

APPROVED 3/10/2020

**MINUTES
BOARD OF COMMISSIONERS
WORK SESSION
February 11, 2020
7:00 p.m.**

The Orange County Board of Commissioners met for a work session on Tuesday, February 11, 2020 at 7:00 p.m. at the Southern Human Services Center in Chapel Hill, N.C.

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

COUNTY COMMISSIONERS ABSENT:

COUNTY ATTORNEYS PRESENT: John Roberts

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

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

Chair Rich said the Board needs to add a closed session at the end of tonight's meeting.

A motion was made by Commissioner Price, seconded by Commissioner Bedford to add a closed session for the purpose of: Pursuant to 143-318.11(a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body.

VOTE: UNANIMOUS

Chair Rich said the Board of County Commissioners (BOCC) has no regular agenda items on the 2/18 meeting, and it has been suggested that the BOCC cancel the February 18th meeting. She said there are two time sensitive items (Spay/Neuter Day Proclamation and Proposed Consent and Subordination Agreement to Provide Greenfield Commons Access to and Use of Dumpster Facilities Located at Greenfield), and she asked if the Board would be amendable to adding those two items to this evening's agenda. She asked if John Roberts would share his opinion.

John Roberts said if there are decision items, it would be best to defer since no public notice was given of the changes.

Greg Wilder, Manager's office, said the housing item has a closing scheduled and if it not addressed this evening, or on February 18, this item would not be able to come before the BOCC until the March 10, which would be after the already scheduled closing.

John Roberts said the BOCC can add to tonight's meeting, but has not typically made these types of changes, due to the lack of public awareness.

Commissioner McKee said he would object. He said there is a standing practice of two Board of County Commissioners business meetings per month, and there is an expectation that the public is notified of the Board's agendas. He said it would be a very small inconvenience to hold the February 18th meeting.

Chair Rich said the Board would only be coming on the 18th to vote for one thing, and she would prefer to move the item to the March 10th meeting.

Commissioner Bedford asked if the item could be added to the February 25th joint meeting with the schools.

Chair Rich said there will not be any time.

Commissioner Bedford said 10 minutes could be added.

Commissioner Price agreed with Commissioner Bedford, and said the item cannot wait until March, due to it being time sensitive. She said she would like to find a compromise.

Commissioner Dorosin arrived at 7:05 p.m.

Commissioner Bedford asked if it is a consent agenda item, because, if so, it will be very brief.

Chair Rich said this item is a consent agenda item for someone to use a dumpster. She said the BOCC does not typically discuss consent agendas during joint meetings with the schools.

Bonnie Hammersley said this is an item from the Housing Department, and the closing is scheduled for February 20th.

Emila Harris, Housing Director, said this item is allowing access to a dumpster between two properties: Greenfield Place and Greenfield Commons. She said the County has HOME funds in Greenfield Place, and needs to grant an easement for Greenfield Commons, a senior property, to allow for use of the dumpster. She said all of the Greenfield Place investors have to subordinate their loans, so that the easement will be still be allowed in the case of a foreclosure.

Chair Rich said it is senseless for the BOCC to come in for one item.

Commissioner McKee said the BOCC gets paid to be Commissioners, and there are only two meetings per month for business to be conducted. He said this item should be considered in a formal meeting.

Commissioner Marcoplos asked if there is a level of controversy around this issue.

John Roberts said none is expected, but the BOCC rules do allow the Board to add items to agendas. He said the only difference here is that this item was already planned for another agenda. He said public notice is the only issue in question, but public notice is not legally required for these items.

Commissioner Greene asked if the time sensitivity of the matter could be clarified.

Emila Harris said the senior property needs to close, and cannot do so until the consent to subordinate occurs. She said all other funders have already consented to the subordination, and are waiting on the County.

Commissioner Greene said she appreciates Commissioner McKee's point, but since John Roberts said there is no legal issue, she would be in favor of proceeding this evening.

Commissioner Dorosin clarified that one property is affordable.

Emila Harris said one is senior housing.

Commissioner Dorosin clarified that it is affordable senior housing.

Emila Harris said yes.

Commissioner Dorosin asked if the County provides support for both of these properties.

Emila Harris said just one property.

Commissioner Dorosin asked if both properties provide affordable housing.

Emila Harris said yes.

Commissioner Dorosin said he is in favor of moving forward tonight, as it is the most efficient option.

Commissioner Bedford asked if it is possible to have a call in meeting, with 48 hours notice to the public, and four Commissioners on the call.

John Roberts said call in meetings are allowed by law, but this board does not have any procedures addressing call in meetings and the BOCC would need to vote to set aside the rules of procedure for that purpose.

Commissioner Marcoplos clarified that all other entities have signed off on this item, without any controversy.

Emila Harris said all have signed, without controversy.

Commissioner Marcoplos said those involved seem to need and want this taken care of as soon as possible and he is favor of getting it done this evening.

Commissioner Dorosin said addressing this item tonight is not against the rules, or without precedence.

John Roberts said it is just a matter of whether the Board wants to add this to the agenda.

