

**APPROVED 10/5/21**

**MINUTES  
ORANGE COUNTY  
BOARD OF COMMISSIONERS  
VIRTUAL BUSINESS MEETING  
September 2, 2021  
7:00 p.m.**

The Orange County Board of Commissioners met for a Virtual Business Meeting on Thursday, September 2, 2021 at 7:00 p.m.

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

**COUNTY COMMISSIONERS ABSENT:** None.

**COUNTY ATTORNEYS PRESENT:** John Roberts

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

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

A roll call was called; all members were present.

Chair Price welcomed everyone back from the summer break. She commented that the Delta variant of COVID-19 is making life difficult and confusing for many with new protocols, and that the Pfizer vaccine has been approved by the Federal Drug Administration. She said that the budget has not yet been passed by the General Assembly, and bills are being passed that may either help or have an adverse impact on counties. She continued with updates regarding Hurricane Ida and noted the loss of 13 service members who were helping people leave Afghanistan. She said there may be Afghan nationals coming to the United States over time, and encouraged the public to welcome them.

Due to current public health concerns, the Board of Commissioners is conducting a Virtual Business Meeting on Thursday, September 2, 2021. Members of the Board of Commissioners participated in the meeting remotely. As in prior meetings, members of the public were able to view and listen to the meeting via live streaming video at <http://www.orangecountync.gov/967/Meeting-Videos> and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

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

- Written submittals by email
- Speaking during the virtual meeting

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

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

Commissioner Price made a motion, seconded by Commissioner Fowler, to postpone item 7-a, the Update on the 2021 Appeals Process, until the September 14 meeting due to availability of the Tax Administrator.

**Roll call ensued****VOTE: UNANIMOUS**

Chair Price dispensed with reading the public charge.

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

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

**2. Public Comments****a. Matters not on the Printed Agenda**

Christian Kenna voiced his opposition to the standing face covering mandate within indoor public settings, including private businesses. He said he believes the decision to institute the mandate was not made based on medical evidence and fact. He said Commissioner Price told him the Commissioners consulted with the Orange County Health Director and the Mayors of Chapel Hill, Carrboro, and Hillsborough in making the decision. He said the medical director is an advisor and should not be in a position to make decisions that elected officials are accountable for making themselves. He said the decision was made by 6 commissioners and 3 mayors who are all Democrats, and said the decision making process was not one of due diligence, but rather groupthink. He said he would like to see the Commissioners seek the input of others in the community, and is here to give his perspective. He said wearing a mask has become a political issue across America. He said he hoped the Commissioners would have sought out medical studies that show masks provide measurable evidence in reducing the transmission of disease rather than blindly following the political legions. He said there has been no medical study that has proven that masks meaningfully reduced the spread of COVID, so why impose such a requirement. He said the mask is a symbol of county government doing something that everyone can see. He said there has not been a COVID death in Orange County since May 14 when the Governor lifted the statewide restrictions and mask mandate. He said the County's current average case county is 459 per 100,000, which is less than half a percent occurrence rate. He said Orange County also has the highest vaccination rate in the entire state at 80%. He said the Commissioners should commend and reward residents for this accomplishment and not impose mask mandates like other counties that have far less vaccination rates success. He said it is important to realize that Covid is here to stay and thinking must shift to it being like the annual flue. He said it is not realistic to endure facemasks and gathering limits with no foreseeable end date. He said Orange County residents need real leadership from Commissioners, not simply falling in line with what all the other counties are doing. He said the Commissioner should immediately end the mask mandate for all.

**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 Hamilton said she is glad to be back and encouraged residents to take COVID-19 seriously and follow guidelines of the health directives. She said hospitals are filling up with COVID patients, which affects others seeking health care.

Commissioner Fowler said she attended the Triangle Area Rural Planning Organization (TARPO) meeting on August 12, and the NCDOT is planning to suspend the prioritization 6.0 process, due to over programming, and will move onto the 2024-2033 plan. She said the US Congress infrastructure bill may provide benefits in terms of roads, bridges, public transit, etc. She said there is a surplus in fund balance, due to lack of travel, in the amount of \$30,000 in local funds. She said there was a request to put \$3-4,000 towards a plotter, which was approved. She said she attended a behavioral health task force meeting on August 19, and the Crisis Diversion Subcommittee reported it is entering phase 2 of planning facility design work. She said they also heard from Alliance about its realignment from Cardinal, and there is a timeline they are following to get providers onboard. She said they heard a presentation from UNC School of Public Health on the burden of excess alcohol use in Orange County, which is one of the few studies at a county level in the entire nation. She said this issue costs Orange County \$11.8 million per year in lost productivity, health care, criminal justice, etc.

