

**APPROVED 4/7/2020**

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

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

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

**COUNTY COMMISSIONERS ABSENT:** Commissioner Dorosin

**COUNTY ATTORNEYS PRESENT:** John Roberts

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

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

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

Chair Rich proposed the following items be added to the agenda:

- pink sheet: Xenophobia Resolution, as item 4-c
- Presentation in re: COVID-19 with Health Director Quintana Stewart and Kirby Sanders, Emergency Services Communications.
- Additional Closed Session item:

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

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

**VOTE: UNANIMOUS**

Chair Rich noted the following items at the Commissioners' places

- Proposed resolution for item 4-c
- Hand out for item 5-a
- PowerPoint for item 5-a
- Letter from Mayor Lavelle in re: Southern Branch Library, for item 6-a

**PUBLIC CHARGE**

Chair Rich acknowledged the public charge.

**Arts Moment**

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

band program at Orange High School, participating in the Orange Panther Regiment Marching Band and the OHS Jazz Ensemble. She also participates in many honors ensembles throughout the area including the Central District Band and the North Carolina Youth Wind Ensemble. In the fall of 2020, she will be attending the University of Virginia where she plans on double-majoring in Mathematics and Music Performance.

Cassie Lipton read a piece entitled, "What civil discourse means".

Quintana Stewart and Kirby Sanders made a presentation on COVID-19, due to the state of emergency being issued.

Quintana Stewart said the Governor declared a state of emergency, and there are 7 presumptive positive cases. She said the Governor and others held a press conference today about the most vulnerable populations: those 65 years of age or older and those with underlying health conditions. She said the Governor shared the following recommendations to be implemented statewide: limit visitors to congregate living facilities; limit large gatherings; be mindful to stay home if sick; keep physical distance between people at gatherings. She said it is important to clean surfaces and wash hands, with great regularity. She said those returning from travel to impacted countries, as well as domestic areas with significant cases, should self-quarantine for 14 days. She said employers have been urged to promote telecommuting, to minimize physical contact. She said testing procedures have been expanded on a case-by-case basis as testing supplies are becoming more readily available. She said her department is working closely with its local partners, other health departments, and the State.

Kirby Sanders, ES Communications, said there is currently no state of emergency in Orange County, and he covered some highlights in the state of emergency from the Governor. He said, locally, a policy group has been activated, and an Orange County coronavirus task force has been created. He said the following are high priorities: monitor public health, with the emphasis on the most vulnerable populations; joint information system is activated; clear, precise, and accurate information; working with all community partners to contain and mitigate the expansion of the virus; and are prepared to activate the Emergency Operations Center (EOC), if necessary.

Travis Myren reviewed some guidance emails that were sent to County employees earlier today:

- Continuity of Operations Plans (COOP Plans).
- Potential recession: planning for a possible recession scenario with the finance department.
- Advisory Boards: work with departments to make sure there is a teleconference option. This is also true for the Board of County Commissioners (BOCC).
- No blanket travel restrictions as of now.
- Caution against stigmatizing against individuals.

Commissioner Greene referred to the sales tax, and asked if this information is reported with scheduled frequency.

Travis Myren said it is reported monthly, but there is about a 3-month lag. He said if retail establishments start to have reduced activity, a dip in sales tax is a likely consequence.

Commissioner Price referred to the price of medical supplies, and asked if the state will supply certain items, like hand sanitizer or masks. She said she has heard that people are taking advantage of the situation, and buying supplies in excess.

Kirby Sanders said she is correct, and sellers are taking advantage of the situation. He said masks and other items have been put on restriction, per the CDC, and he said there is a mechanism in place in case they need to ask the state for access to critical supplies.

Commissioner Price asked if there will be additional sick days for employees.

Bonnie Hammersley said that has not been discussed yet, but the County wants people to stay home if they are ill, and to bring it to the County's attention if they are lacking sick days.

Commissioner Greene said price-gouging laws are in effect, and citizens can file complaints with the Attorney General's office if concerns arise.

Commissioner Marcoplos asked if animal services are playing a role in this response.

Kirby Sanders said animal services is on the task force purely to support human services, and if someone has an animal for which they can no longer care, due to sickness or quarantine, animal services will offer support.

Commissioner Bedford asked if UNC is involved in this response, and how will students be handled upon returning from spring break.

Quintana Stewart said her department has been in constant communication with UNC-CH, and the UNC system at large is determining how to respond to spring break coming to an end and students returning.

Chair Rich asked if the County will update its website on a daily basis.

Quintana Stewart said yes.

Chair Rich said it is important to have a consistent message throughout the County, and to encourage people not to get their information from public opinion on Facebook or twitter,

Chair Rich asked if there is a plan in place for someone who has to quarantine for 14 days, but is in need of food or supplies.

Quintana Stewart said if these situations arise, the County will step in.

Chair Rich asked if people are aware of this aid.

Quintana Stewart said if someone is self-quarantined then the County is in constant contact with them.

Chair Rich said the County needs to take care of all vulnerable persons.

## **2. Public Comments**

### **a. Matters not on the Printed Agenda**

Riley Ruske said about 9 months ago, during the June 11<sup>th</sup> budget work session, Commissioner Marcoplos asked for a ¼ climate tax, which the Board approved, despite lack of public input. He said at the February 4<sup>th</sup> work session, the Commission for the Environment (CfE) came up with some projects on which to spend this money. He said there was no urgent or specific need for this tax increase, but it is a permanent tax, and will create an increasing slush fund each year with the increase of property taxes. He said the Board should rescind this tax increase starting in the 2020-21 tax year.

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

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

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

Commissioner McKee said he spoke at a regional meeting of the Soil and Water supervisors about agriculture and conservation efforts in Orange County.

Commissioner McKee said at the February 4<sup>th</sup> BOCC meeting he requested that the Board discuss the issue of reciting the Pledge of Allegiance at the beginning of BOCC meetings. He said this petition has been added to an April 23<sup>rd</sup> work session, and his intent was to put this on a regular meeting agenda, so that the public can speak on this item. He said the reason he is petitioning as such, is because this issue is a larger issue and tonight's arts moment spoke to civil discourse, and the County needs to have a discussion that includes the public.

Commissioner Bedford said the County's Spring Job Fair will be held on March 25<sup>th</sup> at the Department of Social Services' (DSS) Building in Hillsborough.

Commissioner Greene said, last week, she spoke at the News of Orange County open house with the fairly new editor. She said this new editor is active and a breath of life to the paper.

Commissioner Greene said she attended a breakfast at the Schley Grange.

Commissioner Price attended the National Association of Counties' (NACo) legislative conference, and the lack of broadband in rural areas was a large point of discussion. She said the FCC maps are deceptive and lacking, and NACo has presented this data to the FCC.

Commissioner Price said she received an email that Legal Aid is holding a free criminal record expunction clinic on March 30<sup>th</sup>.

Commissioner Price said she would like to see more expedited action on some of the Commissioner petitions, as some seem to lag more than others.

Commissioner Price thanked Gary Donaldson for tonight's information items.

Commissioner Marcoplos referred to the climate tax, and the observation that it was a last minute proposal, and said he brought it up several weeks before the end of the budget season, got information to the media, and had several meetings where people came and spoke for or against it. He said, in contrast, Commissioner Bedford proposed a school tax on the very last day of the budget, allowing no time for discussion.