Commissioner McKee said his comment has nothing to do with being for or against any rules, but rather his comment is meant to show that the 18th is just as expedient as tonight, and the BOCC sits as a body twice a month, and voting tonight is simply being done for the Commissioners' convenience, which should not be the priority. He said he will not vote in favor of this, as he is well paid to serve in the role of Commissioner, and takes the obligation seriously. He said just because there has been no controversy thus far is irrelevant. He said the public may wish to say something at the BOCC meeting, but will not have the chance to do so if the meeting does not occur.

Commissioner Price asked if the other entities, involved with this item, allowed for public comment.

Emila Harris said she does not know if the Town of Chapel Hill allowed for public comment, but the Town did sign off on the item.

A motion was made by Commissioner Marcoplos, seconded by Commissioner Dorosin to cancel the February 18th BOCC Business meeting.

VOTE: Ayes, 5 (Chair Rich, Commissioner Marcoplos, Commissioner Price, Commissioner Greene, Commissioner Dorosin); Nays, 2 (Commissioner McKee and Commissioner Bedford)

A motion was made by Commissioner Greene, seconded by Commissioner Dorosin to add the housing item, Proposed Consent and Subordination Agreement to Provide Greenfield Commons Access to and Use of Dumpster Facilities Located at Greenfield, to the agenda tonight.

VOTE: Ayes, 5 (Chair Rich, Commissioner Marcoplos, Commissioner Price, Commissioner Greene, Commissioner Dorosin); Nays, 2 (Commissioner McKee and Commissioner Bedford)

Chair Rich said that James Williams was recently appointed by the Governor to the Martin Luther King (MLK) Jr. Commission, and she would like to swear him in tonight at this meeting. She asked if the Board was amendable to this swearing in.

The Board agreed by consensus to add this item to the agenda.

James Williams said his appointment to the MLK Jr. Commission was made by Governor Cooper to represent Orange County. He said he is honored to be appointed, as MLK had an impact on him personally.

Commissioner Dorosin said he is excited about this, and it is a great accolade for James Williams. He thanks James Williams for his past, present, and future efforts around racial justice and racial equality.

James Williams said he gave thought as to who should swear him in. He said about 2 years ago the Board of County Commissioners recognized him for the work he has does in the cause justice, which meant a lot to him.

Chair Rich swore James Williams in.

John Roberts asked if the Board would add another reason to go into closed session: [N.C.G.S. 143-318.11(a)(5)]: To establish or instruct the staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real property.

A motion was made by Commissioner Price, seconded by Commissioner McKee to add another closed session item for the purpose of:

[N.C.G.S. 143-318.11(a)(5)]: To establish or instruct the staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real property.

VOTE: UNANIMOUS

Chair Rich asked if the Board would like to take a few minutes to review the Housing item, so that it can be addressed, and staff can go home.

The Board agreed.

Addition to the Agenda:

***Proposed Consent and Subordination Agreement to Provide Greenfield Commons Access to and Use of Dumpster Facilities Located at Greenfield**

The Board will consider authorizing the Chair to sign a Consent and Subordination Agreement to provide Greenfield Commons access to and us of dumpster facilities located at Greenfield Place.

BACKGROUND: The County allocated \$154,500 in FY 2015-16 HOME funds to the Downtown Housing Improvement Corporation, Inc. (DHIC) to support the new construction of Greenfield Place, a development of 80 apartment homes for households at less than 60% AMI. Greenfield Workforce Housing, LLC, owner of Greenfield Place, granted Orange County a deed of trust on the property.

DHIC has developed a second affordable multifamily property, Greenfield Commons, adjacent to Greenfield Place. In order to close on its permanent loan for Greenfield Commons, Greenfield Senior Housing, LLC, owner of Greenfield Commons, needs the County to subordinate its deed of trust to an easement allowing access to dumpster facilities located just to the south of the common property line between the two developments, entirely on the Greenfield Place development. The subordination ensures the easement will continue to exist were the County to foreclose on its deed of trust.

The dumpster facilities are located just to the south of the common property line between the two developments, entirely on the Greenfield Place development. The dumpster pad and facilities are identified on the attached survey as "Concrete Dumpster Pad and Enclosure".

The easement agreement between Greenfield Workforce Housing, LLC, as grantor, and Greenfield Senior Housing, LLC as grantee: provides Greenfield Commons with access to and use of the dumpster facilities and provides for the cost sharing of servicing and maintenance of the facilities between Greenfield Place and Greenfield Commons.

The attached Consent and Subordination Agreement affirms the County's consent to the easement granted by Greenfield Workforce Housing, LLC, and the subordination of its

respective deed of trust to the easement. The subordination ensures that the easement will continue to exist were the County to foreclose on its deed of trust. The Town of Chapel Hill, North Carolina Housing Finance Agency, DHIC, and State Employees' Credit Union have all signed similar Consent and Subordination Agreements.

Commissioner Marcoplos clarified that all necessary parties have agreed to this item.

Emila Harris said yes.

Commissioner Price clarified that everything is on Greenfield property.

Emila Harris answered yes.

