

**APPROVED 10/6/2020**

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

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

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

**COUNTY COMMISSIONERS ABSENT:**

**COUNTY ATTORNEYS PRESENT:** John Roberts

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

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

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

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

- Written submittals by email
- Speaking during the virtual meeting

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

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

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

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

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

Chair Rich read the public charge.

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

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

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

Chair Rich asked if Board members wanted to hear from all speakers, or from only the first 20 speakers, due to the hour time constraint.

The Board unanimously signaled to allow all 29 speakers the time to speak, regardless of the time overage.

Jessica Sheffield thanked the BOCC for allowing her to speak. She said she is the Eno River Association (ERA) Executive Director, and thanked the Board for its capital investment. She asked if the Board would continue to maintain funds for ERA in the future years of the Capital Investment Plan (CIP). She said the ERA works to protect good environmental stewardship in the Eno River watershed. She said ERA has great concerns about the proposed Research Triangle Logistics Park, as it will not protect water quality, and quantity, of Cates Creek and the Eno River. She said 6 acres of the 161-acre proposed project have been designated by the State as Natural Heritage Natural area, and the current plan goes over this land.

Chair Rich said the Commissioners have not received this project yet, and it is set to come before the Board of County Commissioners on September 15<sup>th</sup> from the Planning Department.

Ronald Sieber read the following comments:

My name is Ronald Sieber, and I live in the New Hope Springs neighborhood off of Davis Road. I live approximately 1 3/4 miles away from the proposed RTLP project, about which I am addressing you tonight. I mention this mileage figure because that cited distance triggered an offhand comment from a Planning Board member at their August 5<sup>th</sup> meeting which implied that the citizen who was speaking at that time lived too far away from the project to be affected by it. I am here to assert that ALL of the people who live along Ode Turner Rd. and Davis Rd. use Davis at its intersection with Old NC Hwy. 86 as an entrance/exit to our homes. We will ALL be affected by this project that threatens our rural neighborhoods.

I've written several letters about this and other matters related to the process by which decisions so far have been made and how those decisions will affect both the community of which I speak, as well as the surrounding communities all along Old NC Hwy. 86, because all communities will likely be affected.

Although I write as an individual, I am a member of my local neighborhood as well as the larger community of Hillsborough and Orange County. I have listened to what others have said about this issue, and therefore, many of my concerns reflect what others have also voiced. Therefore, in this manner I am speaking for a much larger group than myself alone. And we are all of one mind on this issue: the proposed project is too oversized in its present state and amendments to land use should not be approved that would allow it go forward as proposed.

I ask that the Board of County Commissioners read the concerns expressed in the letters that I have written, and I implore each commissioner to consider the ramifications of their decisions yet to be made.

Thank you for your time. I look forward to the public hearing on September 15<sup>th</sup>.

Joan Kalnitsky thanked the BOCC for taking the time to hear from the public. She said she is opposed to the research triangle park redistrict. She said she has written to the BOCC and will do so again prior to the September 15 meeting. She said Davis Road was not built to hand the RTLP, as there are no shoulders and no sidewalks. She said the County allowed Davis Road to be developed as a quiet neighborhood road. She said it is really difficult to wrap her head around the proposed building capacity of 950,000 square feet on an immediate access to Interstate 40. She said the project is not significant enough to provide a strong benefit to

Orange County. She asked the Board to please leave the zoning as it is, and work within existing parameters, which the applicant should be willing to do if it he serious. She asked the BOCC to please not bulldoze the community's way of life.

Sarah Shore stood in her back yard to show the land, which is under discussion. She welcomed the BOCC to visit her property. She said this land is residential, with little road traffic. She said she finds it very upsetting to hear an out of state developer is trying to change the land use. She asked the County to consider sensible development. She said she and her neighbors are not against development, but would like the reasons behind development to be seriously considered. She thanked the BOCC for listening.

Jon Lorusso read the following comments:

I am part of Save Hillsborough, a community organized effort in favor of harmonious development that benefits the community. Our group represents most of 1000 residences in the area whose homes are on either side of the following roads: Orange Grove Road on the west, Interstate 40 on the north, Arthur Minnis Road and New Home Church Road on the south, and Old 86 on the east. We are in favor of increasing local quality jobs and understand the need for increasing Orange County tax revenue. Tonight you will hear an overview of why we think the Research Triangle Logistics Park, as it's currently proposed, will be a detriment to the community. We ask that the commissioners please consider our concerns in making any decisions regarding the permitting and rezoning of the affected parcels.

Orange County is known for its high standards, and when someone moves here, there's an expectation that they'll be afforded some level of protection from unsightly and disturbing developments. We expect that the strict county ordinances will shield us from excessive noise, pollution, and aesthetic aberrations. We ask that these strict ordinances be upheld without exception, and that the burden of proof should be placed upon the developers to ensure, beyond a shadow of a doubt, that these ordinances are strictly adhered to. Thus far, the developer has not done their due diligence in any of these matters -- far from it! We urge the commissioners to postpone a vote on rezoning until the developers have proven that they will not be in violation of any Orange County ordinances. Furthermore, since a conditional zoning permit will allow for a wide range of development types, we request that the developer is required to prove that these standards will be met, not just for the lowest impact developments, but also for the highest impact developments that are permitted under the conditional zoning.

Kaila Mitchell read the following comments:

I am part of Save Hillsborough. I have serious concerns about RTLP. After successfully recruiting Medline to invest in a distribution center in the Buckhorn Economic Development District last year, it is probably tempting to build on that success by approving what sounds like a similar project. RTLP is proposed as a distribution center in the Hillsborough EDD, so what's the big deal?

Unfortunately, the two projects couldn't be more different, and I want to quickly outline just a few of the differences between Medline's "Project Tomorrow" and Barrister's RTLP.

**Density** - Medline is building a 1.2 million square foot distribution center on 172 acres. RTLP would pack 2-4 times more building area into a smaller parcel (166 acres).

**Zoning** - Medline optioned land in the existing EDD. RTLP requires rezoning of a rural residential tract.

**Neighbors** - Medline occupies land that is sparsely populated, and builds at a density that allows buffers. RTLP will build and pave within 250 feet of existing homes, and send all of its tractor trailers down a driveway within 100 feet of those homes.

**Uses** - Medline will do light assembly and distribution of medical products and lab supplies. Barrister either will not name the tenants of RTLP, or does not have them.

**Economy** - Medline's build-out plan will generate a guaranteed capital investment of \$65 million over 5 years. RTLP guarantees nothing.

**Jobs** - Medline is required to create 250 jobs within 5 years. RTLP claims it will create 18 times that many jobs, even though it is also a distribution center.

**Traffic** - Medline's placement allows vehicles to make right turns to access the interstate. RTLP requires every vehicle to take two left-turns onto rural roads not built for tractor trailers.

**Experience** - Medline operates 43 distribution centers across 20 countries. Barrister has a history of stalled projects and speculative development.

**Environment** - Medline's distribution center will be LEED certified and generate up to half of its energy with solar panels. Barrister had to be pushed by the planning board before agreeing to install a handful of EV chargers.

**Public Perception** - When the Board opened the Medline project for public comment, not a single voice rose against it. RTLP, on the other hand, has inspired a community to organize and speak out, with letters, road signs, and hashtags. We are here tonight, not because this is fun, but because we are passionate about finding a project for this site that will allow us all to say, as Commissioner Rich did about Medline in a Daily Tar Heel interview, "It's such a positive company, that fact that we were able to land it here is just amazing,"

I ask you to consider the very real differences between these two projects, and to help us find another success worth celebrating.

Joseph Shore said he lives on Old 86, and his family will be hugely impacted by this proposed development. He said RTL is the wrong thing for this area, and he has literally been losing sleep over this. He said he is very concerned that the Planning Board members do not care about the community, and he is worried about he will get into his driveway. He said he is also concerned about potential ground water contamination, as he cannot dig a new well if there is ground water contamination. He said this proposed project violates the Unified Development Ordinance, and it is wrong for this area.

Franklin Garland said he has been a farmer since 1977, prior to the area becoming an Economic Development District (EDD). He said several projects have been proposed, and none have been right for the area, and the current proposed project is the same. He invited the Commissioners to visit his property, as he has done so over the decades. He said to date, only one person has accepted his invitation, and told him he had beautiful land that was going to be ruined. He said he is against this proposed development.

Jo Massey said she has lived in Hillsborough for 30 years in Cornwallis Hills. She said everyone wants to help with the tax base, but this applicant has shown no proof of expected success. She asked the Board to build on the charm of the Town of Hillsborough, which has a great deal to offer. She said flooding and run off water will be a huge issue, and will be dangerous for residents. She said there are many children in this area who will be adversely affected. She is against this development, and thanked the BOCC for its time.

Myra Gwin-Summers said she lives on Davis Road, two doors down from where the traffic would enter. She said pollution would adversely affect the church and childcare center that are located here, and the childcare center would no longer be able to operate. She said the Church has built this childcare center to help with the church's finances. She said she has grave concerns, and this proposed project is not environmentally just.

Jeremy Edmondson read the following comments:

I am part of Save Hillsborough. I have serious concerns about RTLP.

On Jan 25, 2017, the 12-acre parcel connecting the 2 large economic development lots to Davis Road, PIN 9862998894, was sold by court order to a local resident for \$185,000. From what we understand, the buyer intended to build several houses on this beautiful wooded lot. However, the buyer was unable to obtain county approval for that purpose, one reason being that the land did not “perk” and so would require city water and sewer. The buyer is directly connected to the current owner and has not been able to develop this land.

We understand also that the RTLP developer has obtained an option agreement for the right to purchase the Davis Road parcel. The property is currently zoned R-1 with a pending request for rezoning to support RTLP requirements.

For now, use of this Davis Road property as an “access point” is viewed as critical to the viability of the RTLP development--because, according to the NCDOT, the existing Service Road is unsuitable for use by vehicles that would turn left to exit the development toward I-40. Instead, the developers would force virtually all RTLP traffic to exit the development onto a small rural road close to an intersection. Due to the elevation of the land, it is a substantial climb up to Davis Road from the proposed location of the main warehouses, and the uphill grade will increase the noise and emissions from 18-wheelers and heavy-duty trucks. Once at the top of the hill, the same trucks need to run back down the grade to enter the I-40 on-ramps, creating additional noise due to engine-braking by the trucks’ drivers.

This Davis Road parcel should not be part of the development! Either the usage of the development needs to be adapted to the available traffic connections to I-40 or better access points need to be found to make the economic area viable. Spilling over into a rural residential area to solve a site traffic problem needlessly pushes the burden to the local residents. Once city water and sewer are brought to this land on Davis Road it will make a wonderful site for a business more suited to the area that can bring tax revenue rather than as a traffic corridor for the current warehouse proposal. The local residents fully support smart development of the economic development area without using the Davis road lot to push the traffic problems to the local residents.

*Commissioner McKee joined the meeting at 7:37 p.m.*

Daniel Arneman read the following comments:

I am part of Save Hillsborough. I have serious questions concerning RTLP. The Environmental Committee of Save Hillsborough, has identified several environmental impact issues for consideration by our County Commissioners. While economic development is important to our region and our communities, it must be done in a way that fits with existing uses and preserves our natural assets. The 2019 State of the Environment report produced by the Orange County Commission for the Environment highlights Orange County’s ongoing commitment to a healthy environment, including: a transition to 100% renewable energy county-wide by 2050; maintaining a Rural Buffer planning zone to limit urban sprawl for over 30 years; actively supporting local, sustainable agriculture; and reaching the goal of conserving 10% of the County’s land. We do not think this proposed development helps to meet those County goals. Furthermore,

1. We would like to start by pointing out that the roadway perpendicular to the proposed development is a designated NC Scenic Byway and that the proposed development

encompasses 6 acres of Natural Heritage Natural Area, which the design proposes to entirely cover over.

2. Our next concern is the impact of noise--on the residents, the preschool, and the church, all located within 50 to 1,000 feet of the proposed warehouse complex. According to the developer, the warehouse complex will potentially host between 150 and 200 trucks and cars per hour exiting onto Davis Road and Old NC Highway 86, with the ability for a 3-shift work schedule producing diesel tractor trailer noise at high decibels 24/7. The noise-related long-term health impacts of this proposed activity will be substantial and clearly bear additional study.

3. Next, the diesel exhaust from these vehicles (mainly trucks), again in close proximity to adults and children of all ages, deserves additional attention due to the potential for serious long-term health impacts, especially for our oldest and youngest citizens. Such emissions-related health impacts clearly bear additional study too.

4. Next, the vegetative buffers and open space offered by the proposal are not adequate to provide wildlife corridors, nor to decrease the negative visual and auditory impacts on residents in the surrounding area.

5. Finally, this development proposal does not yet offer appropriate protections for the natural community or for Orange County residents. We stand with the Eno River Association in our concern that a structure built on the headwaters of the Eno River, adjacent to a floodplain, with substantial clear cutting will not protect the water quality and quantity along the 2,500 feet of Cates Creek encompassed within the development that connect watersheds of the Eno River and New Hope Creek. There is of course more to say on this issue--and on stormwater management and mitigation- -but again: further study of the impacts is warranted. The Eno-New Hope Landscape Conservation Plan focuses on the critical importance of habitat connectivity for wildlife in the Eno River and New Hope Creek watersheds that this development encompasses. Please consider this in your questions and considerations of the RTLP proposal.