Commissioner Marcoplos said at the February 11<sup>th</sup> meeting, Patrick Abele, CHCCS, discussed remodeling and redistricting options. He said he asked the schools for a report on this, and Patrick Abele said he would bring information to the joint meeting on February 25, but he did not. He asked if staff would request that CHCCS provide this information to the Board as soon as possible.

Commissioner Marcoplos said early voting was really long and there were many days when very few people came. He said he wonders if just as many voters could come within a reduced time frame, going from 14 days to 8. He petitioned for the Board of Elections to research this idea, and see if costs could be saved, but turnouts remain the same, by reducing the number of days.

Chair Rich said a few years ago the Board asked staff to divest from fossil fuels, but there were issues with the state. She said she would like an update on this topic, and would like to write a letter to the Governor if the State is still involved in these investments.

Chair Rich said the Managers/Mayors/Chairs (MMC) minutes from the last Greene Tract meeting will be in the next business meeting agenda, as an information item, and John Roberts has led the discussion on the Greene Tract. She said some changes were made to the draft, many of which had to do with clarifications.

Chair Rich referred to Board petitions, and said staff must have enough time to come back with appropriate information.

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

##### **a. Proclamation Recognizing the 100<sup>th</sup> Year Anniversary of the 19<sup>th</sup> Amendment to the United States Constitution**

The Board considered voting to approve a proclamation recognizing the 100<sup>th</sup> Anniversary of the 19<sup>th</sup> Amendment to the United States Constitution and authorizing the Chair to sign.

**BACKGROUND:** On June 4, 1919, both chambers of United States Congress approved the 19<sup>th</sup> amendment to the United States Constitution, which guaranteed American women the right

to vote. The amendment was ratified into the United States Constitution the following year on August 18, 1920.

The first reported attempt to introduce women's suffrage legislation in North Carolina was led by a group from Asheville, the North Carolina Equal Suffrage Association ("NCESA"), in 1894. In 1913, the NCESA, an affiliate of the National American Woman Suffrage Association elected Barbara Henderson of Chapel Hill as President, who initiated suffrage legislation in 1915 and 1919. However, the legislation failed to pass.

Once Congress approved the 19<sup>th</sup> amendment in 1919, 36 states needed to ratify the amendment in order for it to be included in the United States Constitution. In June 1919, Wisconsin, Illinois and Michigan were the first to ratify the amendment. Within the following year, 32 additional states ratified the amendment, with North Carolina or Tennessee poised to become the 36<sup>th</sup> state.

Southern States were adamantly opposed to the amendment, and seven of them - Alabama, Georgia, Louisiana, Maryland, Mississippi, South Carolina and Virginia - rejected it prior to it being considered by the North Carolina General Assembly. On August 11, after rejecting ratification of the amendment, a majority of the members of the North Carolina House of Representatives sent a telegram to their counterparts in Tennessee telling them that they had not ratified the amendment because it interfered with states' rights and urging the Tennessee legislators to reject ratification too. On August 18, 1920, Tennessee became the 36<sup>th</sup> state to ratify the 19<sup>th</sup> amendment by a margin of one vote. North Carolina would not ratify the 19<sup>th</sup> amendment until May 6, 1971.

If not for Gertrude Weil, and the legions of suffragettes before her, the march toward the women's right to vote may have stalled again. Weil's organization, the North Carolina Equal Suffrage League launched the North Carolina Chapter of the League of Women Voters, a non-partisan organization that educates people on the political process. Gertrude Weil served as the organization's first president.

Women in the United States were not the first women to gain the right to vote. When the 19<sup>th</sup> Amendment was ratified, women in New Zealand, Finland, Norway, and Sweden already had the right to vote.

Commissioner Price read the proclamation: (members of the League of Women Voters were also present)

## **ORANGE COUNTY BOARD OF COMMISSIONERS**

### **PROCLAMATION RECOGNIZING THE 100<sup>TH</sup> YEAR ANNIVERSARY OF THE 19<sup>TH</sup> AMENDMENT TO THE UNITED STATES CONSTITUTION**

WHEREAS, an organized movement to enfranchise women began in July 1848 at a convention in Seneca Falls, New York; and

WHEREAS, through the efforts of brave and courageous women referred to as suffragists who sacrificed family, personal life and financial resources for over seventy years to gain equal rights for women, especially the right to vote; and

WHEREAS, women and men of all colors and cultures supported the women's suffrage movement in order for women to gain the Constitutional right of having a voice in making the laws that govern them; and

WHEREAS, Chapel Hill resident Barbara Bynum Henderson, UNC class of 1902 (AB & MA), Phi Beta Kappa, organized and was elected president of the Equal Suffrage League of North Carolina in 1913, and was unanimously re-elected for a second term in 1915; and

WHEREAS, Barbara Bynum Henderson carried the battle for women's suffrage to the North Carolina General Assembly when a special session was called to consider woman suffrage; and

WHEREAS, the woman's suffrage movement led to the passage of the 19<sup>th</sup> Amendment to the Constitution of the United States in 1919, with ratification by the states by the summer of 1920; and

WHEREAS, North Carolina delayed ratifying the 19th amendment until 1971; and

WHEREAS, the National Woman Suffrage Association dissolved in 1920 to create the League of Women Voters of the United States in order to register voters and educate all voters; and

WHEREAS, the League of Women Voters of North Carolina was launched on October 7, 1920 on the steps of the Guilford County Courthouse by Gertrude Weil, a politically active and tireless young woman from Goldsboro, North Carolina; and

WHEREAS, more than 120,000 women were registered to vote in North Carolina by 1920; and

WHEREAS, women today constitute a majority vote in the State of North Carolina and the United States and are running for office in higher numbers and more active in the election process than ever before in history;

NOW THEREFORE the Orange County Board of County Commissioners does hereby recognize the 100<sup>th</sup> anniversary of women gaining the right to vote; and

FURTHERMORE, that the Orange County Board of County Commissioners does hereby recognize the 100<sup>th</sup> anniversary of the founding of the League of Women Voters in the United States and in North Carolina and applauds the members of the League of Women Voters for the impact its historic accomplishments have made on public engagement and the civic life of the community, the state and the nation.

This the 10<sup>th</sup> day of March, 2020.

Vickie Boyer and Amy Jeroloman said it is an honor to receive this proclamation on behalf of the League of Women Voters, and appreciated the Board considering this proclamation.

A motion was made by Commissioner Price, seconded by Chair Rich for the Board to approve and authorize the Chair to sign the Proclamation.

**VOTE: UNANIMOUS**

**b. Women's History Month Proclamation**

The Board considered voting to approve a proclamation recognizing March 2020 as Women's History Month in Orange County and authorizing the Chair to sign.

**BACKGROUND:** Celebration of Women's History Month had its roots in the socialist and labor movements in New York City. The first "Women's Day" took place on February 28, 1909. The day honored the one-year anniversary of the garment worker's strikes that had taken place in New York, where thousands of women marched for economic rights. That strike followed another strike that occurred in 1857 when garment workers marched for equal rights and 10-hour work days. Within two years the event grew into an international event. In 1975, the United Nations officially began International Women's Day; which will be celebrated on March 8<sup>th</sup> this year.