Commissioner Greene welcomed back her colleagues. She said the Broadband Taskforce is on the cusp of putting out an RFP to get potential partners in the mission to get broadband to rural Orange County.

Chair Price said Commissioner Greene received an Outstanding County Commissioner Award.

Commissioner Bedford said she attended the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHCMPO) meeting, and there are plans for 2050 to be done with more analysis and scenarios to include bike/ped projects and what that would look like. She said she attended the school collaboration meeting this week, and the joint meeting with the Board and the schools will be September 23. She encouraged the Commissioners to send any agenda items to Chair Price. She said Orange County has been approved to move to Alliance MCO, with December 15 as the target date for the transition, and there will be more news to come. She said Travis Myren, Deputy County Manager, is the contact person and is managing all of that work.

Commissioner McKee said the Broadband Task Force has been busy, and the RFP is ready to go out. He said Commissioner Greene's leadership on this has been exemplary and has really helped move this work along. He said this is a long process, but hopefully it will get moving along with responses from providers. He made a petition, to the extent possible, that the Board of County Commissioners (BOCC) receive a report on performance of students and grade levels at the joint meeting with the schools. He said he heard a report on the radio that only 47% of students are scoring proficient in multiple areas now, which is not a pretty picture. He petitioned the Board to schedule an item for an upcoming work session on creating a policy to require any entity funded through the BOCC to set aside a time slot in their formal standing meetings to receive public comment. He said he is concerned that those who are allocating and spending public money should be willing to set aside a time slot for anyone to come to their meetings for public discourse. He said there should be a time for people to speak their minds because the County is spending their money.

Chair Price said there is an information item on the BOCC Elections Advisory Group (BEAG) that will be discussed on October 5. She said the public is welcome to make

comments at this meeting. She said she received a request from Chapel Hill to form a new library task force, as there is an MOU, which has expired. She said another meeting regarding the Buckhorn area is in the planning stage, and should be held in October. She said was requested to have a joint task force to look at school capital needs, and both schools boards have agreed. She said another topic that came out of the school collaboration meeting is the need for picnic tables and other items due to students eating outside at school. She said there are plans to get tents and shelters, and currently some children are bringing blankets to picnic. She said anyone who is willing to help should contact the school systems.

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

##### **a. Discussion and Appointment for the Vacant Position on the Orange County Board of Commissioners**

The Board discussed nominees for the vacant position, heard comments from nominees, and made an appointment.

#### **BACKGROUND:**

At the June 15, 2021 Business Meeting, the Board of County Commissioners addressed the issue of filling the vacancy for the District 1 seat on the board, which occurred on July 31, 2021. State statute requires that the Board consult the political party with which the departing commissioner is affiliated. The Board decided on the following course of action for filling the vacancy.

- The application form for nomination was designed and produced by the Clerk to the Board, Laura Jensen, in coordination with the Chair of the BOCC, Renée Price.
- Questions to be included in the application were received from members of the BOCC by June 22, 2021. The Orange County Democratic Party was also invited to submit questions.
- Applications for the vacancy were submitted to the Clerk to the Board by Monday, July 19, 2021, at 5:00 pm. Any individual wanting to be considered for the vacancy had to submit an application.
- The Clerk's Office forwarded all applications to the Orange County Democratic Party and BOCC for review. In addition, the applications were provided to the Board of Elections to verify the eligibility of each candidate.
- The Orange County Democratic Party had until August 16, 2021 to review the applications and provide three nominations to the Clerk to the Board and the Chair of the BOCC.
- The BOCC agreed to consider the nominations and vote by ballot on an individual to fill the vacancy at the September 2, 2021 BOCC meeting. The BOCC also agreed to give each nominee two minutes to address the BOCC at the meeting.

According to State statute, a decision on the next county commissioner must be made within sixty days of the vacancy. Otherwise, the Clerk of Superior Court shall make the appointment. Thus, the BOCC has a deadline to make a decision by September 29, 2021.