Janet Marks read the following comments:

I am part of Save Hillsborough. I have serious concerns about RTLP Traffic is an issue you will hear and read a lot about, and there are two main reasons:

1. Added traffic from the RTLP warehouse complex will have a major negative impact, and traffic is what will affect the area and the county as a whole the most. As you review the applicant's proposal, pay close attention to how traffic exists today and what it is proposed to look like. According to the Traffic Impact Summary presented on Aug 19, the RTLP development will generate 3,648 vehicle trips per day.

- The existing traffic volume on Old NC86 between Davis Rd. and I-40 is 6,600 vehicles per day. It is projected that 95% of all inbound and outbound trips will utilize Old NC86 – it would now become 10,065, a 53% increase over the current volume.
- For Davis Rd. near its intersection with Old NC86, the developer's summary shows an existing traffic volume of 2,100 vehicles per day. Add 15% of all inbound and 90% of all outbound traffic or 1,915 RTLP-added trips -- that is an astonishing increase of 91% of vehicles using this twolane, mainly residential and rural area road. Yet in the words of the developer, Impact will be "Minimal". Doubling the current traffic on a narrow road abutted by homes, a church, a preschool --and yet the developer represents this as "minimal"? When you read into the proposal, please ask yourself: Is even a 91% increase in traffic on any road minimal? Not to mention that a large portion of these will be large trucks!

2. As I'm sure you are aware by now. The applicant's proposal talks at length about manufacturing, R&D, etc., in addition to warehousing, when referring to the scope of the RTLP project, but then it states in the environmental assessment that "no production will take place on these parcels." Further, the Traffic Impact Analysis calculates added traffic based on a land use code of LUC 150, specific to warehousing. Keep in mind, this code results in one of the lowest rates of estimated traffic for this type of development. So the numbers I stated before and those which are listed in the application are the MINIMUM. Any business use that actually is in line with manufacturing, mixed use, etc. will greatly increase the amount of traffic this site would create. The Staff's response to the developer of June 30th even states: "As there will be a myriad of other development occurring within the Project - staff is concerned the Traffic analysis does not adequately anticipate and define impacts." One cannot 'cherry pick' the data they use. You have to be consistent. This area will be developed in some way – we understand that – it is a highway intersection. The question is, why do we keep trying to ram a square peg into a round hole? Why do we try and change the whole area to accommodate a plan? Why don't we work within the parameters of this area and find the right fit--one that generates tax dollars, creates jobs AND fits in with the landscape? We know there are traffic concerns around what the Service Road can handle, and we know this plot of land backs up to residential and rural areas--but that doesn't mean it can't be developed in an appropriate way. The highway interchange at I-40 and "new 86" (Exit 266) is the same layout, but the distance there between I-40 and Eubanks Rd. is actually LESS than the distance at Exit 261 from I-40 to the Service Road, and yet the new Carraway development is looking like a successful project. There is a compromise to all of this.

- Take the 12-acre Davis Road parcel and its driveway off the table. This idea was actually proposed by David Blankford, Chair of the Planning & Zoning Board!
- Do not approve the zoning change; then
- Work to develop the parcels that are already in the Economic Development area and have been zoned with a size and scale and a use that keeps the industry and traffic on the service road and close to the highway. You can create a bigger tax base and balance it with the nature of the area around it; we just need to stop trying to jam that square peg in a round hole. Work with the people in the county--not against them.

Chair Rich advised Janet Marks to send emails to the BOCC email group.

Rena Mitchell read the following remarks:

I'm part of Save Hillsborough and I have serious concerns about RTLP. Growth is great and good. I don't want my town to look like it did in 1776 or 1876 or even 1976.

I love seeing changes to our town, from Hillsborough BBQ to the new UNC Hospital. But this warehouse development is a poor fit. It's out of character with the rest of the district, has the potential to damage a significant watershed, and will absolutely increase flooding in the local neighborhood. But the poorest fit of all is the proximity of the development's main exit to a church, preschool and cemetery.

Let's consider Orange County's plan to guide growth and development: the Orange County 2030 Comprehensive Plan. The Plan addresses issues ranging from land use to economic development, to housing, to public facilities, to environmental protection and beyond. As stated in the Plan, an underlying theme is the County's vision of becoming a more sustainable community. To encourage desirable economic development, the Plan set aside 2,450 acres of land in 3 areas along I-85 and I-40 known as the Buckhorn, Hillsborough, and Eno River Districts.

The Hillsborough district, all 724 acres of it, is well on its way to completion. Much of this district has already been built and consists of a hospital, a community college, and compact residential housing. According to the Plan, the remaining 200 acres “will require design solutions to buffer neighborhoods from future development.” That’s what the Plan says! But the RTLP project would cover 65% of this land with 6-story buildings and parking lots. A small part of the remaining 35% will be ornamental trees and bushes as well as some retention ponds. But the developer wants to use the biggest portion remaining--two creeks and their corresponding floodplains--as “buffer” too.

According to the Eno River Association, this warehouse complex would be built on a critical conservation corridor connecting the Eno watershed with the New Hope watershed. They understand that the site plan does not go far enough to protect water quality.

Just last year, residents temporarily lost the use of Davis Road when a 50-foot sinkhole split the road, just downhill of the proposed access point. A 7-foot high culvert was installed and the road re-paved several months later while the residents used Orange Grove Road instead of Old NC86. If you examine the topography of this area, the parcels in question sit higher than Davis Road. And we all know that water runs downhill - especially on pavement. What’s the design solution for this problem?

Finally, across the street from this warehouse complex are a church, a preschool and a historic African American cemetery. Diesel exhaust, vibrating engines and squealing brakes are obviously a poor fit. What’s the design solution for this problem? Bushes? A few trees? And if Davis Road needs to be widened to manage 18-wheelers trying to exit from the warehouse complex onto this country road, how much easement is available by the cemetery to allow for more road?

I know you’ll do the right thing and require the developer to come up with better design Solutions to make this a better fit. Thank you for your time and consideration.

William Mitchell read the following remarks:

I’m part of Save Hillsborough. I live at 310 Davis Rd and appreciate the commissioners giving me a few minutes to express my concerns about the proposed RTLP project—and specifically to speak about potential traffic safety issues that we feel have not been adequately addressed. I will focus on one particularly hazardous situation that will likely arise if this development is approved.

- As you’re probably aware, the plan originally proposed by the developer’s traffic engineer was to route trucks exiting from the warehouses directly north to Interstate 40 by means of the existing service road adjacent to the I-40 off ramp. When that plan was rejected by NCDOT, a revised proposal re-routed the exiting traffic to Davis Road, at a spot 1,000 feet from its T-intersection with Old NC Hwy. 86. Trucks would turn out of this Davis Road access point to exit left from the warehouse complex--make another left onto Old NC Hwy. 86--and then make their way to the Interstates (I-40 and I-85).
- The NCDOT recommends that, based on the developer’s traffic impact analysis, a traffic signal would be installed at Davis and Old 86 in order to manage the large volume of truck and vehicular traffic. What could go wrong?
- Members of our community who live along this stretch of road can tell you from first-hand observation: there’s a blind curve at Jedi Way, which meets Davis Rd. just a little over 600 feet from the proposed RTLP exit. It is part of our everyday experience to see drivers coming around that turn from further out in the county, often driving at a speed of

55 miles per hour or more until they get closer to the “rural buffer.” Within the past year, one driver flipped a car while navigating this turn at Jedi Way.

- Try to visualize this stretch of road for a moment: If the volume of truck traffic (including 18 wheelers) exiting RTLP onto Davis Rd. is anywhere close to the developer’s estimate--it’s easy to believe that the left-turning RTLP truck traffic--coming out onto Davis Rd.--would result in a long queue of residents’ vehicles stopped behind those trucks that are turning--and/or waiting for the light to change at Old 86.
- That back-up might be a minor inconvenience to eastbound drivers getting held up in that section of Davis Rd., but it could be deadly if the line of cars gets backed up far enough—particularly for an unsuspecting driver coming around the blind curve in question—or for someone who is unfortunate enough to be the last car in held-up traffic.
- We think it is important for you to understand that those of us who live along this stretch of road are not concerned simply about traffic congestion—or the obvious inconvenience it will cause us—we’re also concerned about our neighbors who live further out in the county, and those beyond the immediate impact area as well: people driving into Hillsborough whose lives may be endangered as they travel this road on a daily basis, to jobs, schools, church, the pre school, and elsewhere.
- This is only one of a host of safety concerns: in our view, there would be a similar “line-of-sight” issue—and risk of rear-end collisions--for drivers traveling north on Old 86 near the proposed 86/Davis Rd traffic signal--because of the two turns that interrupt their sightline shortly before they reach that light.
- If you should drive out here to see for yourself what we are talking about, please keep in mind that Davis Rd. traffic volume is currently way down, compared with pre-pandemic levels—as a result of schools, offices, and numerous businesses being closed.

For these reasons, we urge you to say no to the proposed Research Triangle Logistics Park.

Maryanne Ross read the following comments:

I’m with Save Hillsborough and have concerns about RTLP.

The 2030 Comprehensive Plan is a good-faith effort to bring our county into the 21st century. It’s a Plan that required careful thought and planning about economic development and our needs. Developers are able to use this document along with the UDO to guide them. They know we have land available that is zoned for growth. But are they selling us something we want to buy? Or just offering something they want to sell.

The Plan creates a district to be a new tax base to the city and county. The zoning helps us get just what we need for that growth. Some developers want a quick return on their dollar. Other developers take pride in finding the right fit for the community. If this developer is the right fit for us, they need to step up and show us that they can be trusted. The developer can start by showing us where their money is coming from. Who’s backing the development and for how much? A capital investor will do their due diligence requiring a Proforma and an ROI (Return on Investment) before they hand over money. If they have a financial investor lined up already, the developer should be willing to provide those documents proving their good faith. The developer has only invested money in a traffic analysis and a few architectural drawings. They haven’t purchased any land -- just ‘options to purchase’ property from the landowners. The developer isn’t investing their money on infrastructure. The town and county are expected to get water and sewer to the site, a site that shows zero occupants on the application. How can the city calculate the cost to upgrade the infrastructure without the developer’s projections? The developer isn’t investing their money on roads. The town, county and state will be expected to

invest our tax dollars on road infrastructure as 18-wheelers tear up roads not designed for them. And the Planning Board's contention that Davis is a 'connector road' doesn't mean it's designed to handle that volume of traffic proposed by the developer.

It seems the developer's contribution is promised improvements on the tax base through employment. Has the developer provided documentation to prove this? What does '4500 global jobs' actually mean? Similar developments have employed less than 10% of that. Is a warehouse the best use of that space in order to increase tax revenue? The capital investors may not care how much tax revenue the development brings but we do. Speaking of investors, the developer should be able to show us how they will make money. Who's lined up to lease space? A capital investor would expect assurances like this before they agree to invest. Why shouldn't we?

And if the developer is so eager to start building why haven't they provided a construction schedule as required for zoning a Master Plan? Do they have a history of incomplete construction development in another state? How many projects have they completed in a reasonable amount of time besides constructing their own offices in Kentucky? They should be proud to provide details of their successes. Don't they want us to have faith in their intention to complete this project?

When a developer has so little skin in the game, their intent may be to do as little as possible with their money while compelling the town or county to invest taxpayers money to improve the infrastructure with false promises of an increased tax base. The developer can go a long way towards good faith by answering these questions.

Ellen Mayer said she lives within 1,000 feet from this projected development. She said she supports development, but not this project. She said she is opposed for many of the previously stated reasons. She invited the Commissioners to visit her property.

Bob Bundschuh said he understands the BOCC has not received the full packet of information, but he has great concerns with this project. He said traffic problems are being underestimated, and it will be a big issue. He said the Planning Department staff has even acknowledged this. He said the neighborhood is not opposed to development, but there must be a better plan than the one that has been proposed. He echoed several previously mentioned concerns.

Christine Poole read the following comments:  
I'm with Save Hillsborough. Many of you who have travelled on Old NC Hwy. 86, not far off Interstate 40, know the beauty of the thick forests and rolling hills along this road. You understand why it is a designated Scenic Byway. Starting at Exit 261 from I-40, you are now on a historic road less known as "The ScotsWelsh Heritage Byway" dating back to the 1700's. Prior to its being mentioned in historical records, this was a Native American trail and was also used by early Settlers.

The following is taken from the NC DOT description of this road: "This Byway travels through Orange County along trade roads used by American Indians and early backcountry pioneers. The king of England gave much of the land along this byway to 18th century Scotch-Welsh settlers. Generation after generation has lived and farmed this land, each leaving its own mark, making this byway a unique journey through American history. Old N.C. 86 appears on colonial maps dating back to 1770."

Per NC DOT descriptions of Scenic Byways.... "Motorists will see little or no development along the routes, enhancing the natural character and quality of the byways. They will experience North Carolina's history, geography, and culture, while also raising awareness for the protection and preservation of these treasures."

Please limit the traffic using this historical route and preserve an important landmark. I am for Economic Development, but any development near this area should be mindful of what is harmonious with the surrounding land and rural neighborhoods.

When people drive east on I-40 from Alamance County, this exit is the first impression they get of Hillsborough. Do we want the Gateway to Orange County and Hillsborough represented by vast Warehouses full of truck bays?

