

APPROVED 4/7/2020

**MINUTES
BOARD OF COMMISSIONERS
VIRTUAL BUSINESS MEETING
March 24, 2020
7:00 p.m.**

The Orange County Board of Commissioners met for a Virtual Business Meeting on Tuesday, March 24, 2020 at 7:00 p.m.

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

COUNTY COMMISSIONERS ABSENT:

COUNTY ATTORNEYS PRESENT: John Roberts

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

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

Due to current public health concerns, the Board of Commissioners conducted an abbreviated, Virtual Business meeting on March 24, 2020 utilizing GoToMeeting. Members of the Board of Commissioners participated in the meeting remotely. Members of the public were able to view and listen to the meeting, but did not have the opportunity to speak at any point during this meeting. The public had an opportunity to submit written comments by sending an email to ocbocc@orangecountync.gov.

As in prior meetings, the meeting was streamed in real-time on the County's website for public viewing/listening, real-time broadcast on Spectrum Cable, and video-recorded for future television broadcast and referenced on the County's website.

1. Additions or Changes to the Agenda

Chair Rich asked the Board to add an emergency policy meeting update to the agenda from Travis Myren.

The Board agreed by consensus.

PUBLIC CHARGE

Chair Rich acknowledged the public charge.

2. Public Comments

*****NOT APPLICABLE FOR THIS MEETING*****

3. Announcements, Petitions and Comments by Board Members

*****NOT APPLICABLE FOR THIS MEETING*****

4. Proclamations/ Resolutions/ Special Presentations

NONE

5. Public Hearings

NONE

6. Regular Agenda

ADDED ITEM:

Travis Myren said on March 13th the N.C. Governor declared a state of emergency, and the County has been communicating via website to the public, along with social media and a myriad of other avenues and resources.

Travis Myren said in terms of County operations, these are mostly done now via online, phone or by appointment, and most are functioning as usual. He said this information is on the homepage.

Travis Myren said starting tomorrow people entering buildings for essential operations will be given a health screening. He said staff and the public will be answering health and travel related questions and having temperatures taken.

Travis Myren has asked for an update on Food distribution and will share with the Board later tonight in addition to the normal food distributions.

Travis Myren said there are some communities that have declared their own stay at home policies, and those conversations have been occurring at the Mayors and Chair level.

Commissioner McKee said as they speak about this potential shelter in place for Orange County, he requested that the Board be made aware of that.

Chair Rich said they have been trying to push out follow-ups from their various emergency policy meetings. She said there is not yet any information about sheltering in place.

Commissioner McKee said he would be interested if any exceptions are in place, if the County does a proclamation of sheltering in place.

Commissioner Marcoplos said the Board does not need to micro-manage staff that has the authority to make decisions in emergency situations.

Chair Rich said since they are in a state of emergency, and they are just starting this process, and this would be an amendment to any declaration.

John Roberts said state statute and the declaration gives the Chair authority to agree to this type of declaration, and it can be applicable in their jurisdictions.

Commissioner McKee said he is not asking for micromanagement but just asking that Board members be informed before any information goes out to the public.

Chair Rich said of course.

Commissioner Dorosin asked if, based on conversations with Mayors and the call with the Governor, there is any indication about which way things are leaning.

Chair Rich said the conversation with the Mayors is that the overall feeling is that the Governor is not ready to declare a shelter in place for the whole state at this point. She said she had been in touch with other counties, and Durham has a press conference tomorrow morning and that their Mayor is going to declare a state of emergency. Her feeling from the Mayors is that they want to look at any draft language first, and she is talking to them tomorrow, and looping in UNC.

Commissioner Greene said that the City of Beaufort has approved a shelter to place.

Chair Rich said that Orange County went from 6 cases to 11 cases overnight.

Commissioner Dorosin asked if they do not go all the way to a stay at home declaration, have any other modifications to the declaration been considered.