At the inception of Women's History Month, feminists in the United States saw the designation of the month as a way to celebrate a history that had largely overlooked the contributions of women in America. Women's History Month has its origins as a national celebration in 1981 when Congress authorized and requested President Jimmy Carter proclaim the week beginning March 7, 1982 as "Women's History Week." In 1987, the Women's History Month Project petitioned the US Congress to designate the month of March as "Women's History Month." Ronald Reagan was the first president to proclaim March as Women's History Month. Currently, local, state and federal governments annually proclaim March as "Women's History Month." Each year the National Women's History Project declares a theme. The 2020 theme is "Valiant Women of the Vote." The theme honors "the brave women who fought to win suffrage rights for women, and for the women who continue to fight for the voting rights of others."

Annette Moore, Human Rights and Relations Director, read the Proclamation:

**ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS  
WOMEN'S HISTORY MONTH  
PROCLAMATION**

WHEREAS, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

WHEREAS, American women have played and continue to play critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement;

WHEREAS, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

WHEREAS, because of the courage of so many bold women who dared to transcend preconceived expectations and prove they were capable of doing all that a man could do and

more, advances were made, discoveries revealed, barriers were broken and progress triumphed; and

WHEREAS, despite these contributions, the role of American women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history; and

WHEREAS, the Orange County Board of County Commissioners on March 25, 1976, established the Orange County Commission for Women to promote the growth and development of all Orange County women and continue to promote the efforts of women and it has been doing for more than 40 years.

NOW, THEREFORE, do we, the Board of Commissioners of Orange County, North Carolina hereby proclaim March 2020 as "**Women's History Month**" and commend this observance to Orange County residents and call upon them to celebrate the women in their lives with appropriate programs, celebrations and activities.

THIS THE 10<sup>th</sup> DAY OF MARCH, 2020.

A motion was made by Commissioner Greene, seconded by Commissioner Bedford for the Board to approve and authorize the Chair to sign the Proclamation.

**VOTE: UNANIMOUS**

**ADDITION – ITEM 4-c**

**Resolution Denouncing Xenophobia in COVID-19**

The board considered a draft resolution denouncing Xenophobia in COVID-19. Annette Moore presented this item:

**BACKGROUND:** There is a growing concern about the xenophobia and misinformation that has arisen throughout communities around the country because of the spread of COVID-19. The stigma associated with COVID-19 originating in China has led some to assume that any person of perceived Asian ancestry might be sick, harming Asian American communities all over the country. In communities across the country, Asian American businesses have seen a decline in their customer base, some as much as a 70-80% loss of business. Violence has been committed against Asian Americans and workers have faced discrimination in the workplace.

Public health officials as well as Asian Pacific American organizations throughout the country have been mobilizing to educate people to counter the hysteria around the COVID-19. Asian Pacific American organizations have asked Congress and others to pass resolutions denouncing the violence, racism and the economic loss against the Asian Pacific community that is rooted in fear and misinformation.

Ways to do: Keep private medical issues; raise awareness; speak out negative behaviors; get out correct information; be cautious about images shared; share the need of social support for those who have returned from China. CDC recommendations. Asians are afraid and people are shying away from them. This proclamation is about education.

Annette Moore read the draft proclamation.

Commissioner Bedford said she sent an email about a revision, and suggested the use of stronger language than “mitigate violent racism”. She suggested, “denounce and mitigate”, or something similar.

Commissioner Greene suggested, “condemn and address”

Commissioner Bedford said she like this, and would conclude with “mitigate economic loss.”

Commissioner McKee asked if there is a specific meaning intended with the word, “mitigate”. He said he thinks it implies that the County will financially compensate those who suffer economic loss.

Annette Moore said “mitigate” is to educate and to not mischaracterize what is happening.

Commissioner McKee said he is concerned that mitigate may imply compensation for economic loss to some people.

Commissioner Greene said mitigate means, “to get ahead of”.

Commissioner McKee referred to the very first whereas, and asked if there have been specific instances of violent attacks across the nation.

Annette Moore said yes.

Revised Resolution below:

**RES-2020-016 - REVISED**

**ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS  
RESOLUTION DENOUNCING XENOPHOBIA IN COVID-19**

WHEREAS, since the outbreak of COVID-19, we have seen a surge in discriminatory rhetoric and violent attacks against Asian Americans across the country; and

WHEREAS, the perpetrators have been inspired by debunked conspiracy theories about the origin of the virus and how it spreads; and

WHEREAS, Orange County residents are understandably worried about the spread of COVID-19 and are looking to us for guidance and reassurance; and

WHEREAS, the dissemination of false information about COVID-19 is dangerous for the public health and for Orange County residents and others who may increasingly become the victims of racist and xenophobic attacks; and

WHEREAS, we have a responsibility during a public health crisis to use our unique platform to calm our residents’ fears, not stoke them; and

WHEREAS, pathogens and viruses do not discriminate based on any race or national origin; and

WHEREAS, stigmatizing part of our populace will not only be ineffective in preventing the spread of this virus, but will also breakdown trust and cause harm to our sense of community; and

WHEREAS, the sharing of inaccurate information or unconfirmed reports runs the risk of increasing fears and inciting violence;

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

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

This the 10<sup>th</sup> day of March, 2020.

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

**VOTE: UNANIMOUS**

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

**5. Public Hearings**

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

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

Michael Harvey, Current Planning, presented the information below:

**PURPOSE:**

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

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

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

**BACKGROUND:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Michael Harvey made the following PowerPoint presentation:

### **ITEM 5 (a) - PUBLIC HEARING**

#### **Unified Development Ordinance (UDO) Text Amendment – West Fork on the Eno Reservoir Setbacks**

##### **Background:**

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

##### **West Fork of the Eno (aerial map)**

##### **Background (continued)**

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

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

**IMPACTS OF AMENDMENTS:**

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

**WHAT THIS AMENDMENT DOES NOT DO:**

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

**Staff Findings:**

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

**PLANNING BOARD RECOMMENDATION:**

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

**RECOMMENDATION(S):**

The Manager recommends the Board:

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

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

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

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

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

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

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

Michael Harvey said not during his tenure with the County.

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

#### **VOTE: UNANIMOUS**

#### **PUBLIC COMMENT:**

Tim Boomhower declined to comment.

Melody Boomhower declined to comment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Greene asked if the subdivision predates the reservoir.

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

Commissioner Greene said that was unwise.

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

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

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

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

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

Commissioner Price clarified that nothing has been issued about condemnation.

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

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

Michael Harvey said no.

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

Michael Harvey said yes, since the beginning of 2019.

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

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

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

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

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

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

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

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

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

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

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

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

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

Michael Harvey said the only date he can use, as articulated in his abstract and presentation, is January 1994.

Commissioner Price said she is not concerned about the date, but wants to know if this would be retroactive.

Michael Harvey said he has answered the question to the best of his ability.

Commissioner Price said the Town of Hillsborough had to negotiate with the property owners to secure the property necessary to accommodate the reservoir, and asked if this pertained to current negotiations, or years past.