Keith Poole read the following comments:

I am part of Save Hillsborough. I have serious questions concerning RTLP.

In this part of the county (including south Hillsborough), we are very fortunate to have a Hospital nearby. Davis Road and Old NC Hwy. 86 provide our access to this Hospital and also to Interstate 40. ...So far, so good.

Now picture people in passenger cars on I-40 westbound coming from Chapel Hill and being stuck in slower traffic on a busy day. They need access to our local hospital. The exit is not far, but once you get to it there is a line of 18-wheelers backed up on the off-ramp. The trucks are backed up because they can't make a left to go to their warehouse destination. There is no traffic light.

The car drivers can't make a right toward the hospital, because they can't see around the left-turning stopped traffic (mainly tall trucks). Many cars and trucks that are now released from the two traffic lights situated at Davis Road and the Eastbound exit ramp are barreling towards them. They can't even get into the free-flowing right turn lane on Old 86 because the exit ramp is narrow leading to this lane.

There is no way for these car drivers to drive around to pass the backed-up trucks; if one did try, they are putting their life and others in danger.

You can SEE the hospital campus.... You just can't get to it in a timely manner! Please vote no on the RTLP project. I am for economic development in our area. I am just asking that we put in smart development, with all of the traffic angles thoroughly investigated beforehand.

Jackson Poole read the following comments:

I'm part of Save Hillsborough and also have concerns with the RTLP as proposed.

The steps I had to take to speak at this meeting tonight were quite involved. To share Kaila Mitchell's experience, from the time she looked up how to join this meeting on Orange County's website on Aug 23rd to the time she finally received the zoom link to join, the process took 6 different steps over 8 days while submitting her information to 3 different places. I share this, not to blame the County Commissioners for the process, but to make you aware of the difficulty to make our voices heard today.

I also want us to recognize the privilege that those of us on this call have, including access to technology and access to information. We continue to encounter residents that know little to

nothing about the proposed RTLP project and how it will impact their lives. There are residents that aren't aware that they can participate by phone on this zoom call. And people can't call in if they don't know how to get this information in the first place.

We have been in a state of emergency since March 13th because of Covid-19. Just last month you all, the Board of County Commissioners, extended the state of emergency through October 31st. Let us all recognize the significance of that. Shannon Casell, Special Counsel to NC Attorney General Josh Stein, wrote an advisory letter talking about local public bodies conducting open meetings electronically. She recognized that electronic meetings are reasonable for local governing bodies. She did, however state, and I quote, "When meetings of public bodies are not necessary for immediate ongoing governance, I would encourage postponing that meeting until a future time when the meeting can occur in-person". Does a decision on the RTLP project meet this standard?

Because we are in a Pandemic and in a state of emergency, I urge you to please approach this matter with social responsibility in mind. Please postpone a decision on rezoning until there is a process where ALL voices can be heard, not just those that hold privilege.

Bryan Brice said the BOCC has an important decision to make about this project, and he wonders if the project is worth the damage that it may cause by proceeding. He said he is concerned about the environment, and wonders if all laws and ordinances will be complied with. He encouraged a moratorium on the project until all environmental issues have been fleshed out, and the applicant can show all permits have been properly obtained.

Bill Ward voiced concern about the long-term environmental impacts of climate change. He says Orange County has the ability to make a real impact on environmental issues, and thus improve public health.

Matt Mitchell made the following comments:  
I'm part of Save Hillsborough. I'm in favor of developing this area, but have serious concerns with the RTLP as proposed.

Many members of our group were in favor of the Settler's Point project. It proposed a mixture of retail and business development, much of which would have benefitted the surrounding neighborhoods, and would likely have increased property values for many homeowners in the surrounding area. However, RTLP, as it currently stands, presents a very different situation. The size of the development is more than double that of Settlers Point and the buffers are smaller to accommodate such large structures. And most importantly, Settlers Point did not include the rezoning of a residential property to allow for massive amounts of vehicular and truck traffic.

The impact of this development on local homeowners is a topic that comes up consistently, and mitigation is in no way mentioned by the developer or the county. When the question came up at the last planning board meeting, the developer suggested that this development might actually increase property values. However, it's hard to make that case when they're planning to install their primary access point 30 feet from a resident's property line. Furthermore, the planned buffers are minimal and insufficient to protect the surrounding properties from the 60 foot tall monolithic buildings.

The county goes to great economic lengths to attract development and business, but there is no mechanism to mitigate material monetary impacts on the use and enjoyment of one's home when a high-density economic development is inserted into one's rural residential community.

As it stands, it seems as though these potential financial impacts will simply be considered collateral damage. What can we do to ensure that these potential financial impacts will be mitigated for the dozens of surrounding residents?

And speaking of collateral damage -- what will be the impact on the Church and Pre-school across the street on Davis Rd? What will happen when parents pull their kids out of the preschool because their driveway is potentially blocked by a long queue of diesel trucks? The Church relies on the revenue from the preschool to stay afloat; so, will the church and preschool also end up as collateral damage? I urge the commissioners to seriously consider these impacts when making their decision, and to strongly consider eliminating the use of the Davis Road parcel as part of this development.

Additional Issue to consider: NOISE: Orange county Noise ordinances state: "It shall be unlawful for any person to make, create, permit, or to continue any source of unreasonably loud and disturbing noise in Orange County." Orange County doesn't allow noises above 60 decibels during the day and 50 decibels in the evenings at residential properties. The noise generated from a diesel truck is between 96 and 104 decibels, 42 times louder than the ordinance allows in the evenings. Additionally, diesel trucks typically use engine braking that creates an extremely loud machine gun-like noise, up to 105 decibels. There are residents whose property is as close as 30 feet to the proposed driveway. (This distance is taken from the Orange County GIS). With only 5 trucks in the queue, the resident immediately beside the proposed access point on Davis Rd will experience 81 decibels of sustained noise, the equivalent of standing next to a lawn mower 24/7, and loud enough to cause hearing damage at 2 hours of exposure according to the CDC. Orange County also specifically prohibits the use of lawn equipment after 9 pm. How can they possibly allow diesel trucks operating overnight, creating noise more than 5 times louder than gas powered lawn equipment? It seems impossible that this development could comply with Orange County noise ordinances, and yet the developer has not provided a noise analysis. The county must act to prevent the potentially massive disruptions to the sleep, hearing, and peace of the dozens of residents, church, and preschool children in the surrounding area. Please do not allow the rezoning of the Davis Rd parcel. The use of this land as the primary access point will cause irreparable harm to the surrounding residents. It may take some effort and/or creativity, but the developer can and should find alternative methods of dealing with their traffic load. NCDOT has already laid out potential improvements that could be made to allow for a full movement interchange at Service Rd and Old 86, but the developer has declined to pursue this path. Rather, it seems they have chosen the path of least resistance and lowest cost to them, at the great expense of the surrounding residence and community.

Jessie Kaufmann said the Orange County Schools Board of Education released a letter imploring that Broadband Internet be provided. She asked the BOCC to consider using the proposed land for broadband. She asked if the BOCC would wait to make a decision about the land until after the presidential election. She said she is not in favor of the proposed project.

Justin Mitchell said he owns several acres of land on Davis Road, adjacent to his family, where he one day hopes to live. He said the appeal of that dream will disappear if this proposed project goes ahead. He said water runoff is of great concern, as there is already excessive run off in this area, and the proposed project would only increase this problem.

Bill Aucoin thanked the Board for the opportunity to speak tonight. He said his family has lived in Becketts Ridge for the past 20 years, and they are excited about potential development and is frustrated by the community speaking out against it. He said it is just a smear campaign and he finds it very frustrating. He said he is not alone in his support of this

project, but those voices are not being heard. He said Orange County is full of protected green space, and there are not many options for development like this project. He said he supports the project, and the jobs and revenue that it will bring.

Daniel Yarborough said he concurs with the previously mentioned concerns, and he is against this project. He said the enormous amount of traffic is of particular concern.

Chair Rich said the BOCC will review this project at its September 15<sup>th</sup> meeting, and will have a public hearing where the public will be welcome to speak.

**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 Bedford said she attended meetings for the Department of Social Services, GoTriangle Advisory Board, JCPC, and the Visitors Bureau Board. She said the Visitors Bureau's budget will be redone. She said she greatly appreciated County staff and Chair Rich for their time.

Commissioner Greene said she received a question from a resident about voting in the context of eviction within 25 days of the election. She said Representative Meyer said this would not be a problem, as long as one still resides in North Carolina. She asked if staff could follow up on this information, and publicize the information.

Commissioner Greene noted the sad passing of writer Randall Kenan.

Commissioner McKee petitioned for staff to bring to the Board a report about the measures to provide countywide broadband, and to identify funding of up to \$30 million dollars that can be moved to afford this effort. He asked if this information could be provided by October 31, 2020.

Commissioner Price said the 2020 Census will end on September 30, which is a month early. She thanked staff for helping get the word out about the Census, and encouraged people to fill out the form.

Commissioner Dorosin said he appreciated Commissioner Price bringing up the census. He said a legal challenge has been made against the Trump administration for terminating the census process early. He said he shared Durham Tech's new Equity, Inclusivity and Diversity Action Plan, which is a powerful document. He commended the new Durham Tech president and the Durham Tech Board for its creation. He said there was a hearing in the ongoing Leandro case regarding school funding, and Judge David Lee said he was going to sign a new order first year implementation plan, specifically targeting funds for at risk students, special education, and limited English proficiency learners. He said funding for these students is critical, especially during COVID.

Commissioner Marcoplos said he attended Orange County Transit Planning meetings over the summer. He said there is an upcoming Community Engagement campaign, which will be really interesting. He said he has also been involved with GoTriangle. He said commuter rail will not be coming to Hillsborough, due to ridership and cost issues. He said negotiations continue between NC Railroad and GoTriangle. He said there are new CEOs at North Carolina Railroad and GoTriangle. He said he is optimistic that commuter rail will exist between Durham and Raleigh.

Commissioner Marcoplos said the Orange County Climate Council has continued to meet over the summer, and will soon be announcing a one-year public event, which will occur in October. He said it has been a really good year, and it is inspiring to hear from people all across the County.

Chair Rich said it has been a really busy summer, especially surrounding the opening of the University of North Carolina (UNC).

Chair Rich said the North Carolina Housing Crescent Award went to Habitat. She said this was the first time Habitat has received an award for senior housing, and it used some of the 2016 BOCC bond money.

Chair Rich said she sent the Board a copy of a draft letter to Attorney General (AG) Josh Stein in support of the postage service. She thanked Commissioner Dorosin for adding three paragraphs to the letter. She said she would like to send this to AG Stein, with the Board's approval, along with the NC Senators and Congressmen.

Chair Rich petitioned the Board to name the Whitted Meeting Room after Donna Baker. She said she received the naming policy from the Manager's Office, and this naming fits into that policy. She said former Commissioners have asked that, if this naming goes forward, the event be held live so that all can attend.

Chair Rich said she sent a resolution, for the Board to consider at its next meeting, to decriminalize marijuana.

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

##### **a. Resolution Honoring and Remembering Donna Baker, Clerk to the Orange County Board of Commissioners**

The Board considered voting to adopt a resolution honoring and remembering Donna Baker, Clerk to the Orange County Board of Commissioners.

#### **BACKGROUND:**

On July 31, 2020, Clerk to the Board of Commissioners Donna Baker passed away unexpectedly at her home in Orange County. Ms. Baker had served as Clerk to the Board for 18 years since her appointment in June 2002.

Donna graduated from high school in Georgetown, SC and subsequently from Clemson University with Honors in 1978. Ms. Baker built a lifelong career of community service from her early work with parents and children at The Ronald McDonald House of Chapel Hill, to positions with Georgetown, SC County Government, and her most recent position as Clerk to the Orange County Board of County Commissioners.

Donna was blessed with two children – Jeremy and CeCe – who are now older with families of their own. She was an accomplished learner and reader, and was also a true lover of animals, including adopting several rescue pets over time.

While she greatly loved Orange County, Donna also held a special place in her heart for the South Carolina beaches, especially the Georgetown/Pawley's Island area. She spent many years and vacations there enjoying the sea and surf.