Bonnie Hammersley said people can walk into parks and are not being kicked out, but the County is discouraging congregants.

Commissioner Price referred to the health screenings, and asked if there are certain protocols for this process.

Travis Myren said if one has a temp over 100.4 degrees, or answers that say they are symptomatic, then they cannot go into the buildings.

a. Approval of Emergency Small Business Funding Program

The Board considered voting to create the Emergency Small Business Funding Program, to provide Emergency Small Business funding to Orange County small businesses experiencing revenue loss due to the coronavirus pandemic in the form of both grants and loans. This program will be funded using Article 46 Sales Tax revenue that was originally budgeted in the Small Business Loan Program. The current balance in the Article 46 Small Business Loan Program is approximately \$300,000.

Bonnie Hammersley said this is an emergency measure the County is taking to assist businesses during this current emergency situation.

Travis Myren reviewed the information below:

PURPOSE: To provide Emergency Small Business funding to Orange County small businesses experiencing revenue loss due to the coronavirus pandemic in the form of both grants and loans. This program will be funded using Article 46 Sales Tax revenue that was originally budgeted in the Small Business Loan Program. The current balance in the Article 46 Small Business Loan Program is approximately \$300,000.

BACKGROUND: The coronavirus pandemic has impacted the global stock markets and disrupted economic and business growth throughout the United States. The County is committed to supporting its local businesses and has established various grants and small business loan programs to facilitate economic development. Given the substantial financial impact on small businesses from this pandemic, a new Emergency Small Business Funding Program is intended to provide immediate financial assistance. The BOCC previously approved Article 46 Sales Tax funding for the Small Business Loan Program which will be used to fund the Emergency Small Business Funding Program.

Eligible small businesses may apply and qualify for a grant, loan or both. An evaluation committee composed of two representatives each from the Small Business Grant Committee, the Agricultural Grant Committee, and the Small Business Loan (SBL) Board will make final determinations for both grants and loans. This group will be staffed by the County's Chief Finance Officer and Director of Economic Development. Following BOCC approval, this group will develop a plan to begin issuing grants and loans between April through June 2020. County staff will provide status reports to the Board.

Eligibility requirements:

- Orange County based businesses
- Minimum of one year of operations
- For-Profit business status
- Profit and Loss statement indicating profitability prior to coronavirus pandemic

Emergency financing program:

- Maximum grant of \$5,000 per small business with no repayment required.

- Maximum loan of \$20,000 per small business, according to the following terms:
 - o Businesses will be required to provide tax returns. The maximum loan and grant combination available to a small business will be limited to three months of fixed operating expenses.
 - o Loans will be repaid over a five (5) year term. No payments will be due during the first six months of loan origination.
 - o No interest will be charged on loans.
 - o Small business will agree to an auto-draft process for loan payments.

Travis Myren said he sent around some additional information this afternoon for the recommendation, which is highlighted below

FINANCIAL IMPACT: The Emergency Small Business Funding Program is funded using funds originally authorized in the Article 46 Sales Tax Fund for the Small Business Loan Program. Approximately \$300,000 is available in this account. These funds will be used for the express purpose of making small business loans and grants to eligible businesses.

Commissioner McKee asked if this will be differentiated as a first come first serve basis.

Travis Myren said there will be an application period, and each individual loan and each grant will be limited. He said the evaluation committee will review the applications, and there is currently a \$300,000 budget.

Commissioner McKee said he was speaking first come first serve for the applications since money is not split out between loans and grants.

Travis Myren said they will leave that to the discretion of the evaluation committee to decide where the largest need is.

Commissioner Price referred to the tax returns requirement, and asked if there is a specific number of years that will be reviewed.

Travis Myren said one prior year tax return.

Commissioner Dorosin said the \$300,000 is already available for this use, and asked if there is any discussion of increasing this amount. He asked if the funds were to be increased, from where would they come.