A motion was made by Commissioner Marcoplos, seconded by Commissioner Price to authorize the Chair to sign a Consent and Subordination Agreement to provide Greenfield Commons access to and use of dumpster facilities located at Greenfield Place.

Commissioner Dorosin said he appreciated Commissioner McKee's concerns about the process, but sees this as an example of elevating process over substance, had the Board chosen to delay this vote.

Commissioner Dorosin said he respectfully disagrees with Commissioner McKee that the Board is not working hard by moving this vote. He said this characterization is unfair, and the BOCC has many meetings in the upcoming months, and moving this vote to this evening, is in no way shirking the Board's responsibilities.

Commissioner McKee said he referred to two formal meetings a month, not any/all meetings. He said his personal opinion is that the Commissioners are well paid to attend every meeting that is on the approved calendar, of which the public is aware and expecting. He said the public has the opportunity to speak at business meetings to any item, not just this one, and by removing the meeting the Board removes the opportunity for public discourse.

VOTE: UNANIMOUS

1. Update on Schools Joint Action Committee Related to Class Sizes and Pre-K

BACKGROUND: The State of North Carolina enacted legislation in 2017 resulting in a decrease in class size averages from 1:20 to 1:17 for kindergarten to third grade for the 2018-2019 school year. Due to significant statewide ramifications as a result of the reduced class size averages, the North Carolina General Assembly approved House Bill 90, which allows for a phasing-in process to address the decrease in class size averages over the next four years. Based on House Bill 90, average class sizes for kindergarten to third grade will be phased-in as provided below:

In January 2018, due to impacts anticipated to elementary school capacity resulting from these reductions, the Schools Adequate Public Facilities Ordinance Technical Advisory Committee (SAPFOTAC) identified the need for the Schools Joint Action Committee (SJAC) to meet in order to discuss options and determine how to implement the school capacity changes.

Schools Joint Action Committee (SJAC)

Based on the adopted SAPFO Memoranda of Understanding, school building capacity shall be determined by reference to state guidelines and school district guidelines and by a joint action of the School Boards and Orange County Board of Commissioners. The SJAC is comprised of elected officials from the Orange County Board of Education, Chapel Hill-Carrboro City Schools Board of Education, and Orange County Board of Commissioners. Appointed members include:

- Rani Dasi, Chapel Hill-Carrboro City Schools Board of Education

- Dr. Stephen Halkiotis, Orange County Board of Education
- Penny Rich, Orange County Board of Commissioners

Changes in Class Size Ratios

The SJAC has conducted three meetings to review impacts resulting from changes in class size and options before determining how to implement elementary school class size reductions for SAPFO purposes.

January 31, 2019

- Reviewed changes in class size ratios outlined in House Bills 13 and 90.

March 8, 2019

- Reviewed student projections and potential impacts resulting from changes in class size ratios. Student projections reviewed at this meeting included the 2019 SAPFOTAC 10-year projections. No capacity needs were identified in the 10-year period based on existing class size (1:20) and student membership and capacity numbers received from the schools in November 2018.
- SJAC requested revised projections illustrating the impacts from the phasing-in of class size changes over the next three years.
- Proposed and discussed various options to implement class size changes and requested staff to draft summary report outlining and detailing options for further analysis.

April 10, 2019

- To determine future impacts related to changes in class size ratios and assist the SJAC with making a recommendation to implement changes in class size, school staff completed updated classroom and capacity calculations prior to the April SJAC meeting. During this process, it was discovered that updated classroom capacity numbers provided from school staff were not consistent with November 15, 2018 school capacity numbers submitted in order to draft 10-year student projection sheets and the 2019 SAPFOTAC Annual Report. School capacity numbers provided were higher than those received in November 2018. One reason for the discrepancy may be due to classrooms being utilized for Pre-K not being counted in the total elementary school capacity.
 - Based on the existing SAPFO Memoranda of Understanding, capacity (classrooms) being utilized for Pre-K must be included in the total elementary school capacity number collected every November for the drafting of the annual SAPFOTAC Report. Adopted MOUs do not allow for Pre-K student membership to be included in the total elementary student membership numbers collected every November. Jointly agreed to School Construction standards from 1996 and 2007 included the square footage of these spaces as if used by K – 5 grade levels. School Construction standards include classroom and capacity standards for grades K – 5, flex classroom space, and Special/Exceptional/Speech Language classes.
- Following this finding, 10-year projections were drafted utilizing the April 2019 numbers. These projections showed the following school capacity needs in the 10-year projection period:
 - OCS – No capacity needs.
 - CHCCS – Capacity needed 2026-27 school year.

- SJAC also reviewed options to implement class size changes for SAPFO purposes. Ten options were proposed and analyzed. Following elimination of seven options, the three options still being explored are listed below:
 - Suspend the Certificate of Adequate Public Schools (CAPS) test for the elementary school level for a specified period of time (short-term solution)
 - Discontinue the Certificate of Adequate Public Schools (CAPS) test for both districts. (short-term solution)
 - Fund the construction of a “school swing space” (mid-term solution)

Pre-K

As a result of the findings at the April 10 SJAC meeting, school representatives identified concerns with Pre-K classroom capacities being included in total elementary school capacity numbers and whether a review of the existing MOUs is warranted to exclude the square footage of Pre-K classrooms in total school capacity numbers.