Commissioner Dorosin read the resolution:

RES-2020-043

**ORANGE COUNTY BOARD OF COMMISSIONERS  
RESOLUTION HONORING AND REMEMBERING DONNA BAKER,  
CLERK TO THE ORANGE COUNTY BOARD OF COMMISSIONERS**

WHEREAS, Donna Baker, Clerk to the Orange County Board of Commissioners, passed away unexpectedly at her home in Orange County on July 31, 2020; and

WHEREAS, Donna Baker was appointed Clerk to the Board in June 2002 and served as Clerk for over 18 years; and

WHEREAS, after graduating from Clemson University with Honors in 1978, Ms. Baker built a lifelong career of community service from her early work with parents and children in need at The Ronald McDonald House of Chapel Hill, to positions with Georgetown, SC County Government, and to Clerk to the Orange County Board of Commissioners; and

WHEREAS, Donna was blessed with and continually expressed love and support for her two children – Jeremy and CeCe; and

WHEREAS, Donna loved Orange County and at the same time claimed a lifetime fondness for Pawley's Island, South Carolina where she spent many years and vacations on the beach enjoying the beautiful sunshine and relaxation of the South Carolina sea, sound, and surf; and

WHEREAS, Donna served the residents of Orange County and a total of 18 different members of the Board of Commissioners as a dependable, smart, dedicated, steadfast, and calming spirit; and

WHEREAS, former County Commissioner Moses Carey commented, "She was so good to all of us. She treated County residents with special warmth when they came to her for help. She was a real friend and dedicated public servant, especially to the Board of Orange County Commissioners;" and

WHEREAS, former County Commissioner and North Carolina State Senator Valerie Foushee shared, "I knew Donna for 40 years, and she remained the same person for that entire period of time: bright, respectful and caring. She was the most trusted, respected county employee during my time as a commissioner, and I suspect to the end. She made every commissioner feel like he/she was her favorite. That's a gift;"

NOW, THEREFORE, BE IT RESOLVED that we, the Orange County Board of Commissioners, on behalf of County residents, officials and employees, honor and remember Donna Baker for her spirit, her energy and her innumerable contributions to Orange County and beyond; and

BE IT FURTHER RESOLVED that the Board extends its condolences to Jeremy, CeCe, and all of Donna's family and friends; and

BE IT FURTHER RESOLVED that the Orange County Board of County Commissioners expresses its sincerest appreciation and commends Donna Baker for her lifetime of service.

This the 1<sup>st</sup> day of September, 2020.

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Penny Rich, Chair  
Orange County Board of Commissioners

A motion was made by Commissioner Dorosin, seconded by Commissioner Price to adopt the Resolution, and authorize the Board Chair to sign the Resolution.

Chair Rich asked Commissioners to accept a roll call form of voting and called names accordingly.

**VOTE: UNANIMOUS**

**b. Resolution of Recognition for Judicial District 15-B Chief District Court Judge Joseph Moody Buckner Upon His Retirement**

The Board considered voting to adopt a resolution recognizing Judicial District 15-B Chief District Court Judge Joseph Moody Buckner upon his retirement.

**BACKGROUND:**

Judge Joseph M. Buckner was elected as a district court judge in 1994 and was re-elected by the residents of Orange and Chatham counties six more times after his initial election. In 1996, the Chief Justice of the North Carolina Supreme Court appointed Judge Buckner as the Chief District Court Judge in Orange and Chatham counties and he has served in that capacity since that time.

Judge Buckner also previously served as President of the N.C. Conference of District Court Judges and Chief District Court Judges as well as serving as a member of the N.C. Governor's Crime Commission and the Commission on Juvenile Crime.

Judge Buckner has served the residents of Orange and Chatham County tirelessly and with distinction for close to 30 years as a district court judge, and announced over the summer his retirement.

The following resolution was presented by BOCC Chair Penny Rich at Judge Buckner's retirement event in late July 2020, and staff requests that the Board formally adopt the resolution recognizing Judge Buckner for his service.

Chair Rich read the resolution:

RES-2020-044

**ORANGE COUNTY BOARD OF COMMISSIONERS  
RESOLUTION OF RECOGNITION FOR JUDICIAL DISTRICT 15-B  
CHIEF DISTRICT COURT JUDGE JOSEPH MOODY BUCKNER  
UPON HIS RETIREMENT**

WHEREAS, Judge Joseph M. Buckner has served as the Chief District Court Judge in Orange and Chatham counties since 1996, when he was appointed by the Chief Justice of the North Carolina Supreme Court; and

WHEREAS, Judge Buckner has served as a district court judge since his election in 1994 and has been re-elected by the residents of Orange and Chatham counties six more times; and

WHEREAS, Judge Buckner previously served as the President of the N.C. Conference of District Court Judges and Chief District Court Judges as well serving as a member of the N.C. Governor's Crime Commission and the Commission on Juvenile Crime; and

WHEREAS, Judge Buckner supervises the administration of more than 50,000 cases per year, in addition to supervising the magistrates and the trial and judicial assignments for all the court sessions; and

WHEREAS, Judge Buckner oversees the Clerk of Superior Court in the discharge of duties, administers the drawing of jury panels, the setting of specialized court sessions including criminal dockets, domestic issues, traffic, family violence, child support, mental health and substance use commitments, juvenile delinquency, child abuse and neglect and felony pleas; and

WHEREAS, Judge Buckner has been a champion for individuals with mental health and substance use disorders in our community, and started North Carolina's first mental health diversion court (Community Resource Court) over twenty years ago, with CRC remaining a model for the state; and

WHEREAS, Judge Buckner started and has strongly supported the District's first drug treatment courts: Recovery Court and Family Treatment Court; and

WHEREAS, Judge Buckner created and sought funding for a Juvenile Court School Liaison position that operates to ensure communication and services by the school system for justice-involved youth; and

WHEREAS, Judge Buckner has been a champion for individuals with mental health and substance use disorders in our community, and started North Carolina's first mental health diversion court (Community Resource Court) over twenty years ago, with CRC remaining a model for the state; and

WHEREAS, Judge Buckner started and has strongly supported the District's first drug treatment courts: Recovery Court and Family Treatment Court; and

WHEREAS, Judge Buckner created and sought funding for a Juvenile Court School Liaison position that operates to ensure communication and services by the school system for justice-involved youth; and

WHEREAS, Judge Buckner started weekly Child Planning Conferences for children and families involved in abuse and neglect cases, which has improved outcomes by providing early interventions; and

WHEREAS, Judge Buckner has initiated countless improvements, innovations and reorganizations in the court system that have resulted in an increase in efficiency and just resolutions; and

WHEREAS, in 2004, Judge Buckner commissioned a set of historical murals by Michael Brown that grace the main courtroom in the Orange County Courthouse showcasing Orange County history and informing and delighting visitors and court attendees; and

WHEREAS, Judge Buckner has served the residents of Orange and Chatham County tirelessly and with distinction for close to 30 years as a district court judge, and his compassion and experience have touched the lives of so many individuals that have appeared before him and he has influenced and trained numerous people that work beside him in the justice system;

NOW THEREFORE BE IT RESOLVED that the Orange County Board of Commissioners expresses its congratulations upon Judge Buckner's retirement and extends its deepest appreciation, gratitude and respect for his leadership and service throughout the court system for the residents of Orange County.

This the 1<sup>st</sup> day of September 2020.

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Penny Rich, Chair  
Orange County Board of Commissioners

A motion was made by Commissioner McKee, seconded by Commissioner Price to adopt the Resolution, and authorize the Board Chair to sign the Resolution.

Chair Rich asked Commissioners to accept a roll call form of voting and called names accordingly.

**VOTE: UNANIMOUS**

**c. Proclamation Recognizing the Services and Contributions of Retiring Major David Lewis Caldwell, Jr.**

The Board considered voting to approve a proclamation recognizing Retiring Major David Lewis Caldwell, Jr. for his services to Orange County.

Sheriff Blackwood, in a pre-recorded video, made the following presentation.

**BACKGROUND:**

David Caldwell has been a lifelong resident of Orange County, a champion for environmental justice, a career member of the Orange County Sheriff's Office and a respected leader throughout the Orange County community.

David Caldwell was one of the founding members and served on the Rogers-Eubanks Neighborhood Association (RENA) as a Project Director.

David Caldwell retired from the Orange County Sheriff's Office, for a second time, in 2020 as a Major of Support Services and Community Outreach.

**ORANGE COUNTY BOARD OF COMMISSIONERS  
PROCLAMATION RECOGNIZING THE SERVICES AND CONTRIBUTIONS  
OF RETIRING MAJOR DAVID LEWIS CALDWELL, JR. OF THE  
ORANGE COUNTY SHERIFF'S OFFICE**

**WHEREAS**, Major David Lewis Caldwell, Jr. is retiring from the Orange County Sheriff's Office; and

**WHEREAS**, David Caldwell grew up in the Rogers Road area on the outskirts of Chapel Hill; and

**WHEREAS**, after graduating from Chapel Hill High School, Major Caldwell graduated from North Carolina Central University on a basketball scholarship with a degree in Recreation Administration; and

**WHEREAS**, Major Caldwell proudly served the United States Army as a Military Police Officer, a Town of Carrboro as a Police Officer, and the residents of Orange County as a deputy sheriff for a combined 40 years; and

**WHEREAS**, in 2008, David Caldwell retired the Orange County Sheriff's Office and worked with Orange County Government supporting community centers focusing on minority and rural outreach; and

**WHEREAS**, David returned to work for the Orange County Sheriff in 2016 as a Major in Support Services, Community Outreach, retiring again in 2020; and

**WHEREAS**, in carrying out his law enforcement duties, Major Caldwell jeopardized his own safety and well-being to protect the lives and property of others and represents the finest example of dedication to public service; and

**WHEREAS**, Major Caldwell has, in his personal capacity, served as a leader in his community fighting for the rights of those not in a position to fight for themselves; and

**WHEREAS**, David Caldwell was one of the founding members and served with the Rogers-Eubanks Neighborhood Association (RENA) as a Project Director; and

**WHEREAS**, Major Caldwell has served as a mentor to the youth of the community by giving of his time and money to develop and foster youth athletic, academic, and afterschool programs to enhance their opportunities in life; and

**WHEREAS**, Major Caldwell has worked tirelessly in partnership with the Orange County Department on Aging, S.A.L.T., and countless other volunteer organizations to make certain the lives of the senior population of Orange County were afforded the opportunity to age in place with dignity, respect, and care; and

**WHEREAS**, David Caldwell has been a lifelong resident of Orange County, a champion for environmental justice, a career member of the Orange County Sheriff's Office and a respected leader throughout the Orange County community;

**NOW, THEREFORE**, we, the Orange County Board of Commissioners, do hereby recognize the contributions of Major David Lewis Caldwell, Jr. for his unwavering service to the people of Orange County, and express our heartfelt appreciation and gratitude for his numerous and invaluable contributions to the improvement and well-being of the Orange County community.

**FURTHERMORE**, the Orange County Board of Commissioners determines Major David Lewis Caldwell, Jr. is authorized to possess, and presents him with, the side-arm he carried while serving as a member of the Orange County Sheriff's Office.

**AND FURTHERMORE**, the Board profoundly thanks Major David Lewis Caldwell, Jr. for his uncompromising commitment, dedication, and distinguished service to humanity and to the residents of Orange County and wishes him a most enjoyable new journey in the next chapter of his life.

This 1<sup>st</sup> day of September, 2020.

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Penny Rich, Chair  
Orange County Board of Commissioners

A motion was made by Commissioner Price, seconded by Commissioner Dorosin to approve the Proclamation, authorize the transfer to Major Caldwell of his service side-arm, and authorize the Board Chair to sign the Proclamation.

Chair Rich asked Commissioners to accept a roll call form of voting and called names accordingly.

**VOTE: UNANIMOUS**

Sheriff Blackwood, in a pre-recorded video, presented Major David Caldwell with his service weapon.

Major David Caldwell said it has been his pleasure to serve Orange County, and he will continue to serve this county in the years to come. He thanked all those with whom he served.

**d. Resolution Celebrating the 55th Anniversary of the Voting Rights Act of 1965**

The Board considered voting to adopt a resolution celebrating the 55<sup>th</sup> Anniversary of the passage of the Voting Rights Act of 1965, which occurred on August 6, 1965.

Annette Moore, Human Rights and Relations Director, made the following presentation:

**BACKGROUND:**

On August 6, 1965, President Lyndon Johnson signed the Voters Rights Act of 1965, considered the most crucial piece of legislation of the Civil Rights movement. A bi-partisan Congress has strengthened the Act by amending and reauthorizing the provisions of the Voting Rights Act five-time throughout the years.

Congress enacted the Voting Rights Act to guarantee rights granted under the 14<sup>th</sup> and 15<sup>th</sup> Amendments of the United States Constitution so that no one, including state, federal, or local government, could stop citizens from registering to vote or voting because of their race or ethnicity. The Voting Rights Act contains numerous provisions for regulating elections laws. Regulations in the Act: a) prohibited tests and other devices that were used to keep people from voting; b) prohibitions against voting laws that would discriminate against a racial or ethnical minority; and c) included a preclearance requirement that prevented specific jurisdictions from making changes to their voting laws without prior approval from the U.S Attorney General of the U.S. District Court for the District of Columbia. There is also a provision specifically for ensuring that jurisdictions having significant language minority population provide language access services including providing bilingual ballots and other election materials.

In 2013, the United States Supreme Court in *Shelby County v. Holder* struck down Section 4 of the Voting Rights Act of 1965, which contained the formula used to identify the state and local governments that have to comply with the preclearance requirements. The Supreme Court, while striking down the formula, left the preclearance requirement provision intact. Therefore, none of the jurisdictions covered by the formula has to comply unless Congress enacts a new formula to determine whom it covers.

The United States Department of Justice's data indicates that from 1982 to 2006, 750 Section 5 preclearance objections blocked approximately 2,400 discriminatory voting changes. Over half blocked more than 400 cases with specific evidence of intentional discrimination. Section 5 also

deterred more than 205 voting changes were withdrawn after the Department of Justice requested additional information. The Department of Justice brought 650 successful lawsuits under Section 2 of the Voting Right Act in covered jurisdictions.

Since *Shelby v. Holder*, many states have adopted restrictive voting laws that impact communities of color. These restrictions such as strict photo ID requirements, limitation on who can provide assistance in polling places, the curbing on early voting days, and closing of polling places has had the effect of suppressing the votes of people of color. Other measures include purging of voter rolls and drawing election districts to dilute the power of and influence of people of color.

