County Visitors Bureau Advisory Board.
2. The Orange County Board of Commissioners may appoint an advisory board whose duty is to serve in an advisory capacity to the Orange County Board of Commissioners regarding visitors' services in Orange County.

#### B. Authority

1. North Carolina General Statute 153A-76 grants boards of county commissioners the authority to establish advisory boards.
2. The Orange County Advisory Board Policy serves as the underlying policy document to which the Chapel Hill/Orange County Visitors Bureau Advisory Board, in addition to this policy and procedure document, is subject.
3. In the event that there is a conflict between the Orange County Advisory Board Policy and this Policies and Procedures document this Policies and Procedures document shall control.

#### C. Charge

1. The charge of the Chapel Hill/Orange County Visitors Bureau Advisory Board is as follows:

To develop and coordinate visitor services in Orange County and to implement marketing programs that will enhance the economic activity and quality of life in the community.

The purpose for which the Chapel Hill/Orange County Visitors Bureau Advisory Board was formed: The Chapel Hill/Orange County Visitors Bureau was established in 1982 as a department of county government for the purpose of developing year-round sustainable tourism for the towns that comprise Orange County in a manner favorable to impact its economic well-being. The board's purpose is to serve in an advisory capacity to Orange County Board of Commissioners by adopting an annual marketing plan and program of work for Visitor Bureau staff as necessary to carry out the Visitor Bureau's mission as stated above and below.

### SECTION II: GOALS AND OBJECTIVES

#### A. Goals

1. The Chapel Hill/Orange County Visitors Bureau Advisory Board shall position Orange County as a desirable meeting and vacation destination to select visitor markets with careful consideration of the needs and assets of the communities that comprise Orange County

2. To work in cooperation with community organizations to achieve an effective, coordinated and comprehensive marketing program with high-quality collateral materials, on-line programs, and visitor services.
3. To serve as a countywide leader in developing strategies for consistently providing quality visitor services to travelers who visit Orange County.
4. To encourage longer stays, increased spending and repeat visits of travelers to Orange County.
5. To examine the range of visitor services available, to identify unmet needs and to encourage private businesses to meet those needs, as appropriate.
6. To operate in a manner that contributes to the economic development and quality of life that comprises Orange County.

#### B. Objectives

1. To establish the Bureau as the premier destination marketing organization in the region by highlighting the Orange County towns of Chapel Hill, Carrboro, Hillsborough and surrounding areas. Improving the promotion of Orange County will inevitably enhance the promotions and quality of tourism opportunities throughout the county. The marketing initiatives will create awareness of the tourism assets of Orange County; increase the level of interest in Chapel Hill/Carrboro/Hillsborough destinations for leisure travel; and increase the level of interest in Orange County as a destination for business meetings and conferences.

### SECTION III: MEMBERSHIP

#### A. Authority

1. North Carolina General Statute 153A-76 grants boards of county commissioners the authority to establish advisory boards and to appoint members to and remove members from those advisory boards. In acting on this authority, the Orange County Board of Commissioners hereby establishes certain general conditions to which applicants and members of advisory boards should conform.

#### B. Composition

| <u>QTY</u> | <u>Representation</u>   |
|------------|---|
| 1          | Hillsborough/Orange County Chamber of Commerce                      |
| 1          | The Chamber for a Greater Chapel Hill/Carrboro                      |
| 1          | The Alliance for Historic Hillsborough                              |
| 1          | UNC – Chapel Hill   |
| 2          | Orange County Lodging Assoc. (rep hotel under 100 & over 100 rooms) |
| 1          | Town of Chapel Hill Council   |
| 1          | Town of Hillsborough Board of Commissioners                         |
| 1          | Town of Carrboro Council  |
| 1          | North Carolina H.S. Athletic Association                            |
| 1          | Economic Development Commission – Orange County                     |
| 1          | Board of County Commissioners                                       |
| 1          | Orange County Arts Commission Board Liaison                         |
| 1          | Economic Development Staff – Town of Chapel Hill (ex-officio)       |
| 1          | Economic Development Staff – Town of Carrboro (ex-officio)          |
| 1          | Chapel Hill Downtown Partnership (ex-officio)                       |
| 1          | At-large  |

2. A majority of members shall be residents of Orange County and shall maintain their domicile in Orange County. Domicile is defined as one's permanent established home as distinguished from one's temporary although actual place of residence. The Clerk shall confirm the residency of applicants.
3. Members shall have a direct or indirect background in tourism and be actively involved in promoting tourism. Candidates should either live in Orange County, have invested in Orange County, or have a direct tourism interest in Orange County.