Additional 10-year projections were drafted utilizing the April 2019 numbers, but excluding Pre-K classroom capacity to determine impacts from class size changes. When Pre-K classroom capacities are excluded, the impacts from reductions in class size is worsened at the elementary school level. These projections showed the following school capacity needs in the 10-year projection period:

- OCS – Capacity needed 2024-25 school year
- CHCCS – Capacity needed 2021-22 school year

This information was presented at the Schools Collaboration meeting on October 18, 2019. A SJAC update, which included impacts from changes in class size and Pre-K, was provided to Chapel Hill – Carrboro City Schools on December 5, 2019 and Orange County Schools on December 9, 2019.

Orange County and school staff continue to analyze school capacity numbers to determine the most accurate count for use by the SJAC and School Boards to make an informed and final recommendation to implement class size changes.

Craig Benedict, Planning Director, made the following PowerPoint presentation:

Item 1

School Joint Action Committee (SJAC) Update **– Changes in Class Size and Pre-K Impacts**

Background

- Schools Adequate Public Facilities Ordinance (SAPFO)
 - Outlines criteria for maintaining a two part system including:
 - Capital Improvement Plan (CIP) linked to the needs identified by student projections and available capacity
 - Issuing Certificate of Adequate Public Schools (CAPS) for new residential developments

- Purpose is to ensure that new residential growth within the county occurs at a pace that allows the County and school districts to provide adequate school facilities to serve students from the new developments.
- Building capacity shall be determined by a joint action of the School Boards and Orange County Board of Commissioners.
 - Includes changes in class size ratios

Purpose

- The SJAC is a short-term committee comprised of elected officials from the Chapel Hill-Carrboro City Schools Board of Education, Orange County Board of Education, and Orange County Board of Commissioners. Appointed members include:
 - Rani Dasi, Chapel Hill-Carrboro City Schools Board of Education
 - Dr. Stephen Halkiotis, Orange County Board of Education
 - Penny Rich, Orange County Board of Commissioners
- SJAC also includes staff support from Orange County Managers Office, Orange County Planning Department, Orange County Schools, and Chapel Hill – Carrboro City Schools
- To discuss legislative implications (i.e. class size impacts to school capacity) for inclusion into the Schools Adequate Public Facilities Ordinance (SAPFO) projections and provide recommendations on how/when to implement.

Background

- SJAC have conducted three meetings to review impacts and options before determining how to implement elementary school class size reductions for SAPFO purposes.
 - January 31 – Reviewed changes in class size ratios outlined in House Bills 13 and 90
 - March 8 – Reviewed student projections and potential impacts resulting from changes in class size ratios
 - April 10 – Reviewed implementation options
 - Identified concerns with Pre-K classroom capacities being included in total elementary school capacity numbers. If coupled with the actual Pre-K use of school space (which is not part of the SAPFO capacity standard) the problem is worsened.

Student Capacity and Projections (chart)

Commissioner Dorosin asked if the projections are based in anything in particular.

Craig Benedict said staff looks at the enrollment for past years, and projects those numbers forwards. He said in the ten year cohort projection, staff goes back 10 years and sees how kindergarten graduates to first, first to second, etc. He said three and five year cohorts have a smaller picture. He said if there is a major spike in a three year period, the projection would show it a lot faster. He said the other two projections are mathematical and linear, and it takes past history into the future. He said the MOU requires the numbers to be averaged to create a muted model.

Commissioner Dorosin asked if this process takes the rise in charter schools into account, in the Orange County School (OCS) system, in particular. He asked if it also takes into account what is on the drawing board, due to developments in Hillsborough.

Craig Benedict said it does not account for the enrollment within the charter schools, but only the traditional public schools.

Commissioner Dorosin said children are leaving to go to charter schools, and the actual enrollment in the school system is impacted, and asked if this is accounted for.

Craig Benedict said yes, and the projections of development in the area would probably show under other circumstances, without charter schools, a higher enrollment. He said both school districts show less than would appear under normal circumstances; therefore, the projections of growth are more muted moving into future years.

Commissioner Dorosin said that answer does not account for expansion of charter schools (from K-8 to K-12), which would have an impact that is not accounted for looking backwards.

Craig Benedict said that is correct. He said that shows up in those cohort projections.

Craig Benedict said staff acknowledges charter school and pre-K enrollment in the annual SAPFO report, but this is a sidebar to the model and the MOU as written.

Commissioner Marcoplos said after middle schools, there is an influx of charter schools students into the high schools.

Craig Benedict said that does show up, and staff can plot out the entire high school enrollment and see how it has changed over the years. He said middle schools show higher graduation rates, between 8th and 9th grades, which reflect these types of influxes.