RES-2020-051

**ORANGE COUNTY BOARD OF COMMISSIONERS  
RESOLUTION  
Celebrating the 55<sup>th</sup> Anniversary of the Voting Rights Act**

**WHEREAS**, on February 26, 1869, the United States Congress passed the Fifteenth Amendment to the United States Constitution and subsequently ratified the Amendment on February 3, 1870, to grant African American men the right to vote; and

**WHEREAS**, African American males exercised the franchise and held political offices in many states, particularly Southern states, throughout the 1880s; and

**WHEREAS**, in the 1890s, literacy tests, grandfather clauses and other devices to disenfranchise African American men were written into the constitutions of former Confederate states; and

**WHEREAS**, with the passage of the Nineteenth Amendment, African American women were granted the right to vote along with white women; and

**WHEREAS**, African Americans who attempted to register to vote experienced harassment, intimidation, economic reprisals, physical violence and murder, including by lynching; and

**WHEREAS**, African American men and women nevertheless sought to secure their right to vote through such organizations as the National Association for the Advancement of Colored People and the National Urban League, as well as through the efforts of people such as A. Philip Randolph, W. E. B. Dubois, Booker T. Washington, Fannie Lou Hamer, Ella Baker and Septima Clark; and

**WHEREAS**, in the 1960s, the widely broadcast irreprehensible violence against demonstrators brought heightened attention to the issue of voting rights – including the murders of Chaney, Goodman and Schwerner on June 21, 1964, and the attack on March 7, 1965, known as Bloody Sunday; and

**WHEREAS**, on August 6, 1965, President Lyndon B. Johnson signed the Voting Rights Act, an “act to enforce the fifteenth amendment to the Constitution,” ninety-five years after it had been ratified; and

**WHEREAS**, the Voting Rights Act outlawed literacy tests and provided for the appointment of federal examiners with the power to register qualified citizens to vote in those jurisdictions covered according to a formula provided by the statute; and

**WHEREAS**, Section 5 of the Act required covered jurisdictions to obtain preclearance from the District Court for the District of Columbia or the United States Attorney General for any new voting procedures and practices; and

**WHEREAS**, Section 2 of the Act, closely following the language of the 15<sup>th</sup> Amendment, applied a nationwide prohibition on the denial or abridgement of the right to vote on account of race or color; and

**WHEREAS**, by the end of 1965, a quarter of a million African Americans had registered as new voters, and by the end of 1966, four of the thirteen southern states had less than fifty percent of African Americans registered to vote; and

**WHEREAS**, the Voting Rights Act of 1965 was extended in 1970, 1975 1982, and 2006, and efforts currently are underway to restore certain provisions of the Voting Rights Act;

**NOW, THEREFORE, BE IT RESOLVED**, that the Orange County Board of Commissioners does hereby support the passage of the John R. Lewis Voting Rights Act of 2020 and hereby direct the Chair to have sent a copy of this Resolution and a letter to both North Carolina United States Senators encouraging them to support the passage of the John R. Lewis Voting Rights Act of 2020; and

**BE IT FURTHER RESOLVED**, that the Orange County Board of Commissioners, on behalf of the people of Orange County, does hereby commemorate the fifty-fifth anniversary of the signing of the Voting Rights Act of 1965, and in so doing, acknowledge the sacrifices made in order to establish and maintain full and equal rights for all citizens of the United States.

This the 1<sup>st</sup> day of September, 2020.

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Penny Rich, Chair  
Orange County Board of Commissioners

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

Chair Rich asked Commissioners to accept a roll call form of voting and called names accordingly.

**VOTE: UNANIMOUS**

**e. Orange County Preparedness Month Proclamation**

The Board considered voting to approve a proclamation declaring September 2020 as "Orange County Preparedness Month".

Dinah Jeffries, Emergency Services Director, said Kirby Saunders, Emergency Management Coordinator, is on parental leave

Sasha Godwin, Emergency Management Planner, was recognized

Sarah Pickhardt, Interim Emergency Management Coordinator, made the following presentation.

**BACKGROUND:**

National Preparedness Month is recognized each September to promote family and community disaster planning now and throughout the year. The theme of this year's National Preparedness Month is "Disasters Don't Wait. Make your plan today."

North Carolina has experienced an unusually high volume of disasters this year, to include the ongoing Coronavirus pandemic, tornadoes, earthquakes, and hurricanes. To date, Orange County has experienced over 30 watches and warnings issued by the National Weather Service for severe weather, flooding, and tornadic activity. The Orange County Emergency Operations Center (EOC) has set records for activation length this year at well over 200 days. The EOC remains activated to respond to the ongoing Coronavirus Pandemic as well as monitor for potential threats from the 2020 hurricane season, which is predicted to be extremely active.

Sarah Pickhardt read the proclamation.

**ORANGE COUNTY BOARD OF COMMISSIONERS  
PROCLAMATION**

**Orange County Preparedness Month  
September 2020**

**WHEREAS**, it is critical for every community, business, family, and individual in Orange County to be prepared for natural and man-made disasters, including tornadoes, flooding, and hurricanes, as well as disease outbreaks like COVID-19; and

**WHEREAS**, Orange County has seen a high activity of severe weather during 2019, with the National Weather Service issuing 23 Severe Thunderstorm Warnings, two Flash Flood Warnings, one Flood Warning, and eight Tornado Warnings; and

**WHEREAS**, Orange County experienced an estimated \$2.1 million in estimated damages from severe weather in 2019; and

**WHEREAS**, in 2018, Hurricane Florence brought significant rainfall in September, followed by Tropical Storm Michael in October, and both storms caused widespread power outages and flooding, with Florence resulting in more than \$26 million in damages while Michael exceeded \$500,000; and

**WHEREAS**, on March 13, 2020, the Chair of the Board of County Commissioners declared a State of Emergency to coordinate the County's response and protective actions to address the COVID-19 public health emergency and provide for the health, safety, and welfare of the Orange County community; and

**WHEREAS**, community members can take a few simple steps – creating an emergency supply kit, making a family disaster plan, and staying informed – to help make preparedness a personal responsibility and improved health a priority in our community; and

**WHEREAS**, Orange County Emergency Services Emergency Management Division, along with emergency managers throughout the nation, have collaborated to recognize September as National Preparedness Month, and encourage Orange County community members to stay informed and prepared;

**NOW, THEREFORE**, we, the Orange County Board of County Commissioners, do hereby declare September 2020 as "Orange County Preparedness Month."

This the 1<sup>st</sup> Day of September 2020.

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Penny Rich, Chair  
Orange County Board of Commissioners

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

Chair Rich asked Commissioners to accept a roll call form of voting and called names accordingly.

**VOTE: UNANIMOUS**

**f. Update on COVID-19 Response and Funding Allocations**

The Board received an update on the County's response to the COVID-19 pandemic with a focus on the use of supplemental State and Federal funding.

**BACKGROUND:**

Since March, all County operations have been adjusted in response to the COVID-19 pandemic. County employees have been asked to work from home if possible, and those employees who are reporting to a physical work location are providing services using new protocols and procedures to minimize person to person contact and avoid potential exposure to COVID-19. A summary of the current operational status for each County department is included as Attachment 1.

The Health Department has guided the County's response efforts. At a policy level, the Health Department has provided recommendations on local regulations, general public health protocols, personal protective equipment, and re-opening strategies. At the clinical level, the Health Department has executed communicable disease protocols and case investigations and organized community testing events. The Department has led the County's public information and education campaign by producing daily text messages and social media content, maintaining a Countywide website and dashboard, and issuing weekly newsletters.

The Emergency Services Department has coordinated emergency support functions through the Emergency Operations Center. The Emergency Operations Center (EOC) has been activated on a continuous basis since March 9, 2020. The EOC has responded to over 1,012 resource requests from municipal and community organizations and provided over 121,000 items. Emergency Services has also facilitated daily briefings for key staff members, organized a multi-jurisdictional information sharing meeting, and through the Emergency Support Functions, the Department has supported direct services related to food distribution, community testing, hotel occupancy for the homeless population, and continues to track, report, and request federal reimbursement for related expenses through the Federal Emergency Management Agency (FEMA).

This update focuses on the application of supplemental State and Federal resources designed to respond to the pandemic. These allocations are included in Budget Amendment #1 which is on the consent agenda for the September 1 meeting. This report does not include direct COVID-19 related expenditures for which reimbursement is expected through the Federal Emergency Management Agency (FEMA).

### **CARES Act Funds Allocated by the County**

The County received two funding allocations through the Corona Virus Aid, Relief, and Economic Security Act or CARES Act. CARES Act funds were distributed to counties based on population. CARES Act funding must be used to fund expenses directly related to the County's response to the pandemic. These funds cannot be used to supplant currently budgeted expenses or to replace revenues such as sales tax or occupancy tax that have suffered as a result of the pandemic. The CARES Act funds must be used by December 31, 2020, or they will be reverted to the State.

Orange County's allocation in each round of funding was \$2,665,753 and \$2,881,614 for a total of \$5,547,367. Of that total amount, the County retained \$3.2 million while \$2.3 million was distributed to Chapel Hill, Carrboro, Hillsborough, and Mebane based on a per capita allocation.

For the first round of funding, the Towns submitted requests for the use of funds to the County. In general, approximately \$400,000 was used for emergency housing assistance, \$600,000 was allocated to personal protective equipment, \$500,000 was allocated to personnel expenses, and the remaining amount for technology to support remote working and economic support to local businesses. For the second round of funding, municipalities are required to report their use of funds to the County by the end of August.

Approximately \$1.4 million or 42% of the County's total CARES Act allocation is dedicated to support housing needs and prevent evictions and foreclosures.

- Another \$1.2 million or 36% is being used to protect employees and facilitate remote work.
- The remaining funds are allocated to other services directly impacted by the pandemic including:
  - o Assisting residents who must navigate the Courthouse under new safety protocols and access community services differently,
- Acquiring and distributing food, including locally raised dairy and produce products,
- Supporting childcare and reemployment services,
- Reimbursing the County for employee leave time taken by employees who are required to isolate or quarantine,
- Reimagining and producing tourism and marketing materials in response to changing travel restrictions and preferences,
- Supplementing the revaluation effort that was delayed during stay at home orders, and
- Funding consulting services to plan for the County's long term recovery and resiliency.

### **COVID-19 Related Funds Awarded to Specific Programs**

In addition to the CARES Act funding directed to the County for local distribution decisions, other CARES Act or Corona Virus related funding has been directed to specific County functions:

- The Department on Aging received an additional \$200,000 from the Area Agency on Aging for food distribution programs.
- The Board of Elections received \$153,766 to prepare for and respond to impact of COVID-19 on the 2020 election cycle. These efforts include cleaning and sanitizing polling places and supporting an anticipated increase in mail-in ballots.
- The Partnership to End Homelessness was awarded a COVID-19 Emergency Solutions Grant to hire a 1.0 FTE Rapid Rehousing Case Manager to expedite permanent housing solutions for residents who are homeless or in danger of becoming homeless. The grant runs through June 30, 2022.
- The Partnership to End Homelessness and the Criminal Justice Resource Department were awarded an additional COVID related Emergency Solutions Grant to implement a Harm Reduction and Street Outreach program. These funds will support a 1.0 FTE Harm Reduction

Clinical Coordinator and 2.0 FTE Peer Specialists. These positions are designed to serve individuals in the community who are experiencing homelessness and/or behavioral health issues. The program is intended to increase access to housing, provide consistent case management, address individual clinical needs, increase deflection from the criminal justice system, and facilitate the transition into housing and community-based treatment programs. This grant runs through June 30, 2022 and fills a long standing gap in the homeless service system.

- The Department of Social Services received supplemental funding to support staffing needs in child and adult protective services. This \$66,787 award adds 3.0 FTE for six months ending on December 31, 2020.
- The Health Department has received a total of \$298,647 to hire additional case investigators, COVID-19 testing technicians, and a temporary data analyst to monitor, analyze, and report on COVID-19 statistics and trends.

### **County Economic Development Funds**

Finally, the County has consolidated and reallocated small business funds to create an Emergency Small Business Loan and Grant Program. This program has opened for two rounds of applications and has awarded a total of \$135,000 in loans and \$385,000 in grants to 78 small businesses located in Orange County. The program has a balance of \$329,583.

Budget Amendment #1 proposes to reallocate \$50,000 of that balance to the Arts Commission to fund a supplemental grant program for arts organizations. The County and its community and municipal partners are also conducting an economic impact assessment and will use the results of that survey to recommend further distribution of funds consistent with the needs expressed in the survey. Survey results will be available in early September.

### **Long Term Recovery Planning**

Although the response effort to COVID-19 is ongoing, the County and its municipal partners have allocated a total of \$175,000 to retain a consultant to support long term recovery planning. As part of the effort, the County has organized over 150 community organizations and representatives to help create recommendations that will promote an expeditious and long term recovery and improve resiliency. These organizations are organized into seven Recovery Support Functions focused on the local economy, the health system, human services, housing, natural and cultural resources, community planning, and public information. With the assistance of the consulting group, these support functions are being asked to characterize and quantify the impact of the pandemic, create a framework for building recovery strategies and priorities using a social justice and racial equity perspective, and develop strategies for consideration by local governing boards for consideration and implementation.