#### SECTION IV. MEETINGS

##### A. Staffing

1. Orange County staff may, upon the approval of the Orange County Manager, serve support functions as follows:
  - a. Administrative Duties, meeting minutes.
2. Regular meetings shall occur the third Wednesday of every month at 8:00 a.m. at various locations throughout Orange County.

#### SECTION V. ORIENTATION

##### A. Attendance

1. Each member shall attend an orientation presented by the Orange County Staff to familiarize the advisory board members with the operation of County government, the Visitor Bureau's Department rules, and the operating procedures of the advisory board.
2. Each voting member will be encouraged to complete the orientation within six weeks of his or her appointment and participate in at least one meeting with the staff.

#### SECTION VI. BY-LAWS

##### A. By-Laws

1. Any Bylaws adopted by the Chapel Hill/Orange County Visitors Bureau Advisory Board are void and no further bylaws shall be adopted. Procedure shall be governed solely by this policy document and the General Advisory Board Policy Document.
2. Should the Chapel Hill/Orange County Visitors Bureau Advisory Board determine modifications to policies and procedures are necessary the Chapel Hill/Orange County Visitors Bureau Advisory Board may petition the Board of County Commissioners for such modifications.

**BOCC Meeting Follow-up Actions**

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

| <b>Meeting Date</b> | <b>Task</b>   | <b>Target Date</b> | <b>Person(s) Responsible</b>                | <b>Status</b>  |
|---------------------|---|--------------------|---|--|
| 11/4/21             | Review and consider request by Commissioner McKee that staff compile a breakdown of cost information for sound, video, security, etc. relative to use of the Whitted Meeting Room and share that information with the Board and the other area local governing boards   | 12/2021            | Laura Jensen<br>Travis Myren<br>Steve Arndt | Staff has moved forward to develop the information to be shared  |
| 11/4/21             | Review and consider request by Commissioner Hamilton, based on the information previously provided by the County Attorney, that the Board discuss options to regulate and ensure civil protest through potential ordinances at a Spring 2022 work session, and that the Board include the Sheriff's Office and the schools in those discussions | 4/2022             | John Roberts<br>Sheriff<br>Blackwood        | Discussion to be scheduled for a 2022 BOCC work session          |
| 11/4/21             | Review and consider request by Commissioner Price that staff provide information on steps the Board can take to pursue removal of the John Washington Graham portrait from the Old Courthouse   | 12/2021            | Chair/Vice<br>Chair/Manager<br>John Roberts | <b>DONE</b><br>Portrait, along with two others, has been removed |



## MEMORANDUM

**TO:** Board of County Commissioners  
Bonnie Hammersley, Orange County Manager  
Travis Myren, Orange County Deputy Manager  
Steve Brantley, Orange County Economic Development Director

**FROM:** Craig N. Benedict, Planning Director  
Tom Altieri, Comprehensive Planning Supervisor

**DATE:** November 1, 2021

**SUBJECT:** BOCC Information Item – Outreach Status as Follow-up to the *Buckhorn Area Study*

**ATTACHMENT(S):** Future Land Use Map (For References Herein to Area A)

**BACKGROUND:** At its [June 1, 2021 Business meeting](#), the BOCC received a report and presentation from staff with a [summary of the May 17 Virtual Public Outreach meeting](#). Following staff's presentation, the BOCC conveyed its request for more public outreach in Area "A."

The BOCC also received an [Information Item](#) from staff at its September 2, 2021 Business meeting.

This memo is intended to provide follow-up information on outreach for Focus Area "A" as identified in the *Buckhorn Area Study*. The most recent public outreach meetings were held on October 12 and October 13, 2021. The October 12 meeting was an in-person open house at the Efland-Cheeks Community Center while the October 13 meeting was a Q&A session conducted on the Zoom virtual platform. The purposes of the outreach meetings were to:

- Continue engagement with the community as a follow-up to previous *Buckhorn Area Study* meetings;
- Communicate that Area "A" is to be the sole focus for outreach and planning coordination between Orange County and the City of Mebane; and
- Provide additional context for Outreach Focus Area "A."