Craig Benedict resumed the PowerPoint presentation:

Student Capacity and Projections (chart)

Impacts from Class Size Changes: Chapel Hill-Carrboro City Schools (graphic)

Commissioner McKee asked if the 534-seat loss includes the impact of Pre-K

Craig Benedict said it does not. He said there was enough capacity in CHCCS to accommodate class size changes over the allotted time, and to absorb the loss of the 534 seats. He said it does bring the need for a new school much closer, which had previously been 10+ years out.

Commissioner Dorosin asked if these numbers assume that all other class sizes will remain constant, as opposed to increasing 4th grade, etc.

Craig Benedict said yes.

Commissioner Price asked if the 534-seat number was determined in some particular way.

Craig Benedict said staff went school-by-school, working with school board staff, and did the numbers for K through 3rd grade, 4th grade and 5th grade. He said this information is in the Commissioners' packets. He said there are 165 classrooms in K-3, and the amount of capacity will go down as the class size restrictions are fully implemented.

Impacts from Class Size Changes: Orange County Schools (graphic)

Commissioner Dorosin asked if, to date, the County has ever had to restrict development due to SAPFP predictions.

Craig Benedict said no, this has never occurred. He said staff sometimes sees that it may occur in a few years, and a developer can load the development over a period of time. He said staff refines the model each year, and it has never been a problem, to date.

Options to Implement Class Size Ratios

A. Options which have been eliminated by SJAC:

1. Allow SAPFO to implement cessation of CAPS issuance (would stop issuance of building permits)

- Present enrollment/capacity conditions would not create this condition in the short term
- 2. Increase the adopted 105% Level of Service (LOS) for the elementary school level permanently or for a specific period of time
 - Example: 3,365 students at 100%, 3,533 students at 105%, and 3,601 students at 107%
- 3. Allow modular, mobile, and/or temporary classrooms to be included in elementary school building capacity numbers permanently or for a specific period of time

Options to Implement Class Size Ratios

A. Options which have been eliminated by SJAC:

4. Coordinate all “special” classrooms or non-capacity spaces (i.e. art, music, computer) to be located in modular, mobile, and/or temporary classrooms
5. Fund renovations and improvements to unused or underutilized spaces (i.e. staff offices, teacher workrooms) identified as potential classroom space by school staff in order to increase building capacity within permanent school buildings
6. Fund school renovation and/or expansion projects which increase elementary school capacity within permanent school buildings
7. Fund the construction of a new elementary school

Options to Implement Class Size Ratios

B. Options still being explored:

1. Suspend the Certificate of Adequate Public Schools (CAPS) test for the elementary school level for a specified period of time (short-term solution)
 - i. Coincide with Pre-K capacity discussions and decisions (Pre-K use of space within schools further decrease capacity for K-5, so effective capacity vs. SAPFO regulated capacity is lower than actual).
 - ii. Continue to issue CAPS for tracking purposes, but building permits will not be denied when capacity is met
 - iii. Recommended at the October 18 School Collaboration meeting
 - iv. This is not an emergency situation even with class size reductions; lower capacity does not create a CAPS deferral until 2026-27.
2. Discontinue the Certificate of Adequate Public Schools (CAPS) test for both districts (short-term solution)
3. Fund the construction of a “school swing space” (mid-term solution)

Next Steps

- **November 2019**
 - Orange County Planning staff will commence the 2020 SAPFOTAC Report process on November 4.
 - Due to timing, capacity numbers collected from the schools for the 2020 SAPFOTAC Report may not incorporate the SJAC’s final recommendation. However, the report will include an update on the SJAC and changes in class size in the executive summary.
- **December 2019**
 - Presentation to the Orange County Board of Education and the Chapel Hill – Carrboro Board of Education.
- **January 2020**

- Annual SAPFO Technical Advisory Committee meeting to review capacity, student membership, and 10-year projections.
- **February 2020**
 - Presentation to the joint schools meeting for final recommendation
 - Orange County Planning staff will transmit final recommendation to the Towns. Based on the final recommendation, this may include additional steps for the local governments.
- **March 2020**
 - Formal transmittal of draft 2020 SAPFOTAC Report

Commissioner Price asked if staff could clarify the term resolution.

Craig Benedict said the resolution of pre-K. He said this presentation is in two parts, as the SJAC was tasked with talking about legislative class size changes, as well as pre-K. He said if the number of seats is reduced in schools where pre-K is being used, then the need for new elementary schools in CHCCS arises even sooner. He said this issue cannot easily be resolved by some of the options posed by staff and SJAC. He said if pre-K classrooms are excluded in CHCCS, an additional 495 seats is lost, and would push the need for a new elementary school up to the year 2021-2022. He said there are more than 13 pre-K classrooms in CHCCS, and some are in mobile buildings, while others are in bricks and mortar buildings, and staff will reconcile these numbers. He said trying to accommodate the legislative classroom size changes, as well as excluding the 221 pre-K seats, is a looming concern.

Questions and Comments

Impacts from Class Size Changes (graphic) (Excluding Pre-K Classroom Capacities)

Impacts from Class Size Changes (graphic) (Excluding Pre-K Classroom Capacities)

Student Capacity and Projections (chart)

Commissioner McKee said the CHCCS slides show a 775-seat loss, when considering the two factors, but page 4 of the packet indicates a loss of 495 in CHCCS. He asked if these numbers could be clarified.