The Clerk to the Orange County Board of Commissioners received applications from the following individuals for the anticipated commissioner vacancy by the published deadline of 5:00 pm on Monday, July 19, 2021. The Director of Elections, Rachel Raper, confirmed that all of the applicants are registered Democrats and reside in District 1, making them eligible for appointment to the vacant seat.

- Marilyn Carter
- Rani Dasi
- Penny Rich
- Anna Richards

The applications from each applicant are attached. An August 19, 2021 letter from the Orange County Democratic Party is also attached.

The person chosen by the Board of Commissioners will take the Oath of Office shortly after the September 2, 2021 Business meeting and begin service on the Board of Commissioners in advance of the Board's work session on September 9, 2021. The selected individual will serve until December 5, 2022. A primary and general election will occur in 2022 to elect an individual to serve the remaining two years of the unexpired term through 2024.

Chair Price reviewed the background information for this item, and invited applicants to give their two-minute remarks.

Marilyn Carter greeted the Commissioners, and said she is honored to be considered for the open District 1 position on the Board. She said Orange County is one of the best run counties in North Carolina, but there is still work to do. She said she is running for Commissioner because there is work to do to create a more equitable Orange County now, in the face of a pandemic, and over the long term. She said citizens and community leaders in District 1, and across the County, have attested to her professional skills, life experiences, and track record of getting things done. She said she is honored to receive the highest level of support from Orange County Democratic party. She said since vacancy was announced, she has met with community leaders, elected officials, and citizens to gather ideas for building a better Orange County. She attended advisory board councils and task force meetings to immerse herself in operations of the county government. She said she has reviewed the county budget, ethics guidelines and Commissioner duties, as well as a 2-day, phase 1, racial equity institute training. She said she has worked to prepare for this position and is ready to work for the citizens as next commissioner.

Rani Dasi said while advocating for education as the foundation for healthy communities, she has come to more fully appreciate how important county government is to meeting basic needs, like access to healthcare, housing, employment, and other factors that contribute to community wellness and education. She said the pandemic has exposed resource disparities. She said as the community looks towards recovery, there is an opportunity to build on federal and state funding to cover core needs for residents. She said she wants to work with Commissioners to deepen collaboration across local municipalities, businesses and other stakeholders creating specific plans and prioritizing action in areas such as economic development, broadband, climate action, health resources, education, etc. She said she is a Carrboro resident and parent of 4, and understands what it means to residents and families when they lack resources. She said leadership requires considering different experiences that represent the diversity of Orange County residents, as well as the ability to understand finances and balance realities of funding constraints with short and long term County needs. She said she has 20+ years of financial leadership experience, and looks forwards to working hard at learning and being a part of the process forward. She said her 10 year old indicated his support, and will help her be a better Commissioner.

Penny Rich said the Board should appoint the most experienced and qualified person to fill the seat vacated by Mark Dorosin, and she is that person. She said the voters of Orange County agree, as she is the only applicant that ran as a candidate for that seat, receiving 12,496 votes. She asked the Commissioners not to silence the voters and tell them that their vote does not count. She encouraged the BOCC to believe in the democratic process and be

leaders who believe that voting is the most important action that residents in Orange County can take. She said the voters spoke and the Commissioners need to make their decision by listening to the voters of Orange County.

Anna Richards greeted the Commissioners. She said since submitting her application, she has heard the perspectives of Orange County residents and has attempted to educate herself further about the challenges facing the community. She said the process solidified her desire to serve as Commissioner. She said she is an advocate, working to advance opportunities and protect the rights of all people. She said in that role it has been clear for some time that community efforts alone only go so far, thus she has sought to build coalitions and collaborations with a broad range of civic and governmental organizations. She said she has come to appreciate more that Commissioners have a stated duty to provide safety and welfare for all County residents. She said the pandemic has laid bare the disparities across systems, affecting people, the challenges are many, and solutions will require a collaborative approach with creativity, perspective, experience, curiosity, passion, and empathy. She said her education, professional experience, and heart for the community prepare her for the opportunity. She said it would be her distinct honor to serve with the BOCC.

The Commissioners began the balloting process via Zoom polling.