### **DETAILS OF PUBLIC OUTREACH MEETINGS**

**October 12 In-Person Open House:** Four members of Orange County's Planning Department were present between 1:00 PM – 5:00 PM at the Efland-Cheeks Community Center to talk with residents and interested parties about Focus Area "A." Sixteen (16) members of the public came by within this window of time and asked a variety of questions regarding the area in, and directly around, Focus Area "A."

**October 13 Zoom Q&A Meeting:** With the help of Chair Renee Price, Orange County Planning Department hosted the Zoom meeting from 6:00 PM – 7:30 PM. Meeting attendees included the Orange County Deputy Manager, five members of Orange County’s Planning staff, the City of Mebane’s Development Director, three members of the BOCC and 22 members of the public. Access to the Zoom meeting was also provided to some attendees at the Efland Cheeks Community Center. [A link to view this meeting can be found here.](#)

Some of the key conversation topics between attendees and staff during the October outreach meetings included the following:

- Planning jurisdictions (Mebane City Limits, Mebane Extraterritorial Jurisdiction [ETJ], and Orange County planning jurisdiction) and annexation;
- Timing of development in Area “A” in relation to sewer installation;
- Need to give back to the community, including sidewalks, fiber optic cable, community center, and school sites (these topics were mentioned specifically);
- Concern over size and scale of recent development proposals, and a request for more “human-scale” development;
- Concern over traffic impacts to major and minor roadways adjacent to the area;
- Need to recruit “green” businesses;
- Environmental protections (particularly with regard to water/wells) within the area (albeit many uses are supported through public water service);
- The potential for development to displace multiple groups of people, some of whom have had land passed down through family for a century; and
- Permitted Uses in various zoning districts.

Staff will continue to update the [Buckhorn Area Study webpage](#) as a source of information for the public. See below, “New Webpage” for additional details. Comments received relating to Economic Development have been shared with the County’s Economic Development Director.

### **ORANGE COUNTY CAPITAL IMPROVEMENT PLAN (CIP) for POSSIBLE SEWER EXTENSION**

The CIP for FY2021-22 adds \$1,235,000 to fund sewer installation and associated project management in the Buckhorn EDD. This project would upgrade a supporting lift station and extend sewer service under the interstate to Focus Area “A”. Consistent with other County-initiated sewer extensions in the Mebane vicinity, once installed, the system would be owned, operated, and maintained by the City of Mebane. This arrangement, involving the transfer of ownership, is expressed via an Interlocal Agreement between the parties.

Through a previous CIP project, a 16” water main was installed under the interstate and looped back to Mebane for fire protection and increased water quantity and quality.

While part of the adopted CIP, the BOCC has directed staff to seek its authorization to proceed before beginning any procurement process for the surveying and design to extend sewer service to Focus Area “A”. The County’s Planning Director will work with the Managers Office on the timing of said request for an authorization to proceed.