Ashley Moncado said staff utilizes capacities not including pre-K, which are shown on the slide, to which Commissioner McKee referred. She said staff is showing the difference between 2018-19 and 2021-22.

Craig Benedict referred to the slide that shows the numbers when implementing both changes at the same time by 2021-22, which would require a new school in CHCCS. He said OCS is similar, and when the pre-K accommodation is also taken into account, a new school will be needed in 2024-25. He said if pre-K is not included in OCS, the need for a new school was years away. He reviewed the SJAC recommendations, and said the need for new schools will occur sooner rather than later if trying to address the legislative mandates, as well as pre-K. He said the mission of the SJAC was to identify the problems, and a larger group will determine the solutions.

Commissioner McKee asked if the CHCCS elementary schools have an average size. Craig Benedict said low 500s for CHCCS.

Commissioner McKee asked if, in a worse case scenario, the County may be looking at 2 ½ new schools county wide by 2026, if it chooses to implement full pre-K, in addition to the legislative mandates.

Craig Benedict said when SAPFO was first put together the model to increase capacity was to build a new school, but now the model is not necessarily a new build as there is so much work to be done on the existing schools. He said capacity has been added to some of the schools in recent years, and the new model may be redevelopment of existing buildings, as opposed to new builds.

Commissioner McKee said the existing schools are in need of extensive work, costing millions of dollars, and if this worse case were to come to pass, it would be another ~\$75 million for new schools.

Craig Benedict referred to the slide that indicates 775 seats lost due to legislative mandates and pre-K, and said that equates to 1.5 schools. He said OCS would also have enough seats lost to warrant an additional school.

Commissioner McKee said regardless of how the problem is tackled, it will cost money.

Commissioner Marcoplos said he is concerned about the reduced class size, and asked if this has been well thought out and if there are better ways to deal with this. He asked if the County is bound to follow the class size formula, or could the class size be a bit bigger but an additional teacher added to the room.

Commissioner Bedford said if the County fails to comply, the State would take over the school board, and suspend the license of the superintendent.

Commissioner Marcoplos said the current legislature would do that, and he asked if the current educational establishment might have alternate ways to deal with classroom numbers. He said these are unfunded mandates from the State.

Student Capacity and Projections (chart)

Commissioner McKee asked if the school board staffs and members would like to comment.

Commissioner Dorosin asked if the first set of numbers are based on changing class size and the second set of numbers are based on the pre-k seats currently taking up space in the schools.

Craig Benedict said there are pre-K students in the schools, and staff takes that capacity and assumes it is used for K-5, but they are actually used for pre-K as well.

Commissioner Dorosin said a school might have 585 students, and asked if that number includes the pre-K students or not.

Craig Benedict said staff is counting the capacity of the school, and assumes the capacity is for use of K-5th only, when actually a certain number of seats are being used by pre-K.

Commissioner Dorosin said he is still not clear. He said a school has x number of spaces for K-5, based on the classroom size mandates set out by the legislature. He said, for example a school has 585 seats, and when the students are counted and number 585, then the school is at 100% capacity. He said if the number is higher the school is over capacity, and if it is lower the school is under capacity.

Craig Benedict said yes.

Commissioner Dorosin asked if pre-K students are currently included, when students sitting in seats are counted.

Craig Benedict said no, pre-K students are not counted. He said the original MOU said to not count pre-K against the capacity in the school.

Commissioner Dorosin said there could be a school that has 585 student capacity that has 500 K-5 students, and 150 pre-K students, totaling 650, but would show up as being less than 100% capacity.

Craig Benedict said correct.

Commissioner Dorosin asked if there are any pre-K classroom size restrictions.

Craig Benedict said he does not know.

Commissioner Dorosin considered the same hypothetical scenario as above, and asked if the pre-K students were removed to somewhere else, would the report presented this evening change.

Craig Benedict said the capacity of the school would still be 585. He said there would be more room for the K-5 students with the pre-K students gone.

Commissioner Dorosin asked if the SAPFO number for that school would go down due to space being freed up by the removal of pre-K. He said it seems that the freed up space was already included in the SAPFO number because they were in the 585 number. He said it might change how crowded any particular classroom is, because there would be room for the students given the class size mandates.

Craig Benedict said that is a reasonable way to look at it.

Will Atherton, OCS Chair, said Commissioner Dorosin is correct. He said currently pre-K students are not counted in the school numbers. He said the challenge is to decide what happens to pre-K given the upcoming class size mandates. He said pre-K is being used generically, but there are state mandated pre-Ks, especially for exceptional children.

Commissioner Dorosin said if the pre-K students are moved, the ability to meet the class size mandates would be impacted.

Will Atherton said pre-K is not counted today, so it would not impact SAPFO. He said what it affects is the timing of when a new school is needed. He said the County has been discussing the expansion of pre-K, which would push this discussion even further left, and the question becomes where do these kids go, as growth is not included. He said the best case is the current numbers of when a new school is needed, and worst case is it is counted, there is more growth and the number comes in even further, which would present a new challenge.