Craig Benedict, Planning Director, said years ago. He said in the present code, an existing lot is defined as January 1, 1994, and this is the date that staff has used as this is when the watershed regulations went into effect. He said, in absence of this new amendment, the date could be as late as February 12, 1997. He said the date previously used was January 1, 1994 prior to the amendments that may be made tonight.

Craig Benedict said when Hillsborough chose to build reservoir phases one and two, in the mid 1990s, the Town bought properties to accommodate this. He said all of the land that Hillsborough needed for these two phases was purchased by 1997.

Commissioner Marcoplos asked if the bottom line is that a house could be rebuilt, and possibly expanded, if it were to be destroyed by a natural even, such as a tornado.

Craig Benedict said the house could be rebuilt to whatever approved existing septic systems exist. He said any expansion to septic systems would have to be approved through the Health Department.

Craig Benedict said as soon as the reservoir was contemplated, people started subdividing around the lake, as was done at Lake Orange as well. He said during his tenure with the County, staff has had to make determinations that the lots were roughly concurrent with the reservoir, and people want to live next to a future reservoir. He said people can rebuild to the standards of the size of their house.

Commissioner Marcoplos asked if a resident has perkable land, can the resident extend the septic, add another bedroom, etc.

Craig Benedict there is a four-bedroom maximum.

Commissioner Marcoplos asked if anyone will be prevented from replacing a septic system.

Craig Benedict said no, everyone can replace the septic system, as long as it meets Health Department standards.

Commissioner Marcoplos asked if the reservoir would impact the issue of a septic system meeting Health Department standards.

Craig Benedict said it would be the same standard as if it were next to a reservoir, or not, except the resident would have to work with the Planning Department to find out which location is best. He said around Lake Orange, there are one or two cases where a resident cannot fit a septic field, because of the land size, and there are other devices that are approved by the State, which can replace the normal, conventional septic system.

Commissioner Marcoplos asked if there is anything Hillsborough could have done to make this process better from the beginning.

Craig Benedict said that is conjecture. He said reservoirs are rarely built, but when they are it is rare for excess land to be purchased. He said his reading of the issue is that they do not purchase out to 300-feet beyond where the water level will be. He said if the Town had purchased out that far, then all lands would have been unencumbered by the setbacks, but this is not the County's standard to take a look at.

Marie Strandwitz, Utilities Director for Town of Hillsborough, said she appreciated the staff presentations. She said it is her understanding that the Town planned the reservoir starting around 1993. She said the Town started acquiring properties, and in some cases there was condemnation, and other times the Town was able to negotiate successfully for the land. She said the permit from the Corps was issued in the fall of 1997, or early 1998, which consisted of both phases. She said the Town had the foresight to see that it would need more water one day, and the permit from the Corps, and accompanying 401 permit from the State, covered both phases. She said the 1994 date correctly had the 643 elevation based on the datum used by surveyors at that time. She said since 1994, the UDO has stated the correct phase 2 elevation (or expansion), and to get to this point the Town has conducted public hearings, and all the property owners around the reservoir boundary, at that time, were notified. She said anyone who had purchased a property since that time has been subject to the setback that already exists in the UDO. She said she does not know if realtors have communicated this information to the property owners at time of purchase. She said expansion of phase 2 physically started in 2018, as the permit from the Corps was set to expire. She said the Town did not need the extra water at that time, but as the permits are difficult to obtain, the Town chose to move forward with the phase 2 expansion. She said the raising of the damn structure has been completed, as well as the clearing around the damn structure. She said the Town has approved for its Manager to sign the contract to raise the surrounding roads, which is the last piece of the puzzle before the Town can start letting the reservoir fill to its new level, which is contour 642.2, according to the new survey datum of NAVD 88.

Marie Strandwitz referred to the question about fishing and hunting, and said as part of the state mitigation, the Town is to put the area around the reservoir in a conservation easement. She said she has seen documents that state the Town has bought all the necessary

property to encompass the phase 2 level, as well as the State buffer. She said the Town did not go further into the County setbacks, as it held public hearings at that time. She said the Town is working with the State to put its properties into a restrictive deed, which are areas well outside the buffer that the State wants the Town to maintain. She said the restrictive deed includes no trespassing, no swimming, hunting, fishing, and camping. She said the Town is required to post signage to this effect.

Marie Strandwitz said the Town has not sent any letters of commendation.

## **PUBLIC COMMENT**

Amber Broadwell said she has lived in the area for some time, and has fished the entire time, and she wants to know why fishing is not allowed.

Marie Strandwitz said the State will not allow these types of activities, per the permit that was obtained in the 1990s. She said it requires the Town to keep protection of its water supply, which is why the County is having extra setbacks. She said it is a watershed protection area, and is the water supply for the Town. She said people may have been fishing for years, but should not have been doing so.

Calvin Parrish asked if it is known who would be financially responsible, if a septic tank needs replacing.

Michael Harvey said he feels inadequate to answer the question, but if the septic system fails, there is no provision in the UDO mandating the Town to pay for this.

Commissioner Price asked if the expansion is expected to affect septic tanks.

Michael Harvey said he does not have data to definitively answer that question, but the setbacks are in place to avoid such issues. He said such issues would have to be addressed as they arise.

Commissioner McKee asked if staff knows if any of these septic fields will be submerged by the new water level.

Michael Harvey said no, based on the information he has, there should be no submerging of septic fields.

James Kennedy said this amendment will devalue the properties. He said any restriction to a property will scare off buyers.

Chair Rich said currently these properties are following the UDO.

Michael Harvey said the restriction has existed since 1997, and staff is not adding a restriction but rather clarifying what constitutes an existing lot and existing development for the purposes of permitting.

A motion was made by Commissioner Bedford, seconded by Commissioner McKee to close the public hearing. (Note that, because this is a legislative decision, additional comments at a later date are permitted).

Michael Harvey said since this is not quasi-judicial process, he said there can be additional comments made after the hearing is closed.

Commissioner McKee said he was around when this reservoir was planned and built, and it was contentious to the point that there were threats of vigilante action. He said perhaps the Town should have put easements up to the setbacks, but that is irrelevant at this point. He said he wants to make sure that residents are not adversely affected.

Commissioner Price asked if the BOCC must make a decision tonight, or can it just close the public hearing.

Michael Harvey said staff has made a recommendation, but the BOCC can close the hearing and take whichever action it sees fit.

**VOTE: UNANIMOUS**

Commissioner Greene said she would like more time to think about this topic, and gather more information. She said she does not feel fully informed to vote this evening.

A motion was made by Commissioner Greene, seconded by Commissioner Price to defer this item to the April 7, 2020 Board of Commissioners' Business Meeting.

**VOTE: Ayes, 5; Nays, 1 (Commissioner Marcoplos)****b. Public Hearing on the Financing of Various Capital Investment Plan Projects**

The Board conducted a public hearing on the issuance of approximately \$45,500,000 to finance capital investment projects and equipment for the fiscal year; and consider voting to approve a related resolution supporting the County's application to the Local Government Commission (LGC) for its approval of the financing arrangements.

Gary Donaldson, Chief Financial Officer, presented the information below:

**BACKGROUND:**

County staff estimates that the total amount to be financed for capital investment projects and equipment will be approximately \$45,500,000. The statutes require that the County conduct a public hearing on the proposed financing. A copy of the published notice of this hearing is provided (Attachment 1).