The Recovery Support Functions had an initial orientation and convening over the summer. These groups are now meeting individually. An economic impact assessment survey has been distributed to the business community. This survey is open until the end of August. A public values survey is currently under development and will be distributed in early September that will offer additional community context for the work of the Recovery Support Functions. The first work product, an initial COVID-19 Impact Assessment is due in the coming weeks. Final work products, including recommendations, will be presented to local governing boards in early 2021.

### **FINANCIAL IMPACT:**

The County has received a total of \$6.4 million in COVID-19 related funding as of the end of August.

Quintana Stewart, Orange County Health Director, reported the following information:

- 2,305 confirmed lab cases as of today
- Actively monitoring 135 cases
- Total of 50 deaths
- As of 8/26 37,705 people tested (25% of County population)
- Percent Positive 12.4% last week, going down to 10% as of today. Goal is 5% or less.
- Orange County received additional testing from “Star Med,” who is holding testing events around the County.
- Plan to hosting testing events weekly in various locations.
- Plan to have a consistent test site in Hillsborough once a month
- Governor’s briefing has changed these plans and 2 mass-event testing sites will be required weekly.

Quintana Stewart said the CDC put out a new recommendation last week stating that those asymptomatic people who have had close contact with a COVID positive patient, do not need to be tested. She said Orange County is not adhering to that, and will continue to test those who have been in close contact with a COVID positive patient, whether symptomatic or asymptomatic.

Quintana Stewart summarized today’s Governor’s briefing: all are still safer at home, but phase 2.5 will take effect on 9/4/20 at 5:00 p.m. She said many of the state percentages are declining, but remain too high and the state will not yet enter into phase 3. She said the Governor changed mass gathering limits: indoors is 25 (opposed to 10), and outdoors is 50 (opposed to 25). She said play grounds are now open; museums can open 50% capacity; gyms, bowling allies may open at 50% capacity; and bars and night clubs, amusement parks will still remain closed— large venues are still subject to the mass gathering limits. She said skilled nursing homes and facilities can now have outdoor visitation, as long as the facility is not in a current outbreak status, and has a testing plan in place.

Chair Rich said Orange County’s order is slightly different from the Governors order. She said she spoke to the Mayors, and they will determine how closely to align to the Governor’s order. She said the goal is to align the order with the Governor’s so it does not confuse people, but tailgating is one area of concern.

Chair Rich said Orange County is one of the lowest in the state, and the return of the UNC students caused a spike.

Commissioner Marcoplos thanked Quintana Stewart for her leadership and masterful communication with UNC. He said she saved a lot of people from getting sick.

Commissioner McKee thanked Quintana Stewart for setting up a testing site at the northern side of the County. He asked if the percentage rate was lower prior to UNC student returning.

Quintana Stewart said confirmed cases were at 2.4% prior to the return of UNC students.

Commissioner Price thanked Quintana Stewart and Chair Rich for all their work.

Commissioner Dorosin echoed everyone’s high praise. He said he has heard concerns about students whose homes are outside of Orange County and test positive, but are not included in Orange County numbers. He asked if this is accurate, and will Orange County know of these numbers, especially if students are remain here in off campus housing.

Quintana Stewart said initial student test results go to their home county. She said all students signed an agreement, prior to returning to school, that they would report their cases to Campus Health. She said students have cooperated. She said the Health Department gets the numbers from campus health first, and does also eventually get the numbers transferred back from the home county.

Commissioner Dorosin asked if a student lives off campus in Carrboro, is that the same process. He asked if the result would go to Duplin County, for example, and then be sent back to Orange County.

Quintana Stewart said possibly. She said most students that live off campus will list their local off campus address as their residence. She said the bulk of the students whose results are going back to their home county are undergraduates.

Commissioner Dorosin asked if the daily totals are regularly updated to included even those students whose results are initially sent to an alternate home county.

Quintana Stewart said yes.

Chair Rich said this is a great question, and sometimes numbers do not align, and this is the reason why.

Commissioner Greene asked if on campus students' results are counted in Orange County numbers.

Quintana Stewart said yes, it shows up on the UNC dashboard immediately, and will eventually show up as an Orange County positive.

Commissioner Marcoplos asked if the Health Department had considered holding a testing event in the White Cross area (southwest rural part of the County).

Chair Rich thanked Quintana Stewart for the update.

Travis Myren made the following PowerPoint presentation:



**Summary of CARES Act Funds**

- Corona Virus Aid, Relief, and Economic Security Act (CARES Act)
  - Federal funds distributed to States
  - North Carolina distributed funds to Counties based on population
- Orange County Distribution
  - 50% Allocated by Orange County
  - 42% Distributed to Towns

	Round 1	Round 2	Total	Half Total
Orange County	\$ 1,545,136	\$ 1,671,396	\$ 3,216,532	1,608,266
Duval Hill	\$ 745,411	\$ 802,851	\$ 1,548,262	774,131
Dixson	\$ 261,575	\$ 281,161	\$ 542,736	271,368
Hibonough	\$ 79,973	\$ 85,448	\$ 165,421	82,710
Wibaux	\$ 26,638	\$ 28,816	\$ 55,454	27,727
<b>TOTAL</b>	<b>\$ 2,658,733</b>	<b>\$ 2,869,612</b>	<b>\$ 5,528,345</b>	<b>2,764,172</b>

2

**Building Modifications, Signage, Sanitation**

- Total Allocation - \$580,000
  - Barriers at Public Counters
  - Signage for all County Facilities
  - Sanitation of Voting Precincts - \$150,000
  - Water Fountain Faucets to Fill Cups and Bottles
  - HVAC Ionization & Air Scrubbers - \$58,000

3

### Building Modifications, Signage, Sanitation

- Justice Center



4



### Building Modifications, Signage, Sanitation

- Planning and Inspections



5



### Building Modifications, Signage, Sanitation

- Signage



6



### Employee Support

- Total Allocation - \$503,143
- Personal Protective Equipment (PPE)
  - Essential and Non-essential Staff
  - Masks, Gloves, Sanitation Tools, Face Shields
  - Decontamination Supplies and Equipment
- 350 County employees working remotely
  - Laptops
  - Monitors
  - Printers
  - Hot Spots
  - IP Phone Solution to Answer Desk Phone
- Furlough and Layoff Prevention
  - 50 Employees Impacted
  - \$112,028 Reimbursed Payroll Expense

7



### Employee Support

- Reimbursement for Mandatory Quarantine and Isolation
  - 80 Employees Impacted
  - \$1,705 Reimbursed Payroll Expense
- Supplemental Reevaluation Staffing
  - Field work suspended during Stay at Home Order
  - \$40,000 for Temporary Staffing

8



### Court Navigation

- **Court Navigator in Criminal Justice Resource Department**
  - New protocols for in-person appearances
  - New ways to access files and community resources
- **Examples of Work**
  - Worked with the Clerk of Court to set up a Resources library in the Courthouse
  - Set up COVID safe and clean supply bins, forms, drip boards, etc. in the courtroom for use by defendants and individuals coming to court
  - Helped the Eviction Diversion Counsel as needed in Small Claims Court
  - Assisted Public Defender clients with virtual intake with their attorney
  - Helped court attendees connect on WeChat hearings
  - Set up COVID and Criminal signage in the Courthouse

9



### Human Services

- **Food Acquisition and Distribution - \$106,000**
  - Food Distribution from a Variety of Sources - CARBS, FoodBank, FEMA
  - Locally Sourced Fresh Food
- **Reemployment Services - \$50,000**
  - Transportation (Fuel, Lift)
  - Car Repairs
  - Uniforms
- **Child Welfare and Adult Support - \$75,000**
  - Relationship Services
  - Cleaning Supplies
  - Diapers
  - Medical Equipment for Seniors - Thermometers, pulse oximeters

10

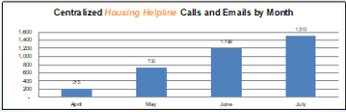


### Housing

— 42% of Total County Funds Allocated to Housing Interventions

- Emergency Housing Assistance \$1,253,736
- Landlord Incentives \$50,000
- Legal Counsel for Eviction Prevention \$115,550

**Centralized Housing Helpline Calls and Emails by Month**



Month	Calls and Emails
April	205
May	718
June	1,098
July	1,355

- Countywide Program Administration
- Towns Contributing ~ \$47,000 for Administration

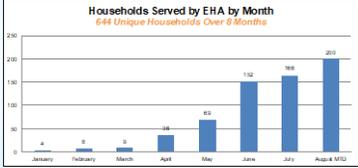
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### Emergency Housing Assistance

— Unique Households Served

**Households Served by EHA by Month**  
644 Unique Households Over 6 Months



Month	Households Served
January	4
February	8
March	5
April	38
May	65
June	132
July	168
August	200

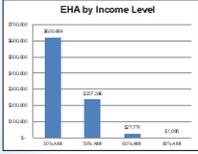
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### Emergency Housing Assistance

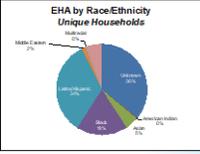
— Income and Demographics of Households Served

**EHA by Income Level**



Income Level	EHA Amount
20K-49K	\$200,000
50K-99K	\$227,246
100K-149K	\$277,776
150K-499K	\$210,666

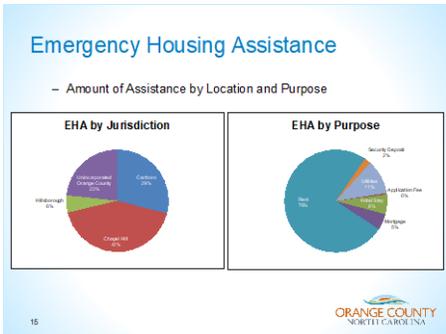
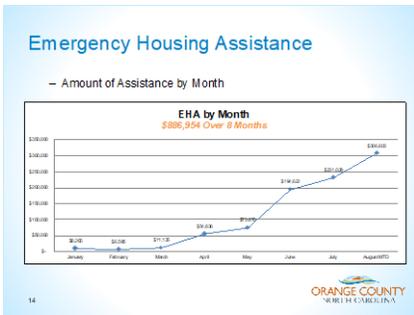
**EHA by Race/Ethnicity Unique Households**



Race/Ethnicity	Percentage
Hispanic	37%
White	27%
Black	17%
Other	10%
Non-Spanish	9%

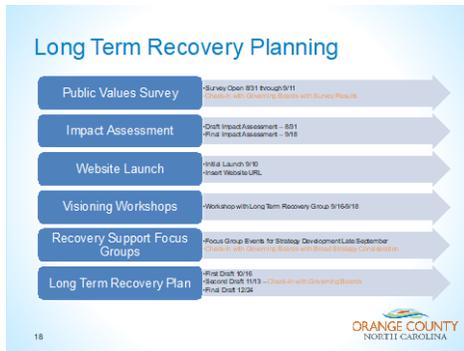
13





- ### Long Term Recovery Planning
- How Does the Community Recover, Transform, and Thrive?
  - Funded through Multijurisdictional Partnership - \$175,000
    - Per Capita Allocation
    - County's Share - \$101,500
  - Communitywide Participation
    - 150 Community Members and Organizations Represented
    - Organized in Recovery Support Functions
      - Economic, Health, Human Services, Housing, Cultural/Natural Resources, Community Planning, Public Information
  - Social Justice and Racial Equity Focus
    - GARE Team Members Represented on Each Recovery Support Function
- 16
- ORANGE COUNTY  
NORTH CAROLINA





Commissioner Price stated her questions were in a different report. She asked if the Meals on Wheels program is taking care of any gaps within food distribution.

Travis Myren said yes, Meals on Wheels has been very active.

Commissioner Price referred to housing community and development, and said the link is rather indirect. She asked if staff would look into this.

Travis Myren said yes.

Commissioner Dorosin referred to page 22 (electronic version), under the County Economic Development Funds, and said there is a balance of ~\$325,000 in Emergency Loans and Grants program. He asked if the plan is to give those funds out, continuing on a rolling basis. He asked if these funds are being publicized.

Travis Myren said the County is distributing the funds in rounds, and has already gone through two rounds. He said a third round would have to be opened to distribute more funds. He said, of the remaining balance, \$50,000 is recommended to fund an Arts support program, since they did not apply for the small business grants program. He said the Economic Impact survey has been distributed to the private sector, and about 300 responses have been received. He said staff recommends using this data to create and execute a round 3 distribution.

Commissioner Dorosin encouraged the County to keep moving forward and get the funds into people's hands as quickly as possible.

Commissioner Dorosin said the report notes a plan to use \$175,000 to hire a consultant to help with long term recovery plans, but this evening's presentation intimated that these funds would be used for the actual recovery process. He asked if staff could clarify, as the County has a recovery coordinator.

Travis Myren said the County does not have a recovery coordinator, and these funds have been used to hire Haggerty Consulting to project manage the recovery support functions. He said this consultant will serve in the long term recovery coordinator position.

Commissioner Dorosin pointed out a line item that has ~\$105,000 allocated to a recovery coordinator.

Travis Myren said this is one and the same with the Consulting firm, and he apologized for the confusion. He said the County has paid ~\$105,000 towards the total \$175,000 and the Towns will pay the balance.