Commissioner Dorosin said he is just trying to clarify what is happening in the building. He said if the mandates go into effect, the schools will have to meet them. He said one option is build a new elementary school and one is to build a pre-K center. He said if pre-K was housed elsewhere, there would be room freed up in the current schools to move closer to meeting the class size mandates.

Will Atherton said it would in the long term.

Will Atherton said pre-k is not in every school, so some of this would help capacity but would also cause some re-districting.

Commissioner Dorosin asked if pre-K is only housed in elementary schools.

Will Atherton said yes, and this is due to unique requirements that exist for pre-K classrooms.

Patrick Able, CHCCS, said the same is true in CHCCS, which still has 6 pre-K classrooms in mobile units, and does not account for them in the core spaces of the building (gym, cafeteria, etc.). He said there are 44 mobile units in CHCCS, and moving pre-K students would likely get other students out of the mobile units and into brick and mortar. He said this is a great conversation, and appreciates the opportunity to comment. He said the slides shown tonight are the reality in CHCCS and OCS. He said all those involved are discussing this because there is not enough capacity, and the class size mandates have already begun. HE said CHCCS has had a waiver that ends June 30, 2020, and the district now has 2 years to fully implement the mandates. He said any additional help to insure future capacity is necessary, and all options should be considered.

Commissioner Marcoplos said prior to committing to building new schools, the County needs to have all of the remodeling and redistricting options. He asked if staff knows when it will have this information.

Patrick Able said staff will bring some information to the joint meeting on February 25th and the district is getting as many classrooms ready as possible now, and next year will have reassignment for the start of the 2021-22 school year. He said class size reductions will be heavily considered in this planning process.

Will Atherton said the redistricting has a bit of a chicken and the egg quality to it, and if pre-K is an unknown, it is difficult to determine where to move other students. He said redistricting now would look very different than redistricting with the removal of pre-K.

Patrick Able said the February 25th discussion will include the aging facilities and needed renovations.

Commissioner Price referred to the renovations piece, and said some campuses, such as Grady Brown, need to be secured. She asked if doing so would build capacity, and if this is considered in the numbers.

Craig Benedict said through the Capital Improvement Planning (CIP) process, staff will develop a CIP that may or may not include capacity increases, and once that reaches a feasible fundable CIP, in the years targeted, then they can include capacity. He said it must be financially feasible.

Commissioner Price asked if the school boards are expecting that capacity will be added if renovations occur.

Will Atherton said OCS CIP focus has been for repairing schools for safety measures, and he said they are exploring whether increased capacity is possible through renovation, which will not be realistic in some of the older buildings.

Patrick Able said CHCCS long-range facility planning processes did include some feasibility studies and assessment as to what makes sense with large-scale capital projects and meeting capacity needs. He said it is unclear if these capacity increases would align with the reassignment processes. He said this will all be shared at the February 25th meeting.

Commissioner McKee said going forward all the boards need to have an in depth discussion about pre-K.

Commissioner Price referred to the mandatory pre-K programs, and asked if these students are included in head counts.

Will Atherton said no, but exceptional children (EC) classrooms are adjusted correctly for the sizes.

Commissioner Bedford thanked the committee that worked on this, and she said SAPFO is a good tool for the County and assists in predicting capacity and allows for changes in capital budgeting.

Commissioner Bedford said the notion of suspending the ability to deny CAPS does not solve the problem, but what it does do, if pre-K numbers were added in, is prevent law suits and waste of money defending them.

Commissioner Bedford said some of the trailers at Ephesus Elementary School are beyond their useful life, and are not used full time for the kids. She said remaining trailers at the school are used for children full time, and are a security issue for children. She said trailers are not part of SAPFO, which is good, but in reality they are used but really should not be so any longer.

Commissioner Bedford said the best choices moving forward may be different for the two school districts. She said in 2013 CHCCS brought forward the issue of pre-K, and there may be more land in OCS than CHCCS. She said she has always wanted pre-K numbers included in SAPFO, and believes pre-K is one of the greatest strategies for closing the achievement gap.

Commissioner Bedford read minutes from the joint meeting of April 2013 indicating her long held concern about older buildings in both districts. She said this is not news, and everyone will have to work together to address the renovations and the need for more seats.

Commissioner Dorosin said the original bond discussion included Chapel Hill High School, as well as renovating the Lincoln Center to house pre-K.

Commissioner Greene said she would like to know how many pre-K students are mandated versus the number that is not.

Will Atherton said OCS has 2 EC classes serving 20 students.

Commissioner Dorosin asked if some of these students are subsidized, and if some are able to pay.

Will Atherton said OCS offers paid pre-K slots, but they have never been used. He said 70% of pre-K students qualify for free meals, and the remaining 30% qualify for reduced meals.

Patrick Able said he does not have this information, but will get it to the Board. He said EC students are mixed in with regular students, not contained separately in one classroom.