The notice of public hearing was advertised in *The Herald Sun* and the *News of Orange*.

After conducting the public hearing and receiving public input, the Board may consider the adoption of the resolution (Attachment 2). The resolution formally requests the required approval from the North Carolina Local Government Commission (LGC) for the County's financing, and makes certain finding of fact as required under the LGC's guidelines. County staff has been in contact with the LGC staff, and staff expects no issues in receiving LGC approval.

If the Board adopts the resolution indicating its intent to continue with the financing plan, the Board will be asked to consider a resolution giving final approval to the financing plans at its April 7, 2020 meeting. Under the current schedule, County staff expects to set the final interest rates and close by the end of April.

**FINANCIAL IMPACT:** There is no financial impact related to this action. However, there will be a financial impact in proceeding with the financing. A preliminary estimate of maximum debt service applicable to the capital investment projects and equipment financing would require the highest debt service payment of \$4.2 million in FY 2021-22. The tax rate equivalent for the estimated highest debt service payment is approximately \$2.23 cents.

Gary Donaldson made the following PowerPoint presentation:

**Series 2020 Limited Obligation Bonds**  
**Spring Financing Resolution**  
**March 10, 2020**

**Purpose**

- Conduct Public Hearing for Limited Obligation Bonds pursuant to NC Statute Section 160A-20
  - Obtain Board Approval to Proceed with Filing Local Government Commission Application for Series 2020 Financing
  - Funds our FY 2019-20 Capital Investment Plan through this Series 2020 Limited Obligation Bonds are secured by a Deed of Trust, with a security interest in the Northern Campus and a portion of the Southern Campus
  - The Series 2020 Limited Obligation Bonds will fund various County projects including:
 

- Vehicles and Equipment (5-8 Years useful life):	\$717,228
- County Facilities (up to 20 years useful life):	\$33.1 Million*
- School Facilities (up to 20 years useful life):	\$8.6 Million
<b>Total:</b>	<b>\$42.3 Million</b>
- \* \$29 Million represents remaining amount for Northern Campus construction

### **Projects to be Financed (chart)**

#### **Key Financing Terms**

- Security Pledge- County assets and annual County appropriations
- Maturity Term- 5- 20 Year maturities matches the useful life of the assets
- Estimated Interest Rates- up to 3% subject to market conditions
- Maximum Annual Debt Service not exceeding \$4.2 Million (FY 2021-22)
- Source of Repayment- Property Tax, Solid Waste Fees and Sportsplex Fees
- Limited Obligation Bonds are Subordinate Lien to AAA General Obligation Bonds
- Anticipated Limited Obligation Bonds- AA1/AA+/AA+ from Moody's, Standard & Poor's and Fitch Ratings

### **Key Debt Model Metrics (chart)**

#### **Financing Schedule (chart)**

Commissioner Marcoplos asked if schools' "other various projects" line is determined the same way as the fiscal year budget; as collaboration between the school and County prioritizing projects.

Gary Donaldson said yes.

Commissioner Marcoplos asked if any specific projects are interesting.

Gary Donaldson said no, there are projects across all facilities, and it will be a matter of prioritizing the major needs. He said the amounts they are ready to finance may be slightly lower when staff returns to the BOCC, due to projects not being ready to move forward.

Commissioner Price asked if there is a difference between improvements to older schools and other various projects.

Gary Donaldson said that is the designation that the schools have for looking at older facilities that require more capital needs. He said it distinguishes between the older and the newer schools.

Commissioner Price asked if the projects will be clearer, by April, what some of the various projects would be.

Gary Donaldson said yes.

Commissioner Price said she does not need to know every single dollar, but would like to know the difference between recurring capital, improving older facilities, and other various projects.

Gary Donaldson said staff will have further specifics in the coming weeks.

Commissioner McKee asked if there is a reason that the Skills Development Relocation Europa Center upfit has a line item of \$254,953. He said the BOCC has not even decided if a skills center will be placed in the library complex.

Bonnie Hammersley said the temporary location for this center will be at the Europa Center, and it will move there in the next month, and will remain until a new location is confirmed. She said the skills center had to vacate its Franklin Street location.

Commissioner Price referred to the Link Building, and asked if there will be on-going costs as the County waits to determine what will be done with it.

Gary Donaldson said these costs were incurred since the decision was made.

A motion was made by Commissioner Bedford, seconded by Commissioner Greene to open the public hearing.

**VOTE: UNANIMOUS**

**PUBLIC COMMENT:**  
NONE

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

**VOTE: UNANIMOUS**

A motion was made by Commissioner Price, seconded by Commissioner Bedford for the Board to adopt the resolution supporting the application to the Local Government Commission for approval of the financing.

Commissioner Bedford thanked Gary Donaldson for this information.

**VOTE: UNANIMOUS**

**6. Regular Agenda**

**a. Defining a Final Project Scope for County Space for the 203 South Greensboro Street Project in Cooperation with the Town of Carrboro**

The Board considered voting to authorize a final project scope for the 203 South Greensboro Street Project in cooperation with the Town of Carrboro and to consider, if appropriate, the *First Amendment to a Development Agreement* between the Town of Carrboro and Orange County for the design and construction of a jointly used government facility at 203 Greensboro Street in the Town of Carrboro.

Travis Myren presented this item.

**BACKGROUND:**

In December 2017, Orange County and the Town of Carrboro signed a Development Agreement for the design and construction of a facility that would jointly contain administrative offices for the Town of Carrboro, spaces for The Arts Center of Carrboro, and the Orange County Southern Branch Library (Attachment 5). The design process began shortly afterward and proceeded until the development of schematic design documents and initial cost estimates. At that point, The Arts Center of Carrboro withdrew from the project.

Subsequently, both Orange County and the Town of Carrboro have discussed changes to the occupant mix and associated space allocation within the facility. The Town has proposed adding various functions totaling approximately 6,950 square feet in Town allocated space while the County staff have discussed adding a permanent location for the Skills Development Center.

Adding the Skills Development Center would increase the County's space by approximately 12,600 square feet and increase the County's overall space allocation from 41% to 56%. This abstract would authorize the final scope of County space by outlining two options. One of these options would be memorialized in the *First Amendment to the Development Agreement*. The first option is to proceed with the addition of the Skills Development space. The table below summarizes the proposed project budget and how it compares with funds currently planned in the County's Capital Investment Plan.