Commissioner Dorosin said he also wanted to mention that the Board received a letter from the Town of Carrboro Mayor Lavelle requesting their prorated share of the article 46 tax for their small business loan program. He asked if this were to be done, from where would the monies come.

Travis Myren said part of the revolving loan program is that they have the \$300,000 available and if more is needed, staff can come back to the Board with a request

Travis Myren said in terms of Carrboro's request, if they did it on a per capita basis, then Carrboro would get \$45,000, and he would suggest doing the same for the other jurisdictions on a per capita basis. He said staff could instruct the evaluation committee to make sure there is geographical equity.

Commissioner Dorosin asked if there is a plan to get the word out about this program, and are the proposals being evaluated on required documentation, as opposed to if the business serves a vital need in this critical time.

Chair Rich said this is only for "for-profits" businesses.

Travis Myren said the Chambers are eager to send this out to their membership, and the Chapel Hill Chamber emailed the Board today and encouraged it to proceed with this.

Commissioner McKee said he noted that when this tax was originally set up, there was no intent to allocate this to the governmental entities by percentages. He said he is concerned about the communication from Carrboro, since they do not have a dedicated portion.

Travis Myren said he suggested the percentage route because that is what has been done before for other programs, such as the Partnership to end Homelessness, and at this point the Article 46 tax is not allocated by jurisdictions.

Commissioner Greene said she thought that the evaluation committee should loosely take into consideration that the funding is spread geographically around the County, and that there is probably more need than money. She said there should not be a cluster in any one part of the County.

Travis Myren said staff can communicate this to the evaluation committee.

Commissioner McKee agreed.

Commissioner Price asked if there are specific criteria the committee will be using.

Travis Myren said this will be a special case. He said when this committee is evaluating current loans, their criteria are much more stringent and may be less stringent for this emergency situation.

Commissioner Dorosin said he thinks it makes sense to consider distributing the funds to the towns closest to the people since this is an emergency situation. He thinks Carrboro's request is reasonable.

Commissioner Marcoplos said he does not think they need to break down the monies into percentages and let the committee decide using geographical spread.

Commissioner McKee said he would not be favor of breaking down the funding by percentages. They should honor the way this program was set up and to communicate their intent to honor it geographically.

Commissioner Greene said should they consider "playing" with the composition of the evaluation team with representatives from the municipalities, and, again, this is for "for-profit" businesses who are concerned about what is happening to their bottom line.

Commissioner Price said the committee could have Economic Development representatives from the towns on the committee. She also suggested possibly using a two-tier system, which would give the monies to the towns to make the first pick, and if they run out of the money they would pick up the funding.

Commissioner Dorosin said he is raising this issue primarily because the Town of Carrboro (TOC) requested the Board's consideration. He said if the other towns do not want any funding, then so be it. He said honoring this request does not mean that they have to do it for Chapel Hill and Hillsborough. He said he did not realize that the committee was not weighing the criteria out quantitatively.

Chair Rich said her understanding was there would be a time for all applications to be in, and the committee will review them and if they were profitable before this crisis hit, and they have the required documentation, then they get funding. She said there will not be any prioritizations.

Chair Rich said the maximum loan could go lower than \$20,000.

Chair Rich said Carrboro has talked about prioritizing businesses that are forced to shut down.

Chair Rich said the Board should consider Carrboro's request, because Carrboro may have businesses that come to them for a revolving loans, and then the County. She said, this way, Carrboro could take the one big pot of money and dole it out.

Chair Rich suggested giving a municipality a flat out grant and letting the municipality disburse it.

Commissioner McKee said this is not the first time that a municipality has requested to split off this revenue stream, and it will set a precedent and expectation. He does not want the Board to do this by percentages or a tier system.

Commissioner McKee said if the Board considers this request by Carrboro, then the other two towns will do the same. He said this is becoming more complicated the longer the Board discussed it. He said he does not have a problem with lowering the maximum loan.