Laura Jensen read the results, which indicated a unanimous vote for Anna Richards to be appointed to the vacant position on the BOCC.

Chair Price congratulated Commissioner-appointee Richards, and said that it was a hard decision to make. She said the Commissioners received emails, talked to community members, and all applicants were considered to be the best choice by various people in the community. She said she hopes all applicants will stay active in the community.

Commissioner Greene congratulated Commissioner-appointee Richards. She said this is not the ideal process for filling a vacancy on the Board. She said ideally, there would have been a special election, which is expensive and has drawbacks. She said, regardless, this is the process in place and the Commissioners have followed it and worked through it. She said the votes for former Commissioner Rich were not disregarded, and this was a statutory process, as opposed to an election, but she understands any frustration. She said she believes Anna Richards will be a very strong Commissioner.

John Roberts said remote meeting laws require Commissioners to be visible any time they are taking action, and unfortunately, the balloting process that had to be conducted due to a technical glitch made Commissioners not visible to everyone else. He asked if the Commissioners would each confirm their votes.

All Commissioners held up a sheet of paper with visible votes, indicating a unanimous vote for Anna Richards.

Commissioner McKee thanked all applicants, and said he thought any of them would have made a good Commissioner.

Chair Price invited Commissioner-appointee Richards to turn on her camera if she wished. She said there is a Work Session on September 9 and Commissioner-appointee Richards can work with Clerk to be sworn in and get her meeting packet for that meeting.

Commissioner Fowler said all 4 applicants were strong, smart, and engaged leaders, and this was a difficult decision. She acknowledged and appreciated the public service of Penny Rich and Rani Dasi and the strong leadership of Marilyn Carter in the local Democratic Party. She said she looks forward to working with Commissioner-appointee Richards, who, despite a successful career, remains engaged for the betterment of the community.

Commissioner Hamilton echoed Commissioner Fowler's comments, and said Orange County is lucky to have so much talent and people willing to serve. She said she is sure all candidates will continue to be engaged in the community.

Chair Price said it was a tough choice between intelligent and committed women, and this appointment leaves Earl McKee as the only male on the Board for probably the first time in its history.

Anna Richards said she appreciates the other applicants in this process, and it is her intention to engage with them because they are strong leaders in the community and do represent voices in the community, to which she wants to be sensitive. She said she wants to hear from them and hopes they will be open to collaborating and working with her. She said she is beyond humbled for the opportunity to serve, and is her intention to get on the learning curve. She said she appreciates staff for meeting with her. She said she will do the best she can to represent the needs of District 1 and Orange County.

**b. Presentation Regarding The Beacon**

The Board received a presentation on The Beacon Public Art Festival, scheduled to occur in the downtown communities of Chapel Hill, Carrboro and Hillsborough July 15 through August 15, 2022.

**BACKGROUND:**

The Beacon is a new, biennial, large-scale arts festival to be presented in partnership with fourteen community organizations. Its purpose is three-fold:

- To showcase high-quality, three-dimensional art in accessible locations throughout the downtowns of Chapel Hill, Carrboro, and Hillsborough while financially supporting the participating artists.
- To generate foot traffic, visitation, and patronage throughout our downtown communities following the negative impact of the COVID-19 pandemic, and during a traditionally low-traffic time of year, while showcasing our community hospitality.
- To provide the public with an accessible, barrier-free activity that encourages interaction with art, where they are directly responsible for selecting a winner.

Event partners include:

- Orange County Arts Commission (OCAC): Lead planning agency
- Chapel Hill Downtown Partnership: Funding/marketing partner
- Chapel Hill/Orange County Visitors Bureau: Funding/marketing partner
- Greater Chapel Hill Chamber of Commerce: Funding/marketing partner
- Hillsborough Arts Council: Community Partner
- Hillsborough Chamber of Commerce: Marketing partner
- Orange County Department of Economic Development: Funding partner
- Town of Carrboro (Tourism Bureau and Town Arts Committee): Funding/marketing partner
- Town of Chapel Hill (Department of Community Arts and Culture and Town Arts Commission): Funding/planning partner
- Town of Hillsborough (Tourism Board, Public Spaces Manager): Funding/planning partner
- UNC-Chapel Hill (UNC Arts Everywhere): Community Partner

Art on the Hill is inspired by similar events including Art Prize in Grand Rapids, Michigan, and Art Fields in Lake City, South Carolina. However, several factors will make Art on the Hill unique to Orange County and the only event of its kind in North Carolina. Like the events inspiring Art on the Hill, the festival will be an economic boon for our communities and bring attention to Orange County through a showcase of large-scale, fascinating works of public art. Further, our

festival will prioritize the support of participating artists, creating an environment where artists are compensated and made to feel celebrated.