### 203 South Greensboro Project Budget with Skills Development

	Approved Capital Investment Plan	Proposed Budget	Difference
Professional Fees - 56%/44%	\$ 1,172,500	\$ 1,987,493	\$ 814,993
Library Construction @ 15,000 sq. ft.	\$ 4,625,000	\$ 4,725,000	\$100,000
Skills Development Const. @ 12,600 sq. ft.		\$ 3,969,000	\$ 3,969,000
Parking Construction - 83 spaces	\$1,000,000	\$2,075,000	\$1,075,000
Common Area Construction - 56%/44%		\$1,008,000	\$1,008,000
Furniture, Fixtures, Equipment		\$1,250,000	\$1,250,000
Owners Contingency - 5% Construction Costs		\$588,850	\$588,850
<b>TOTAL</b>	<b>\$6,797,500</b>	<b>\$15,603,343</b>	<b>\$8,805,843</b>

The escalation of approximately \$8.8 million in project costs is primarily attributable to four factors. First, additional professional fees will be incurred as the plans are modified to remove and repurpose space that had been allocated to the Arts Center. Second, the addition of the Skills Development space would add approximately \$3.9 million in construction costs and approximately \$1 million to add 33 parking spaces. The majority of this cost (\$3.75 million) will be repaid through the lease or sale of 501 and 503 West Franklin. Third, the original project budget was created in the FY2011-16 Capital Investment Plan and did not contemplate a shared facility with common areas or an adequate budget for furniture, fixtures, and equipment. Finally, the owner's contingency is dependent on the project delivery method which was not known when the project was originally included in the Capital Investment Plan. In this case, the owner's contingency is based on using a Construction Manager at Risk method to deliver the project. Additional details regarding this option are contained in Attachment #1 – *Budget Allocation with Skills Development*.

The second option is to proceed only with the Southern Branch Library. Due to many of the same factors listed above, this option would also involve additional costs as summarized in the table below.

### 203 South Greensboro Project Budget - Library Only

	Approved Capital Investment Plan	Proposed Budget	Difference
Professional Fees 40.5%/59.5%	\$1,172,500	\$1,437,383	\$264,883

Library Construction @ 15,000 sq. ft.	\$4,625,000	\$4,725,000	\$100,000
Skills Development Const. @ 12,600 sq. ft.			
Parking Construction - 50 spaces	\$1,000,000	\$1,250,000	\$250,000
Common Area Construction 40.5%/59.5%		\$729,000	\$729,000
Furniture, Fixtures, Equipment		\$750,000	\$750,000
Owners Contingency - 5% Construction Costs		\$335,650	\$335,650
<b>TOTAL</b>	<b>\$6,797,500</b>	<b>\$9,227,033</b>	<b>\$2,429,533</b>

Proceeding with the Library Only option would still require additional professional fees. This option also reflects an escalation in the cost of parking spaces compared to the current project budget as well as the introduction of costs for common area; furniture, fixtures, and equipment; and an owner's contingency based on the Construction Manager at Risk project delivery method. Additional details regarding this option are contained in Attachment #2 – *Budget Allocation Library Only*. If this option is chosen, the County would continue to lease space for Skills Development programming. The County has executed a five year lease in the Europa Center totaling \$1.18 million during that timeframe. The lease could be extended, modified, or eliminated at the end of the five year period.

The *Draft First Amendment to the Development Agreement* (Attachment 3) reflects the addition of Skills Development space as described in Option 1. Choosing Option 2 would require a renegotiation of the *Amendment* with the Town of Carrboro, and the timeline would be adjusted accordingly.

Once a final development agreement is executed by the parties, the project development process will resume. A revised preliminary schedule has been created and is provided at Attachment 4. The schedule indicates that the design will begin in March 2020 and continue until April 2021. Construction will begin in May 2021 and conclude in June 2022.

**FINANCIAL IMPACT:** The Board previously appropriated \$6,797,500 for design and construction of the Southern Branch Library. Option 1, adding the Skills Development Center and recognizing total project costs, would add approximately \$8.8 million to the project budget. Option 2, constructing the Southern Branch Library only but recognizing the total project costs, would add approximately \$2.43 million. Either change to the project budget would be reflected in the Manager's Recommended Capital Investment Plan with construction expenditures planned for FY2021-22.

Travis Myren made the following PowerPoint presentation:

**Final Project Scope**  
**203 South Greensboro Street**

*Most Recent Evolution of the Orange County Southern Branch Library Project*

**County Capital Projects Fiscal Years 2011-16 (chart)**

**Orange County Southern Branch Library Evolution - graph**

**Orange County Southern Branch Library Site- photo**

**Recent Board Action- June 2019**

- FY2019-24 Capital Investment Plan
  - Authorized Southern Branch Library Construction Budget
 

Professional Fees	\$1,172,500
<u>Construction Cost</u>	<u>\$5,625,000</u>
Total	\$6,797,500
  - Carrboro Partnership and Development Agreement
    - Formalized 203 South Greensboro Street Site
    - Colocation of Library Space with Town Offices
    - Project Commencement Delayed due to Town Decisions on Parking

### **Recent Board Action – June 2020**

- Future Location of the Skills Development Center
  - Lease Approved on January 21 to Relocate Skills Development Center to Europa Center, Suite 101
  - Three (3) Year Term with Option to Extend to Five (5) Years
  - Rent Increases by 3% Each Year

### **Scope Decision for County Space at 203 South Greensboro Street**

#### **Option #1**

#### ***Add 12,600 Square Feet for Skills Development Center***

- Budget Adjustments in the FY2020-25 Capital Investment Plan to Add Space and Include All Project Elements
- Approve *First Amendment to the Development Agreement* with Town of Carrboro (Attachment #3)

### **Changes in Space Allocation - table**

### **Changes to Budget Estimates- table**

### **Budget Differences from Current Adopted Budget**

- Total Space Allocation Increases from 40.5% to 56%
  - Increases County Costs for Any Expenses Split Proportionally
- Professional Fees
  - Redesign due to ArtsCenter Withdrawing from the Project
  - Increase in County Space Allocation
  - Design Fees for the Skills Development Center ~ \$100,000
- Skills Development Construction
  - Add 12,600 square feet @ \$315/square foot = \$3,969,000
  - Add 33 Parking Spaces @ \$25,000 per space = \$825,000
  - Rent from 501/503 South Franklin Street to Cover \$3.75 Million in Debt Service
- Shared Space and Furniture, Fixtures, and Equipment
  - Common Area Addition - \$1,008,000
  - Furniture, Fixtures, and Equipment for Library (\$750,000) and Skills Development (\$500,000)
- Owner's Contingency
  - Project Delivery Method Chosen - Construction Manager at Risk
  - Contingency @ 5% of Construction Costs - \$588,850

**Scope Decision for County Space at 203 South Greensboro Street**

**Option #2**

***Proceed with Southern Branch Library Only***

- Budget Adjustments in the FY2020-25 Capital Investment Plan to Include All Project Elements
- Renegotiate *First Amendment to the Development Agreement* with Town of Carrboro for Board Consideration

**Changes to Budget Estimates- Library only- table**

**Budget Differences from Current Adopted Budget**

- Professional Fees
  - Redesign due to ArtsCenter Withdrawing from the Project
- Parking Costs Per Unit
  - Increased from \$20,000 per space to \$25,000 per space
  - 50 Parking Spaces Dedicated to Library = \$250,000 net cost increase
- Shared Space and Furniture, Fixtures, and Equipment
  - Common Area Addition - \$1,008,000
  - Furniture, Fixtures, and Equipment for Library (\$750,000)
- Owner's Contingency
  - Project Delivery Method Chosen - Construction Manager at Risk
  - Contingency @ 5% of Construction Costs - \$335,650

**Project Timeline**

**Next Steps**

1. Proceed with Option #1 to include space for both the Southern Branch Library and the Skills Development Center
  - Approve the proposed *First Amendment to the Development Agreement* (Attachment 3)
  - Authorize the County Manager to sign the *Agreement*
2. Proceed with Option #2 to include space for the Southern Branch Library
  - Direct staff to amend the draft *Amended Agreement* to be considered at a later date.