## **ONGOING WORK WITH MEBANE**

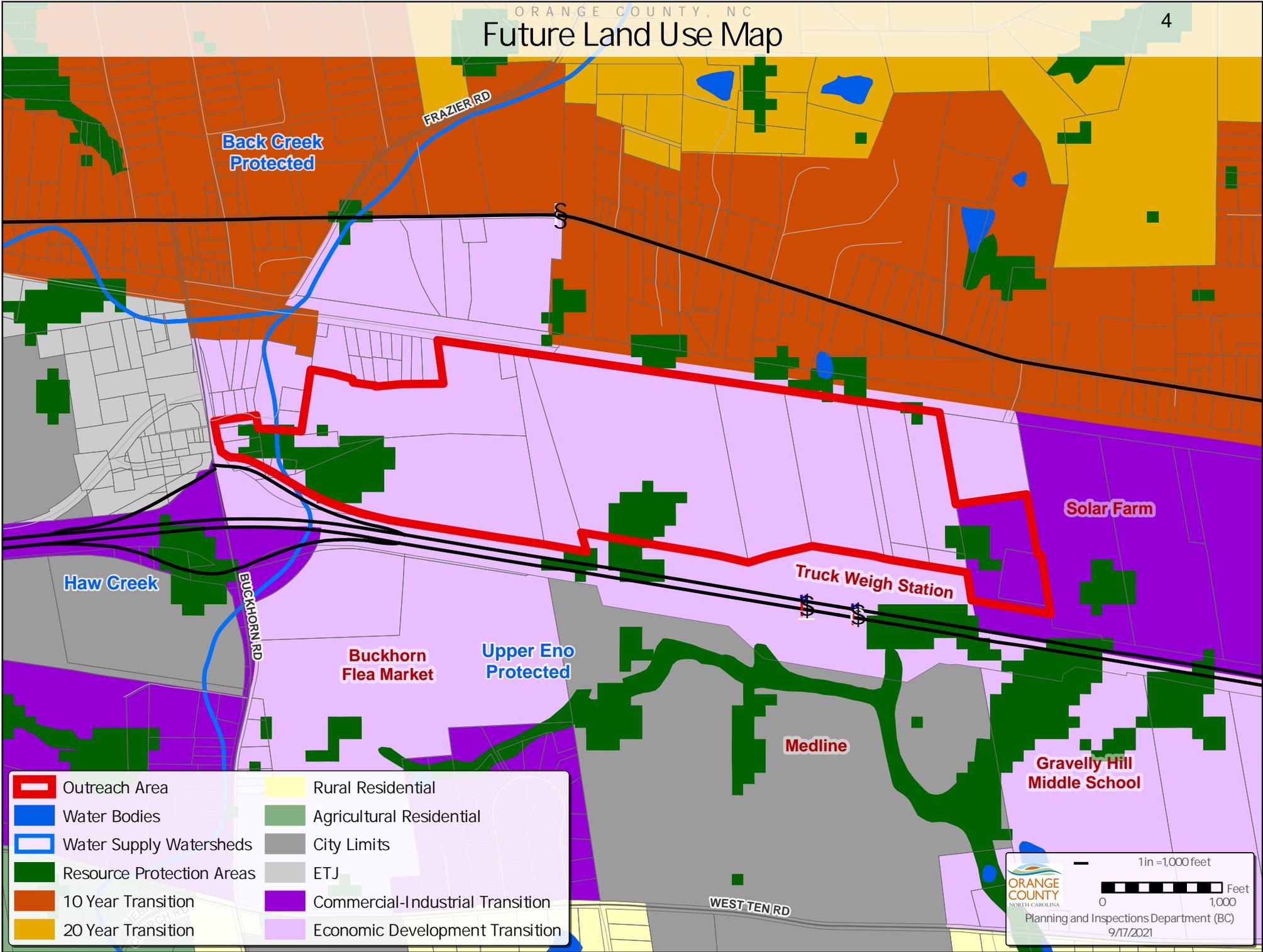
**NEW WEBPAGE:** Orange County Planning staff collects a variety of data on municipal development and annexations. At the request of the BOCC, staff has developed a [new webpage](#) to serve as a central location for links to western Orange County development, outreach information, and process documents for proposed developments in the area. Currently, the webpage features historical documentation of the *Buckhorn Area Study*, links to Mebane City Council agendas on the topic, and a table detailing Mebane annexation information since 2013. After the Public Outreach Meetings, Planning staff also included updated maps, a video to the Zoom Q&A Meeting and the [table of permitted uses](#) in the zoning districts for the Buckhorn Economic Development District (EDD).

The intent of this website is not to be a final destination; instead, the intent is to help direct the public to the information and processes that may be of interest but that fall within municipal limits outside of the County's jurisdiction.

**COURTESY REVIEW:** Orange County Planning staff will continue to actively participate in Mebane's Technical Review Committee (TRC) meetings when development approvals are proposed in Orange County.

**JOINT BOCC/MEBANE CITY COUNCIL MEETING:** The Orange County Manager's Office is coordinating with the City of Mebane to decide the need for a joint meeting between the elected bodies.

ORANGE COUNTY, NC  
**Future Land Use Map**



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

1 in = 1,000 feet

ORANGE COUNTY  
 NORTH CAROLINA

Planning and Inspections Department (BC)  
 9/17/2021