## 5. Public Hearings

### a. NCDOT Public Transportation Division/Public Transportation – 5307 Urbanized Area Formula Grant Applications for FY2021

The Board held a public hearing on the North Carolina Urbanized Area Formula grant application by Orange County Transportation Services (OCTS) for FY2021. In addition, the Board considered to:

- Approve the grant application which includes the resolution previously adopted by the Board authorizing the applicant to enter into an agreement with the North Carolina Department of Transportation (NCDOT); and
- Authorize the County Attorney to review and complete the necessary 2021 certifications and assurances when they are received (2020 versions attached as examples).

Theo Letman, Transportation Services Director, reviewed the following information:

**BACKGROUND:**

Each year, the NCDOT Public Transportation Division accepts requests for operations and administrative needs for county-operated Urbanized Area Formula Grant applications. OCTS is eligible to make an application for both operations and administrative funding. NCDOT has allotted \$580,654 in funds, to be divided between State funding of \$290,327 and local funding of \$290,327. Article 43 Transit Tax proceeds will cover the required local match, and will propose the allocation of these funds in a future Budget Amendment for consideration by the Board of Commissioners.

Commissioner Price asked if the Department of Transportation (DOT) allotted \$580,654, with the State giving half and the County giving half. She asked if clarification could be provided.

Theo Letman said the total grant application amount is \$580,654, with 50% coming from Federal funds, and 50% coming from State/local funds.

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

Chair Rich asked Commissioners to accept a roll call form of voting and called names accordingly.

**VOTE: UNANIMOUS**

**PUBLIC COMMENT:  
NONE**

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

Chair Rich asked Commissioners to accept a roll call form of voting and called names accordingly.

**VOTE: UNANIMOUS**

A motion was made by Commissioner McKee, seconded by Commissioner Bedford to:

- Approve the Urbanized Area Formula Grant application for FY2021 in the total amount of \$580,654 with a local match total of \$290,327 to be provided when necessary;
- Approve and authorize the Chair to sign the Local Share Certification for Funding form; and
- Authorize the County Attorney to review and complete the necessary 2021 certifications and assurances when they are received (2020 versions attached as examples).

**VOTE: UNANIMOUS****6. Regular Agenda****a. Unified Development Ordinance (UDO) Text Amendments – Clarification of Setbacks from the West Fork on the Eno Reservoir**

The Board considered receiving the Planning Board recommendation and prior 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.

**NOTE:** This item was continued on April 7, 2020 to this date due to COVID. Staff (including the Planning Director) provided requested information to BOCC within a few weeks of the original item to clarify the amendment. 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 feet. In the summer of 2019, the Town indicated the NPE for the reservoir was going to be 643.9 feet 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 feet.

Craig Benedict, Planning Director, and Michael Harvey, Current Planning and Zoning Supervisor, made the following presentation.

**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's 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, owners 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 minutes from this meeting, as well as the Planning 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 feet to 643.9 feet. This was based on data from the Town. The amendment package now reflects the Town's corrected NPE for the reservoir of 642 feet resulting in a slight the 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.

As a reminder, staff was directed to provide additional information related to development opportunities and constraints for a parcel of property located at 2520 Carr Store Road (PIN 9848-51-5777) owned by Mr. Robert Bush and Ms. Tabetha Trogdon. This information, supplied at the original public hearing, is contained within Attachment 8.

**FINANCIAL IMPACT:**

Consideration and approval will not create the need for additional funding for the provision of County services. Existing staff, included in the Departmental staffing budget, will accomplish the work required to process this amendment.

Commissioner Dorosin referred to page 11 in the electronic documents, and asked if the difference between 4.2.2.f (regarding existing developments) and 4.2.2.i. (regarding existing lots) could be clarified.

Craig Benedict said one has to do with a lot that was created, and does not need a house at all. He said "existing lot" has to do with a lot of record, which has abilities to be developed at a later time. He said, "existing development" does have a house on the land, and what can be done with it (expansion, additional bedroom, etc.).

Commissioner Dorosin asked if the February 1997 date applies to both.

Craig Benedict said yes.

Commissioner Greene said she was one of the Commissioners that was not ready to vote last time, but she is now satisfied that all is fine.

A motion was made by Commissioner Greene, seconded by Commissioner McKee to approve the Statement of Consistency (Attachment 5) and the UDO Text Amendment (Attachment 6).

Chair Rich asked Commissioners to accept a roll call form of voting and called names accordingly.

**VOTE: UNANIMOUS**

**b. Resolution to Adopt Juneteenth as a County Holiday**

The Board considered voting to adopt Juneteenth as a paid holiday for Orange County Government thus providing an opportunity to cherish freedom, but also poignantly acknowledge the history of slavery in the country.

**BACKGROUND:**

Many people in the United States recognize Juneteenth as the holiday that celebrates Emancipation Day, the day in history when the last state ratified the Emancipation Proclamation. This date marks the time when African Americans in Texas received notice from President Abraham Lincoln that slavery had been abolished, a declaration that was codified in the 13<sup>th</sup> Amendment of the Constitution of the United States of America. June 19<sup>th</sup> also marks the day that African Americans in the southern states exercised independence from those who benefitted from their labors in the founding of this nation.

The journey of African Americans represents both great achievements and great hardship, and the nation continues to witness the injustice of the African American journey. This injustice has existed far too long. This Juneteenth celebration weighs heavily on hearts and minds in the aftermath of the murder of George Floyd in 2020, and is a reminder of others who have not been treated equally under the law.

The Governor of the State of North Carolina encourages people to observe Juneteenth as an opportunity to reflect, rejoice, and plan for a brighter future as society continues to address racial injustices. Juneteenth is not a federal holiday, but many states and the District of Columbia recognize it as a state or ceremonial holiday.

Juneteenth will be observed on June 19<sup>th</sup> each year. If June 19<sup>th</sup> falls on a Saturday, the holiday will be observed on Friday, June 18<sup>th</sup>, and if June 19<sup>th</sup> falls on a Sunday, the holiday will be observed on June 20<sup>th</sup>.

**FINANCIAL IMPACT:**

The total annual cost for FY2020-2021 for permanent salaries, social security, Medicare and retirement is \$63,733,708. A daily cost of \$245,129. The financial impact of adding an extra holiday (changing from a regular workday to a holiday) is on average approximately \$61,000.

Commissioner Price read the resolution:

RES-2020-045

**ORANGE COUNTY BOARD OF COMMISSIONERS  
RESOLUTION DESIGNATING JUNETEENTH AS AN  
OFFICIAL COUNTY PAID HOLIDAY**

WHEREAS, on January 1, 1863, President Abraham Lincoln issued the Emancipation Proclamation, a document that declared: "all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free;" and

WHEREAS, the Emancipation Proclamation, primarily a wartime measure, intentionally excluded people in the slave-holding border-states and the areas of the Confederacy that already had come under Union control; and

WHEREAS, on April 9, 1865, General Robert E. Lee surrendered to United States General Ulysses S. Grant at the Appomattox Court House in Virginia, and on April 26, 1865, US Major-General W. T. Sherman and General Joseph E. Johnston finalized the terms of surrender at the Bennett Farm House in Orange County [now Durham]; and

WHEREAS, on June 10, 1865, Major General Gordon Granger was given command of the Department of Texas, and on June 19, 1865, two and one-half years after the signing of the Emancipation Proclamation, the Union soldiers led by Major General Granger arrived at Galveston, Texas with the long-awaited news that the Civil War had ended and that enslaved people were now free; and

WHEREAS, upon his arrival in Galveston, Major General Granger read General Order Number 3, which began: "The people of Texas are informed that in accordance with a Proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and free laborer"; and

WHEREAS, Juneteenth – also known as Freedom Day, Jubilee Day, Liberation Day, and Emancipation Day – has become a special day among African Americans to celebrate the day when all the enslaved sons and daughters of Africa in America realized their freedom; and

WHEREAS, only the State of Texas currently recognizes Juneteenth as an official state holiday; and

WHEREAS, in June 2010, Governor Beverly Eaves Perdue proclaimed the observance of Juneteenth in North Carolina, and on June 19, 2020, Governor Roy Cooper proclaimed Juneteenth Day in North Carolina; and

WHEREAS, members of the United States Congress, including Senator Kamala Harris of California and Senator Cory Booker of New Jersey, recently have introduced legislation to recognize Juneteenth as a federal holiday;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Commissioners hereby designates Juneteenth as an official County paid holiday, thus providing the opportunity for employees and the community-at large to join together with the descendants of enslaved Africans to observe the end of slavery and the liberation of all people in the United States of America; and

BE IT FURTHER RESOLVED, that the Orange County Board of Commissioners urges state and federal legislators to sponsor legislation making Juneteenth an official state and federal holiday; and

BE IT MOREOVER RESOLVED, that the Orange County Board of Commissioners directs the Clerk to the Board's Office to forward a copy of this resolution to the Chapel Hill Town Council, the Carrboro Town Council, the Hillsborough Board of Commissioners, the Chapel Hill Carrboro City Schools Board of Education, and the Orange County Schools Board of Education.

This, the 1<sup>st</sup> Day of September 2020.

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Penny Rich, Chair  
Orange County Board of Commissioners

A motion was made by Commissioner Price, seconded by Commissioner Dorosin to approve and authorize the Chair to sign the proposed Resolution recognizing June 19, Juneteenth, as a paid holiday for Orange County government employees effective upon approval by the Board, and approve the attached revision to Article IV – Employee Benefits Section 28-33 – Holidays and Holiday Pay of the Orange County Code of Ordinances.

Chair Rich requested that the Board send this item to all County Clerks in North Carolina.

Commissioner Marcoplos requested that a copy be sent to the City of Mebane.

Chair Rich asked Commissioners to accept a roll call form of voting and called names accordingly.

**VOTE: UNANIMOUS**

Travis Myren requested that the Board specifically authorize the approval of the code of ordinances for employees.

A motion was made by Commissioner Greene, seconded by Commissioner Price to approve the attached revision to Article IV – Employee Benefits Section 28-33 – Holidays and Holiday Pay of the Orange County Code of Ordinances.

Chair Rich asked Commissioners to accept a roll call form of voting and called names accordingly.

**VOTE: UNANIMOUS**

**c. Veterans Memorial Construction Approval**

The Board considered reviewing and approving the certified budget and project design for Phase II of the Veterans Memorial project at the Southern Campus; authorize construction of the project; authorize the County Manager to sign the construction contract and any amendments/change orders up to the \$137,542 budgeted amount; and review and authorize the County Manager to sign the Ownership, Operations and Maintenance Agreement.

Steve Arndt, Asset Management Director, reviewed the following information:

**BACKGROUND:** Over the past several years, interested Orange County residents and supporters have organized in an effort to raise funds for the construction of a Veterans Memorial to honor the contributions and service of Orange County military veterans.

At the May 5, 2015 Board of County Commissioners Business meeting, the board voted to:

- 1) Approve the site for a Veterans Memorial on the former Hoyle home site at the Southern campus.
- 2) Authorize the Manager and staff to participate in the ongoing project planning process.
- 3) Reserve the right of final construction approval contingent upon Board approval of:
  - a) Ownership of the Memorial
  - b) Design
  - c) Budget and certification of adequate development and construction funds raised; and
  - d) Ongoing operations and maintenance agreement for the Memorial.

Phase I of the project was completed in 2016 at a cost of \$13,000. It was comprised of an information kiosk, gravel path and a temporary, telescoping flag pole.

Over the past five years, fundraising efforts have progressed and funds accumulated now total \$137,542. Attachment 1 provides a certification of adequate development and construction funds.

Swanson & Associates, a local Landscape Architecture firm, prepared design drawings for a flagpole, concrete and stone plaza and stone bench that would comprise Phase II of the memorial. Attachment 2 provides an overview of the design.

The project was placed out to bid in early October 2019 and bids were opened on October 15, 2019. Unfortunately, the apparent low bid received was \$232,425. Subsequent value engineering efforts failed to reconcile the difference between available funding and the scope/cost of work. The architect then revised the design and on April 30, 2020, obtained two additional quotes with the low bidder, Custom Stone NC provided a quote of \$98,000. The architect received a separate quote of \$10,000 for associated electrical lighting.

Attachment 3 is an agreement for the Ownership, Operations and Maintenance of the Veterans Memorial. The agreement stipulates that upon completion of construction, the Memorial will

become the property of Orange County and the County will be responsible for operations and maintenance of the Memorial and surrounding site. The agreement also requires the Orange County Veterans Memorial, Inc. to provide Orange County with \$500/year for ongoing maintenance and upkeep of the Memorial.

Bruce Runberg, Veterans' Memorial Co-Chair, said this has been a wonderful partnership. He said the contractor has proposed a very reasonable fee for the project, and the committee is eager to proceed. He said the site will be beautiful, and he thanked the Commissioners for their support.

A motion was made by Commissioner Price, seconded by Commissioner Bedford to:

- 1) Approve the certified budget and project design (Attachment 2) for Phase II of the Veterans Memorial project at the Southern Campus;
- 2) Authorize construction of the project, and authorize the County Manager to sign the construction contract and any amendments/change orders up to the \$137,542 budgeted amount; and
- 3) Authorize the County Manager to sign the Ownership, Operations and Maintenance Agreement (Attachment 3).

Chair Rich asked Commissioners to accept a roll call form of voting and called names accordingly.