*Budget Adjustments in the FY2020-25 Capital Investment Plan to Reflect Either Option*

Commissioner Price asked if the BOCC were to select Option 1- with the Skills Development Center - can the County break its lease with the Europa Center.

Travis Myren said yes, it is an initial 3-year term, with the option to extend.

Commissioner Price referred to the parking, and asked if it is based on Carrboro's existing zoning. She asked if there has been any thought of modifying that requirement, and encouraging people to use the public transportation.

Travis Myren said there has been a specific conversation about library parking, and there are 50 spaces dedicated to the library, which is in the development agreement. He said if the Board wanted to re-visit this issue, it could do so.

Commissioner Price asked if parking will be needed for the Skills Development Center.

Travis Myren asked Steve Arndt, Asset Management Services Director, if the 33 spaces for the Skills Development Center are based on town ordinance.

Steve Arndt said the 33 spaces will only serve a small fraction of the Skills Center's attendees, but many students take public transportation, and ongoing access to this is important.

Bonnie Hammersley said one of the things that have held up this project is parking, but Carrboro has decided not to hold up the project with its townwide parking needs. She said there was a plan for underground parking, but it was cost prohibitive. She said the plan is to build a parking deck adjacent to the building. She said Carrboro wants to replace the parking it is losing (as this is being built on an existing lot), and there is a required amount of parking spots for the library (~50) and the Skills Center (~33). She said the parking that will be built will serve this building, as opposed to being town wide parking.

Commissioner Marcoplos said the building will have other uses.

Bonnie Hammersley said the parking deck will be ~150 spaces, and the other spaces are being paid for by the Town of Carrboro.

Commissioner Bedford referred to the chart with the increase of \$8.8 million, which includes the Skills Center, and said if she subtracts the increase of \$2.4 million (without the Skills Center), she is left with \$6.37 million. She asked if she can subtract \$3.75 million, of the debt repayment, if everything goes according to plan, to get to a net of \$2.62 million. She said this would be only \$200,000 more than if they do not do it.

Travis Myren said this is not a net number, and the \$3.75 million would come in regardless.

Commissioner Bedford said it could be used for other things, such as opportunity costs. She said when she voted to consider the WELL project, it was part of her thought that there would be a revenue stream that could help support the design of this building. She said she is leaning towards doing it. She said she understands there is a risk, and the \$4 million might not happen, and the whole thing could implode at any time.

Commissioner Greene said if the Board does not do the Skills Center, it is just kicking a problem down the road. She said to put the Skills Center there, and even if it is relocated at some point, this is a good infrastructure investment for the County, in a critical location in downtown Carrboro,

Commissioner Marcoplos said, in terms of transit, it is much better for public transportation than the Europa building.

Commissioner McKee said he finds it interesting that this project has gone from a simple library to this bigger project. He said he understands the arguments being made, but it concerns him greatly because the costs have more than doubled. He asked staff if there is a reason that figures for furniture, etc. were not included in the original proposal.

Travis Myren said there were monies (\$750,000 for the library) that were programmed in the future, but not yet authorized. He said \$6.79 million has been authorized, and he did not include anything that was in the future capital investment plan (CIP) at some point.

Commissioner McKee said the County has a lot of construction projects going forward, and he needs total actual costs, not draft numbers. He said he is not sure that he will vote for this, as he has watched it grow and grow and grow. He said the Link building needs to be addressed; the Board heard a few weeks ago that schools need \$500 million; and he is very concerned about how the County is proceeding. He said money has to come from somewhere, and he is concerned that a recession may be looming. He said he would be in favor of only proceeding with the library. He referred to a letter, and asked if that square footage is in addition to what is already proposed.

Travis Myren said no, the County would not be involved in that additional space.

Commissioner Price asked if the County get revenue from WELL to offset the costs of the Skills Development Center.

Commissioner McKee said theoretically the County would receive money from WELL.

Commissioner Price said when the library was conceived, the Skills Development Center was not an issue, but the possible colocation offers a good marriage of entities.

Travis Myren said there will be another check in point, as somebody will have to accept the GMP. He said staff can make that GMP acceptance contingent on both Town and BOCC action.

Commissioner McKee said he does not question the intent or the value of the project, but rather from where the money will come. He said he refuses to return to the days when the County significantly increased taxes every year.

Commissioner Bedford said in the last recession, projects had to be shovel ready with the school systems. She said if interest rates do fall, it is an opportune time to be shovel ready. She said having the Skills Center remain in a downtown area is important, and she wants to support a bigger vision for the community.

Commissioner Marcoplos asked if the next check in point is scheduled.

Travis Myren said the GMP would be available in March 2021.

A motion was made by Commissioner Marcoplos, seconded by Commissioner Price for the Board to:

- 1) Proceed with Option 1 to include space for both the Southern Branch Library and the Skills Development Center, approve the proposed *First Amendment to the Development Agreement* (Attachment 3), and authorize the County Manager to sign the *Agreement*;

**VOTE: Ayes, 5; Nays, 1 (Commissioner McKee)**

**7. Reports**  
**NONE**

**8. Consent Agenda**

- **Removal of Any Items from Consent Agenda**  
Chair Rich – i and j  
Commissioner Greene – o
- **Approval of Remaining Consent Agenda**

A motion was made by Commissioner Bedford, seconded by Commissioner Price for the Board to approve the remaining items on the Consent Agenda.

**VOTE: UNANIMOUS**

- **Discussion and Approval of the Items Removed from the Consent Agenda**
  - i. **Fiscal Year 2019-20 Budget Amendment #6**

The Board considered approving budget and grant project ordinance amendments for fiscal year 2019-20.

Chair Rich said there is a lot of talk in the public about budget amendments not being public records, but that is absolutely not true. She said all budget amendments are public record.

Chair Rich referred to page 5, and said the Visitors' Bureau (VB) accepted \$174,500 from the Town of Chapel Hill. She said this is an ongoing agreement between these two entities. She thanked the Town for its ongoing support of the VB.

A motion was made by Commissioner Marcoplos, seconded by Commissioner McKee to approve the budget and grant project ordinance amendments for fiscal year 2019-20.

**VOTE: UNANIMOUS**

**j. Agreements for Right-of-Way Encroachments on Primary and Secondary Highways – Bus Shelters**

The Board considered voting to approve Right-of-Way Encroachment Agreements for Non-Utility Encroachments on Primary and Secondary Highways authorizing Orange County, on behalf of Orange County Public Transportation, to enter into agreements with the North Carolina Department of Transportation (NCDOT) for the installation of four (4) bus shelters at existing bus stops and authorize the Chair to sign. Three bus stops are in Hillsborough and one bus stop is in Chapel Hill.

Chair Rich said there have been false statements in the public claiming that transportation dollars were coming out of homeowner taxes. She said this is not at all accurate, and article 43 taxes pay for transportation costs.

A motion was made by Commissioner McKee, seconded by Commissioner Bedford to approve Right-of-Way Encroachment Agreements for Non-Utility Encroachments on Primary and Secondary Highways authorizing Orange County, on behalf of Orange County Public Transportation, to enter into agreements with the North Carolina Department of Transportation (NCDOT) for the installation of four (4) bus shelters at existing bus stops and authorize the Chair to sign. Three bus stops are in Hillsborough and one bus stop is in Chapel Hill.