Artists will apply to participate and be juried by a panel of professional visual artists. Accepted artists will be provided compensation to support their travel costs. In addition, artists will be housed with partner hotels, making the experience as affordable and welcoming as possible.

During the event, the public will seek out the locations of the installations, voting on their favorite pieces through an online portal. The piece with the most votes will receive a People's Choice Award. A professional jury panel will also evaluate entries and award prizes. The prize for the People's Choice Award and juror's 1st place award be the same amount, prioritizing the input of the public. Jury members include Larry Wheeler, retired director of the NC Museum of Art, and Stacey Kirby, Art Prize 2016 First Place Winner.

Chair Price reviewed the background information for this item.

Katie Murray, Arts Commission Director, made the following PowerPoint Presentation:

#### Slide #1



Katie Murray said this event will be the first of its kind for Orange County and the state. She resumed the PowerPoint presentation:

#### Slide #2



## Slide #3

**THE BEACON**  
FESTIVAL OF PUBLIC ART

JULY 15 – AUGUST 15, 2022

DOWNTOWN CHAPEL HILL | CARRBORO | HILLSBOROUGH

**GOAL 2**

To generate foot traffic, visitation, and patronage to our downtown communities during a traditionally low-traffic time of year while showcasing our community hospitality and pride.

Image: "Spectral Locus" by Amanda Browder, Buffalo, NY, 2016.

Katie Murray said a study conducted by the tourism board showed that one of the challenges in the local community is showing a sense of hospitality. She said this event will be an opportunity to show off the county's hospitality. She resumed the PowerPoint presentation:

## Slide #4

**THE BEACON**  
FESTIVAL OF PUBLIC ART

JULY 15 – AUGUST 15, 2022

DOWNTOWN CHAPEL HILL | CARRBORO | HILLSBOROUGH

**GOAL 3**

To provide a free, accessible festival and engage the public through interaction with art, where they are directly responsible for selecting a winner.

Image: "Safety Orange Swimmers," 2005, by Ann Hirsch and Jeremy Angler, Boston 2017.

## Slide #5

**THE BEACON**  
FESTIVAL OF PUBLIC ART

**EVENT CONCEPT**

1. Three dimensional artists will apply to participate, be juried by a panel of experts, and receive a stipend for participation
2. Outdoor locations will be matched with accepted artists
3. During the festival, the public will seek out the work and vote on their favorite through an online portal
4. Cash prizes will be given for juried winners and People's Choice

Image: "The Phoenix" by Joe Butts, ArtPrize, 2015.

## Slide #6



**THE BEACON**  
FESTIVAL OF PUBLIC ART

**INSPIRATION: ART PRIZE**  
*Grand Rapids, MI*

- Nineteen days, biennial
- 500,000 attendees; 1,400 works
- Top Prize: \$200k each for juried/ People's Choice winner
- Economic Impact: \$33M

**OTHER INSPIRING EVENTS**

- Art Fields: Lake Park, SC (event revitalized small community)
- Splash: Elizabeth City, NC (celebrated artists, welcoming them arms-open with community hospitality)

Image: "108 Death Masks: A Communal Prayer for Peace and Justice" by Nikesha Breeze, ArtPrize 2018