**VOTE: UNANIMOUS**

Commissioner Greene thanked Bruce Runberg and James Merritt for their ongoing time and investment in this project.

**d. Discussion Regarding the Recital of the Pledge of Allegiance at Board of Commissioners' Meetings**

The Board considered the recital of the Pledge of allegiance at Board of County Commissioners' meetings.

Bonnie Hammersley reviewed the following information:

**BACKGROUND:**

The Board of Commissioners has previously received petitions requesting that the Board consider reciting the Pledge of Allegiance at all Board meetings. This item responds to those requests and gives Board members an opportunity to discuss the potential recital of the Pledge at meetings.

If the Board determines to move forward with reciting the Pledge at some or all meetings, staff will incorporate the Pledge recital into future meeting agendas as appropriate and will also draft an amendment to the Board's Rules of Procedure, to be considered at a future meeting, to formalize the practice.

**RECOMMENDATION(S):**

The Manager recommends that the Board discuss the potential recital of the Pledge of Allegiance at Board of Commissioners' meetings and provide any direction to staff as appropriate.

**PUBLIC COMMENT:**

Riley Ruske read the following comments:

Human beings are imperfect, and thus their actions are imperfect; however human beings of goodwill and character can achieve great things. 244 years ago, an imperfect, but courageous, group of men announced the declaration of independence. This started the journey of the creation of a great nation. 232 years ago that declaration resulted in the ratification of the Constitution of the United States, and 229 years ago that resulted in the first 10 amendments to the constitution. The continued existence of this nation depends on the commitment of its citizens to protect and preserve it, and the foundations upon which it stands, while also constantly working together to improve it. If our citizens no longer fulfill this civic duty, our nation will flounder and eventually dissolve, as have so many nations throughout history. It is therefore helpful to continually remind our citizens and government officials of that essential duty. 78 years ago the US Congress adopted the pledge of allegiance. One year ago the BOCC was petitioned to recite the pledge of allegiance at every one of its meetings. The words of the pledge not only remind our citizens and government officials of a civic duty of allegiance, but also remind us of the aspiration of achieving liberty and justice for all. The meetings of the BOCC are part of their duty to protect and preserve our nation and its foundations. The Commissioners' oath of office requires an affirmation of, "that I will support and maintain the constitution and laws of the United States." In fulfilling that oath, it is appropriate that Commissioners and citizens, present at those meetings, recite the pledge of allegiance. Let's start today.

Commissioner McKee said he put forth the petition to have this discussion, and he has a prepared motion to present, or the BOCC can have a general conversation.

The Board agreed to hear the motion.

A motion was made by Commissioner McKee, seconded by Commissioner Greene to open the first calendar meeting of the year, usually in late January; the last meeting before the summer break (mid-June); the first meeting of the fall term (early September), and the organization meeting (early December) with an invitation for the Commissioners and the members of the public in attendance to join in the recitation of the pledge of allegiance, should they so choose. If approved, this practice would begin after the BOCC discontinues virtual meetings.

Commissioner Dorosin asked if the motion is to recite the pledge four times a year, because he does not think the BOCC holds an organizational meeting each year, rather only does so after an election.

Commissioner McKee said the organizational meeting does occur every year.

Commissioner McKee said yes, he would like to recite the pledge four times a year. He said he sees no need to do so at every meeting, but he feels blessed to live here, and it seems appropriate to recite the pledge to mark the beginning and end of the BOCC seasons

Commissioner Greene said she supports this motion, and she has been considering that democracy is at risk currently, and it is important to remember the foundation of the nation. She said the history of the pledge goes back over 100 years, and was started to teach school children the importance of liberty and justice for all. She said she is gratified to have learned the history of the pledge. She said Commissioner McKee's motion is more than reasonable.

Commissioner Marcoplos said his perspective is different, and he sees this as a divisive power play to get the BOCC to recite the pledge. He said the BOCC works on real issues that will affect those in the future. He said there is no need to say a few words to communicate any patriotism, or wear it on one's sleeve, as actions speak much louder. He said this seems like theatre to him, and the BOCC expresses its patriotism in its very service. He said it is time to move on.

Commissioner McKee said wearing patriotism on one's sleeve would be reciting the pledge at every meeting, and that is why he is only recommending doing so 4 times a year. He said the pledge holds meaning for him. He said he is not forcing anyone to recite it, as his motion specifically says doing so is optional. He said he does not disparage anyone who chooses not to recite it.

Chair Rich stated that Commissioner Price asked if staff would look at how other local boards handle the recitation of the pledge, and staff discovered that no other local board does so.

Commissioner Dorosin said he appreciates the conversation, and has thought a lot about this topic. He said he, too, is grateful to live in this country, and takes his obligations to the Board and the County very seriously. He said foremost among the rights given by the constitution is the right to dissent. He said reciting the pledge at BOCC meetings has a compulsory air to it, and risks alienating those that choose not to do so. He said it would place pressure on those in attendance to participate. He said when the statement "under God" was added in 1954, the pledge went from being a secular statement to an endorsement of religion, and, in his opinion, violated the separation between church and state. He said in 1943, the US Supreme Court struck down a law compelling students to recite the pledge. He said he feels a great allegiance to this country, but does not feel residents should be required to make compulsory pledges.

Commissioner Marcoplos said he agreed completely with Commissioner Dorosin's comments.

Commissioner Greene said the motion does not require participation, and this will not be a group of impressionable school children, but rather adults who can do as their hearts convict. She said reciting the pledge allows a reclaiming of the roots of what this country stands for. She said the pledge should not have been captured by the right in culture wars, and her position is unchanged.

Commissioner Price said she can go either way, and she has never felt compelled to say the pledge. She said she has never experienced stigma for not reciting the pledge, and she feels Commissioner McKee's proposal is a compromise. She said North Carolina Association of County Commissioners (NCACC), National Association of Counties (NACo) meetings and Democratic Party meetings start with the Pledge.

Commissioner Bedford said she is torn. She said the original presentation of this item had an air of shame about it, but the current motion is a compromise. She said she would recite the pledge, but would do so on her own.

Commissioner Rich said she is not one that supports saying the Pledge of Allegiance, and has often felt judged for not doing so. She said the addition of "under God" made it problematic for her to recite. She said this item was brought to the Board as a scolding, and she does not like that. She said there is not justice for all in this country, and the pledge is not changing that. She said she loves her country, but will not support this motion.

Commissioner Greene said there was once a debate over flag burning, and she is happy to uphold one's right to do so as a matter of political protest. She said the pledge is full of words that promote unity and aspirational ideals for which the BOCC is fighting.

Commissioner Price said her agreement to compromise was not in support of the original petitioner, but rather in support of Commissioner McKee's reasonable compromise.

Commissioner Bedford said if this issue is deeply upsetting to some, she would rather respect that by voting no. She said those in favor of reciting the pledge can do so whenever they feel moved.

Chair Rich asked Commissioners to accept a roll call form of voting and called names accordingly.

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

**MOTION FAILS**

**7. Reports**  
None

**8. Consent Agenda**

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

Chair Rich pulled item 8-f.

- **Approval of Remaining Consent Agenda**

A motion was made by Commissioner Dorosin, seconded by Commissioner Bedford to approve the remaining items on the consent agenda.

Chair Rich asked Commissioners to accept a roll call form of voting and called names accordingly.

**VOTE: UNANIMOUS**

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

f. Chair Rich said more money was requested from the ABC Board than was received. She said Criminal Justice Resources department was awarded \$25,000 from ABC board for funds, despite requesting \$32,500. She asked if Commissioner Dorosin would follow up with ABC Board as to why the full funding was not received, as he is the BOCC representative to the ABC Board. She said higher amounts were given in previous years, and she recalls ABC sales being up this year, and she would like more information.

Commissioner Dorosin said he did not remember this item coming up at an ABC Board meeting, but he would follow-up.

Chair Rich said the ABC board will provide a final report. She said drug treatment court is important, and if sales are brisk, the BOCC should pressure the ABC board to give the full funding. She asked if she can pull 12 out of the amendment. She said the County will take the \$25,000, but she would really like to get the additional amount.

John Roberts said the BOCC can pursue additional funds at any time.

Bonnie Hammersley recommended that the BOCC approve the \$25,000, and have the Chair submit a letter to the ABC Board requesting the additional funds.

Commissioner Dorosin said he supported this approach.

Commissioner Price said the ABC Board has a similar approach to the BOCC for distributing funds. She asked if elected officials are allowed to vote on the use of these funds.

John Roberts said there is a way to address that, and staff will help work on this.

- **Approval of Items Pulled from the Consent Agenda**

A motion was made by Commissioner Price, seconded by Commissioner Dorosin to approve consent agenda item 8-f, Fiscal Year 2020-21 Budget Amendment #1.

Chair Rich asked Commissioners to accept a roll call form of voting and called names accordingly.

**VOTE: UNANIMOUS**

**a. Minutes**

The Board approved the draft minutes from May 28, June 2, June 4, June 9, June 16, July 7, and July 14, 2020 as submitted by the Deputy 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 six taxpayers with a total of seven 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 forty-eight (48) two taxpayers with a total of fifty-seven (57) 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 adopted a resolution, which is incorporated by reference, to approve tax exemptions/exclusions from ad valorem taxation for twelve (12) bills for the 2020 tax year.

**e. Tax Collector's Annual Settlement for Fiscal Year 2019-20**

The Board received the tax collector's annual settlement on current and delinquent taxes, approved by resolution the accounting thereof, and approved and approved the Order to Collect for Fiscal Year 2020-2021, and authorized the Chair to sign the Order.

**f. Fiscal Year 2020-21 Budget Amendment #1**

The Board voted to approve budget, grant, and capital project ordinance amendments for fiscal year 2020-21 for Coronavirus Relief Funding; South Orange Fire Service District; Board of Elections; Small Business Loan Program; Animal Services; Housing and Community Development; Department of Social Services; Department of Environment, Agriculture, Parks and Recreation; Department on Aging; Criminal Justice Resource Department; County Manager; Library Services; Solid Waste Program Fees; and Health Department.

**g. Approval of Eno-Haw Regional Hazard Mitigation Plan**

The Board approved and authorized the Chair to sign the attached resolution adopting the Eno-Haw Regional Hazard Mitigation Plan as approved by the NC Division of Emergency Management.

**h. Approval of Public Transportation Agency Safety Plan**

The Board approved the Orange County Public Transportation's Agency Safety Plan, a new requirement for transit agencies and sub-recipients who receive federal funds under the Federal Transit Administration's (FTA) Urbanized Area Formula Grants, and authorized the submittal of the Safety Plan to the NC Department of Transportation.

**i. Change in BOCC Meeting Schedule for 2020**

The Board approved changes to the Board of Commissioners' meeting calendar for 2020.

**j. Performance Agreement Between the Town of Chapel Hill and Visitors Bureau**

The Board approved the 2020-21 performance agreement between the Town of Chapel Hill and the Chapel Hill/Orange County Visitors Bureau.

**9. County Manager's Report**

Bonnie Hammersley said there is a work session on September 10.

## 10. County Attorney's Report

John Roberts said the legislature is returning tomorrow, with the primary stated focus of COVID relief.

John Roberts referred to the Research Triangle Logistical Park information, which was discussed at length earlier this evening. He said the BOCC has received a great deal of information/communication about this topic, some of which is false and inaccurate. He said it is unusual to have a rezoning project with such community interest, especially prior to the BOCC even receiving the project materials. He encouraged the Board to keep an open mind.

Commissioner Marcoplos thanked John Roberts for his report. He asked if more information can be included when notices are sent to neighbors, to better explain the process of BOCC decisions.

John Roberts said the Planning Department gives much more information than is required by law in its letters, but he will follow up with the exact details.

Commissioner Marcoplos said perhaps too much information is being sent out.

Bonnie Hammersley said staff is putting together an FAQ.

Travis Myren said it will be ready tomorrow.

Chair Rich said to refer the public to that page.

## 11. \* Appointments

NONE

## 12. Information Items

- June 16, 2020 and July 14, 2020 BOCC Meeting Follow-up Actions Lists
- Tax Collector's Report – Numerical Analysis
- Tax Collector's Report – Measure of Enforced Collections
- Tax Assessor's Report – Releases/Refunds under \$100
- Memorandum Regarding Nature of Orange Photography Contest

## 13. Closed Session

A motion was made by Commissioner Greene, seconded by Commissioner Marcoplos to go into closed session "To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee;" NCGS § 143-318.11(a)(6).

Chair Rich asked Commissioners to accept a roll call form of voting and called names accordingly.

**VOTE: UNANIMOUS**

***The Board moved into closed session at 11:18 p.m.***

A motion was made by Commissioner Price, seconded by Commissioner Greene to return to open session at 12:28 a.m. (September 2, 2020)

Chair Rich asked Commissioners to accept a roll call form of voting and called names accordingly.

**VOTE: UNANIMOUS**

**14. Adjournment**

A motion was made by Commissioner Dorosin, seconded by Commissioner Price to adjourn the meeting at 12:28 a.m. (September 2, 2020)

Chair Rich asked Commissioners to accept a roll call form of voting and called names accordingly.

**VOTE: UNANIMOUS**

Penny Rich, Chair

Allen Coleman  
Assistant Deputy Clerk

Submitted for approval by Gregory A. Wilder, Interim Clerk to the Board.