Commissioner Greene said she can see both sides of this issue. She said if there is no-value criteria, then that cuts the argument that Carrboro is closest to the ground. She said the Board should not just give to Carrboro, because it asked for it, because then one takes away the flexibility of the committee. She said the question of double dipping also comes in. She said in the application process, the committee needs to ask the question to see if entities are double dipping. She said this is a County fund, and the Board need to find a way to distribute it fairly.

Commissioner Marcoplos said if the Board divvies up the money now, it will create a precedent. He suggested moving ahead as presented, and to give the committee direction as mentioned.

Commissioner Dorosin said he does not know if Carrboro has the same criteria as the County.

Commissioner Dorosin said the idea of setting a precedent should not be a concern, since this is an emergency situation. He said if the Board does not want to distribute the monies by percentages, then the Board does not have to do it again.

Commissioner Bedford said the loans are not set at a certain amount, just a maximum amount. She agreed with Commissioner Greene that the committee could prorate the amounts. She said this is such a small amount of money that the Board should just move forward, and if this is not working then staff can bring back to the board for amending.

Commissioner Marcoplos said they could use the criteria of jobs saved and revenue saved.

Commissioner Greene had recommended representatives from the towns to the committee. She asked how the Board felt about that suggestion: one economic development person from each town.

The Board agreed by consensus.

A motion was made by Commissioner McKee, seconded Commissioner Greene by for the Board to recognize that the Emergency Small Business Funding Program is necessary to preserve jobs and tax base during the coronavirus pandemic and is consistent with the State of Emergency declared by OC on March 13, 2020 and to approve the creation of the Emergency Small Business Funding Program and marketing of this program on the County's website, press release, and social media outlets to communicate available financial support to small businesses impacted by the coronavirus pandemic.

And to approve an Emergency Small Business Funding Program Committee composed of two representatives each from the Small Business Grant Committee, the Agricultural Grant Committee, and the Small Business Loan (SBL) Board and to add one member from each of the towns to the committee to make final determinations between April through June for both grants and loans and that County staff provide status reports to the Board.

Commissioner Dorosin said he will vote against this item because the board should be giving the money to the Town of Carrboro.

Commissioner Greene asked if there is any way in this motion to add double dipping to this motion.

Chair Rich said to just let this play out in the committee.

VOTE: Ayes, 6; Nays, 1 (Commissioner Dorosin)

7. Reports
NONE

8. Consent Agenda

- **Removal of Any Items from Consent Agenda**

Commissioner McKee asked if Item 8-g had been pulled already.

Chair Rich said yes.

Commissioner McKee said he would like to pull Item 8-e.

- **Approval of Remaining Consent Agenda**

A motion was made by Commissioner McKee, seconded by Commissioner Marcoplos to approve the remaining items on the Consent Agenda.

VOTE: UNANIMOUS

- **Discussion and Approval of the Items Removed from the Consent Agenda**

8-e Orange County Transit Plan (OCTP) Update Award of Contract

The Board considered voting to award a consultant contract to update the 2017 Orange County Transit Plan and authorize the Manager to sign.

Commissioner McKee said he is concerned about maintenance in this contract, and he wanted to make sure this consultant brings the Board data, and that there is community engagement. He said he wanted to know what types of data streams are going to be used. He said this needs to be Orange County's Plan, and specific to Orange County.

Travis Myren said they will look at all of the commuter data, and there are existing transportation models they will be using, along with SPOT the scoring plan and it will be based on local needs with a regional component.

Commissioner McKee said his concern is that like the consultant they used for the impact fees. He said Orange County needs concrete information that is data backed, and not going to shift to and fro, so it can create a plan for Orange County and regional needs too. He said he does not want data that gives a false picture.

Travis Myren said it will be fiscally constrained.

Commissioner Marcoplos said there will be a lot of local input, and he is confident that they will get data provided locally.