**VOTE: UNANIMOUS**

**o. Greater Triangle Commuter Rail Study – Next Steps**

The Board considered voting to adopt a resolution receiving the results of the Greater Triangle Commuter Rail (GTCR) study and deferring additional study for Orange county sections.

Commissioner Greene said this item provides the BOCC with the results of a study of the GTCR. She said the larger regional transit plans include the possibility of a commuter rail going from Raleigh to Durham, and possibly from Selma to Burlington. She said the study showed that the extension from Durham to Hillsborough would involve \$200-\$300 million capital expense with \$7 million of annual operating costs to serve a projected 150-250 people. She said this is not cost effective, and this is dead in the water, at this time.

A motion was made by Commissioner Greene, seconded by Commissioner Price to adopt a resolution receiving the results of the Greater Triangle Commuter Rail (GTCR) study, and deferring additional study for Orange county sections.

**VOTE: UNANIMOUS**

**a. Minutes**

The Board approved the minutes from January 24, 28 and February 4, 11, 2020, as submitted by the Clerk to the Board.

**b. Motor Vehicle Property Tax Releases/Refunds**

The Board adopted a resolution, which is incorporated by reference, to release motor vehicle property tax values for eight taxpayers with a total of eight bills that will result in a reduction of revenue in accordance with NCGS.

**c. Property Tax Releases/Refunds**

The Board adopted a resolution, which is incorporated by reference, to release property tax values for nineteen taxpayers with a total of twenty-four bills that will result in a reduction of revenue in accordance with North Carolina General Statute 105-381.

**d. Applications for Property Tax Exemption/Exclusion**

The Board considered six untimely applications for exemption/exclusion from ad valorem taxation for six bills for the 2019 tax year.

**e. Resolution Regarding Underpayment and Overpayment of Taxes**

The Board approved a new resolution, which is incorporated by reference, as an administrative clean-up confirming Resolution 2001-039, which was adopted by the Board on April 17, 2001 to allow the Tax Collector to write off up to \$1.00 in underpayment and absorb up to \$1.00 in overpayment of taxes.

**f. City of Durham's Teer Quarry Reservoir – Letter of “No Objection” from Orange County Related to the Voluntary Eno River Capacity Use Agreement**

The Board approved and authorized the Chair to sign a letter of “No Objection” from Orange County related to the City of Durham’s proposed initiative to withdraw excess water from the Eno River for the purposes of filling the City of Durham’s Teer Quarry Reservoir in conformance with the existing Voluntary Eno River Capacity Use Agreement and additional guidelines agreed upon by the North Carolina Division of Water Resources (NCDWR).

**g. Adoption of Involuntary Commitment Transport Plan**

The Board adopted a plan (transportation agreement) for the custody and transportation of respondents under involuntary commitment from one entity to another.

**h. Approval of the Transfer of Ownership of One (1) Manufactured Home Unit to EmPOWERment, Inc.**

The Board approved a resolution, which is incorporated by reference, transferring from Orange County to EmPOWERment, Inc. the ownership of one (1) manufactured home purchased under the previously approved Orange County Land Banking/Manufactured Home Park Initiative’s *Displacement Mitigation Assistance Program (DMAP)* and authorize the Chair to sign.

**i. Fiscal Year 2019-20 Budget Amendment #6**

The Board approved budget and grant project ordinance amendments for fiscal year 2019-20 for the Department on Aging; County Manager’s Office; Sheriff’s Office; Human Rights and Relations; Cooperative Extension; Finance and Administrative Services; Board of County Commissioners; Department of Social Services; Library Services and Visitors’ Bureau.

**j. Agreements for Right-of-Way Encroachments on Primary and Secondary Highways – Bus Shelters**

The Board approved Right-of-Way Encroachment Agreements for Non-Utility Encroachments on Primary and Secondary Highways authorizing Orange County, on behalf of Orange County Public Transportation, to enter into agreements with the North Carolina Department of Transportation (NCDOT) for the installation of four (4) bus shelters at existing bus stops and authorize the Chair to sign. Three bus stops are in Hillsborough and one bus stop is in Chapel Hill.

**k. Lease of 1000 Corporate Drive, Suites 401 and 402, Hillsborough**

The Board approved and authorized the Manager to sign a lease of 1000 Corporate Drive, Suites 401 and 402, in Hillsborough upon final review by the County Attorney.

**I. Schools Adequate Public Facilities Ordinance (SAPFO) – Receipt and Transmittal of 2020 Annual Technical Advisory Committee Report**

The Board received, in conjunction with the standard and customary annual process outlined in the Schools Adequate Public Facilities Ordinance, the 2020 Annual Report of the SAPFO Technical Advisory Committee (SAPFOTAC) and transmitted it to the SAPFO partners for comments before certification in May.

**m. Advisory Boards and Commissions – Appointments**

The Board approved the Advisory Boards and Commissions appointments as reviewed and discussed during the February 11, 2020 Work Session.

**n. Approval of System Safety Program Plan and Title VI Plan for Orange County Public Transportation**

The Board approved an updated System Safety Program Plan and Title VI Plan for Orange County Public Transportation (OCPT) based on a North Carolina Department of Transportation requirement that all transit agencies have an updated safety security program plan and Title VI plan approved by the governing board.

**o. Greater Triangle Commuter Rail Study – Next Steps**

The Board adopted a resolution, which is incorporated by reference, receiving the results of the Greater Triangle Commuter Rail (GTCR) study and deferring additional study for Orange county sections.

**9. County Manager’s Report**

Bonnie Hammersley reminded the BOCC of the following events:

Monday, March 16<sup>th</sup>: Census Launch Events

Tuesday, March 17<sup>th</sup>: BOCC Work Session, including two items

**10. County Attorney’s Report**

NONE

**11. \*Appointments**

NONE (Will be discussed at the BOCC Work Session on March 17<sup>th</sup>)

**12. Information Items**

- February 4, 2020 BOCC Meeting Follow-up Actions List
- Tax Collector’s Report – Numerical Analysis
- Tax Collector’s Report – Measure of Enforced Collections
- Tax Assessor’s Report – Releases/Refunds under \$100
- Financial Report for Second Quarter of FY 2019-20

**13. Closed Session**

Bonnie Hammersley said the Economic Development and the Land Acquisition items could be moved to another date, due to lack of being time sensitive.

A motion was made by Commissioner Greene, seconded by Commissioner Marcoplos to go into closed session at 10:02 p.m. for the purpose below:

“Pursuant to G.S. § 143-318.11(a)(3) "to consult with an attorney retained by the Board in order to preserve the attorney-client privilege between the attorney and the Board.”

VOTE: UNANIMOUS

**RECONVENE INTO REGULAR SESSION**

A motion was made by Commissioner McKee, seconded by Commissioner Price to reconvene back into regular session at 10:30 p.m.

**VOTE: UNANIMOUS**

**14. Adjournment**

A motion was made by Commissioner McKee seconded by Commissioner Price to adjourn the meeting at 10:30 p.m.

**VOTE: UNANIMOUS**

Penny Rich, Chair

Donna Baker  
Clerk to the Board