Will Atherton said if pre-K is centralized transportation would need to be provided.

Commissioner Dorosin said he knows this may be an issue, but pre-K was strongly supported in the bond discussions.

Appointments

The current appointment process would be to move these agreed upon appointments to the next BOCC Business Meeting and they would be listed under the Consent Agenda. The next BOCC Business Meeting that was scheduled for February 18, 2020 has been officially cancelled, this Consent Agenda item will now be presented at the BOCC Business Meeting on March 10, 2020.

Advisory Board members who are to be re-appointed may continue to serve in their same capacity. Individuals who are new appointments, may attend meetings, but will officially assume their participation on March 11, 2020.

2. Adult Care Home Community Advisory Committee

Position #1 – Tiketha Collins

Position #3 – Alison Brown

Position #6 – Shade Little

The Board agreed by consensus.

Commissioner Dorosin asked if other counties have difficulty filling these positions, and if there are better ways to recruit people.

Donna Baker said Janice Tyler, Department on Aging Director, is aware of this need as well and it takes a great deal of training and commitment to serve.

Commissioner Dorosin said he would like staff to survey other counties to see if Orange County is missing something, and perhaps the ability to serve should not be so onerous and the Board could advocate in this regard.

Thom Freeman asked John Roberts if there had been discussions about merging this board with the Nursing home CAC.

John Roberts said there has been some discussion, and someone was supposed to come from Triangle J Council of Governments to talk about it. He said the boards can be combined, which would reduce the overall number of appointees.

Chair Rich asked if staff would follow up on this idea.

3. Affordable Housing Advisory Board

Position #3 – Olivia Fisher

The Board agreed by consensus.

4. Animal Services Advisory Board

Position #2 – Sunita Driehuys

Position #3 – Sue Millager

The Board agreed by consensus.

5. Animal Services Hearing Panel Pool

Position #1 – Michelle Walker

Position #7 – Tony Whitaker

Position #10 – Matthew Bonds

Position #13 – Cathy Munnier

Position #15 – Dr. Beth Grooms (moved from Position #17)

Position #16 – Edmund Tiryakian

Position #17 – Casey Ferrell (replacing Dr. Beth Grooms)

The Board agreed by consensus with these appointments.

6. Board of Equalization and Review

Position #7 – Susan T. Ballard

Position #8 – Dr. Andrew Landstrom

Position #9 – Adejuwon Ojebuoboh

The Board agreed by consensus on these appointments.

7. Chapel Hill Planning Commission

Position #1 – James Baxter

The Board agreed by consensus on this appointment.

8. Chapel Hill Orange County Visitors Bureau

Position #6 – Kayla Dempsey

Position #7 – Mark Bell

Position #9 – Lydia Lavelle

Position #13 – Anita “Spring” Council

Commissioner Dorosin asked if there is a reason the High School Athletics Association has a seat on this board.

Commissioner Bedford said it brings in a large amount of hotel revenue via sporting events.

Commissioner Marcoplos asked if this Association contributes financially to the Visitors Bureau.

It was unknown.

Commissioner Greene said this is the state headquarters of this Association, and it brings in a great deal of revenue.

The Board agreed by consensus on these appointments.

9. Commission for the Environment

- Position #2 – Francis Binkowski
- Position #3 – Kim Livingston
- Position #4 – Dr. Bill Ward
- Position #5 – Elizabeth McWhorter
- Position #6 – K. Alan Parry
- Position #7 – Jaya Nair
- Position #8 – Carrie Fletcher

Commissioner Bedford noted that reappointments Carrie Fletcher and K. Alan Perry did not have the best attendance records, and should be encouraged to do better moving forward.

Donna Baker said staff would follow up.

The Board agreed by consensus on these appointments.

10. Nursing Home Community Advisory Committee

- Position #11 – Dr. Carol Kelly
- Position #12 – Vibeke Talley

The Board agreed by consensus on these appointments.

11. Orange County Planning Board

- Position #5 – David Blankfard
- Position #9 – Alexandra Allman
- Position # 11 – Susan Hunter
- Position #12 – Julian (Randy) Marshall, Jr.

The Board agreed by consensus on these appointments.

12. Orange Unified Transportation Board

- Position #2 – David Laudicina
- Position #4 – Roy Schonberg
- Position #13 – Tom Gray
- Position # 14 – Erik Broo

The Board agreed by consensus on these appointments.

A motion was made by Commissioner McKee seconded by Commissioner Bedford to go into closed session at 9:15 p.m. for the purposed listed below:

Pursuant to 143-318.11(a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public; and Pursuant to [N.C.G.S. 143-318.11(a)(5)] : To establish or instruct the staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real property.

VOTE: UNANIMOUS

RECONVENE INTO REGULAR SESSION

A motion was made by Commissioner Dorosin seconded by Commissioner Greene to reconvene into regular session at 10:00p.m.

Adjournment

A motion was made by Commissioner Dorosin seconded by Commissioner Greene to adjourn the meeting at 10:00p.m.

VOTE: UNANIMOUS

Penny Rich, Chair

Donna Baker
Clerk to the Board