Commissioner Greene said she is curious about Commissioner McKee's concern. She said he is saying the County wants everything based on data and he wanted data that does not change, but if the plan changes, so will the data. She said different options will have different sets of data.

Commissioner Price said in the contract, under Article I, Scope of Work, item 1.1.1, what is to be inserted in "type of work" and by whom; and In Article 8, Amendments to the Agreement, item, what is to be inserted there and by whom.

John Roberts said the 2017 Orange County Transit Plan-as to type of work and any amendments would have to be executed by whoever signs the original agreement and that would be the County Manager.

Commissioner McKee said in response to Commissioner Greene's earlier comments, he said that he has watched two light rail projects fail. He said he watched the second plan veer away from data driven to ideology driven, and he knows there has to be flexibility, but he wanted to make sure the Board does not make the missteps as prior boards have made. He said the Board needs to design a transit plan for Orange County, along with its regional partners.

A motion was made by Commissioner Greene, seconded by Commissioner Marcoplos to award a consultant contract to update the 2017 Orange County Transit Plan and authorize the Manager to sign.

VOTE: UNANIMOUS

a. Minutes – NONE

b. Recommendations for Employee Health Insurance and Other Benefits

The Board approved the Manager's recommendations regarding employee health and dental insurance and other employee benefits effective July 1, 2020 through June 30, 2021, with no increase in appropriations for the FY2020/2021 Health Budget and an increase of funding for the Dental Budget of \$92,236. Further, the Manager is recommending that the County continues to participate as a member of the North Carolina Health Insurance Pool (NCHIP).

c. Fiscal Year 2019-20 Budget Amendment #7

The Board approved budget ordinance amendments for fiscal year 2019-20.

d. Approval of Amendment to the Orange County Procurement and Disbursement Policy, Housing Rehabilitation Programs, Including Local and North Carolina Housing Finance Agency (NCHFA) Urgent Repair Activities

The Board approved an amendment to the Orange County Procurement and Disbursement Policy for County- and State-funded urgent repair projects to allow the Department of Housing and Community Development to 1) select eligible contractors from the Approved Contractor Registry, on a rotating basis, to submit responsive and responsible bids for projects funded by the North Carolina Housing Finance Agency (NCHFA) Urgent Repair Program; 2) eliminate the 10% retaining fee held for 60 days after the completion of an urgent repair project; and 3) make the partial payment requirements consistent with the standard contract used for rehabilitation work.

e. Orange County Transit Plan (OCTP) Update Award of Contract

The Board awarded a consultant contract to update the 2017 Orange County Transit Plan and authorize the Manager to sign.

f. Appointment of Commissioner Sally Greene to the NCACC Opioid Litigation Settlement Work Group

The Board appointed Commissioner Sally Greene to the North Carolina Association of County Commissioners' (NCACC) Opioid Litigation Settlement Work Group.

g. Delegation of Emergency Contracting Authority to the County Manager- REMOVED FROM AGENDA

The Board authorized the Manager to execute contracts and agreements in excess of the Manager's signature authority for the duration of the current State of Emergency.

**9. County Manager's Report
NONE**

**10. County Attorney's Report
NONE**

11. *Appointments
NONE

12. Information Items

- March 10, 2020 BOCC Meeting Follow-up Actions List
- MMC Facilitated Conversation about the Greene Tract - Final Session Notes - February 14, 2020

13. Closed Session
NONE

Chair Rich said she and staff are not sure how long the Board will need to do remote meetings, but will keep the Board updated.

Commissioner Marcoplos thanked staff and the Chair for working so hard throughout this emergency situation.

Chair Rich said she and staff will continue to push out all the information and facts to the Board and to the public.

14. Adjournment

A motion was made by Commissioner Price, seconded by Commissioner Bedford to adjourn the meeting at 8:16 p.m.

VOTE: UNANIMOUS

Penny Rich, Chair

Donna S. Baker
Clerk to the Board