## Slide #7



**THE BEACON**  
FESTIVAL OF PUBLIC ART

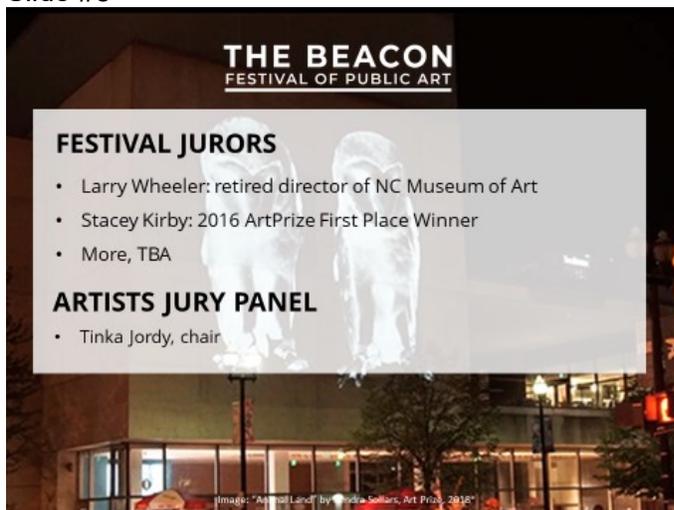
**PARTNER ORGANIZATIONS**  
Orange County Arts Commission (lead planning agency)

- Chapel Hill Chamber of Commerce/Carrboro Business Alliance
- Chapel Hill Downtown Partnership
- Chapel Hill/Orange County Visitors Bureau
- Hillsborough Arts Council
- Hillsborough Chamber of Commerce
- Orange County Economic Development
- Town of Carrboro
- Town of Chapel Hill
- Town of Hillsborough
- UNC Arts Everywhere

**AND...**

- Arts Access

## Slide #8



**THE BEACON**  
FESTIVAL OF PUBLIC ART

**FESTIVAL JURORS**

- Larry Wheeler: retired director of NC Museum of Art
- Stacey Kirby: 2016 ArtPrize First Place Winner
- More, TBA

**ARTISTS JURY PANEL**

- Tinka Jordy, chair

Image: "Animal Land" by Tinka Jordy, Art Prize, 2018

Slide #9



Slide #10



Commissioner Greene said this festival sounds great. She said it has been in the works for a long time, and she is confident Katie Murray will be able to pull off. She said she is a little worried if COVID will still be around, and is also concerned about the weather with it being hot in the summer. She suggested fans and water stations.

Commissioner Hamilton thanked Katie Murray for her presentation, and said this idea reminds her of her hometown, which had an Arts Festival every year. She said the information on the festival in Michigan was interesting, and she would like to understand the full benefits and full costs of this event for the Orange County community.

Commissioner Bedford asked if the festival could pair with musical events or other events.

Katie Murray said there will be all sorts of associated events going on, including a kickoff and closing event. She said the event will take advantage of the things that are already happening in the community.

Commissioner Bedford said this would be a great opportunity for students who need service hours.

Chair Price said she thinks this is a great idea, and wants to spread the word about the economic impacts statewide. She said it will have a rippling effect, bringing money, happiness and joy, which everyone will need after the pandemic. She said it will also bring communities together.

Katie Murray thanked the Commissioners for the comments, and said she believes the heat will be beneficial in driving people into businesses to cool off. She said there will also be spritzers and fans as merchandise for the event.

Chair Price said there are misters at festivals in Las Vegas, which could be an option for certain areas of the festival.

**5. Public Hearings**

**a. NCDOT Public Transportation Division/Public Transportation – 5311 Community Transportation Program Grant Application for FY 2023**

The Board conducted a public hearing on the proposed NCDOT 5311 Community Transportation Program grant application; approved submittal of the 5311 Grant application for FY 2023 in the total amount of \$187,568, with a local match total of \$28,135 to be provided when necessary; approved and authorized the Chair to sign the 5311 Program Resolution, Local Share Certification, Anticipated DBE/DWE Vendor Awards; DBE Certification Form; EEO Questionnaire Form; and the Title VI Program Report; reviewed the 2021 Certification and Assurances Signature Pages and authorized the Chair and the County Attorney to review and sign the FY22 Certifications and Assurances when available; and reviewed and approved the Grant Designee Certification Form Resolution authorizing the Transportation Services Director to serve as the designee.

**BACKGROUND:**

Each year, the NCDOT Public Transportation Division accepts requests for administrative needs for county-operated community transportation programs. OCPT is eligible to make application for administrative funding. NCDOT has awarded OCPT \$159,433 in grant funds, a detailed breakdown is outlined in the table below:

<b>5311 Grant Application: FY23</b>	
<b>Total</b>	<b>\$ 187,568</b>
Federal	\$ 159,433
Local	\$ 28,135

Theo Letman, Transportation Director, reviewed the background information for the item. He said this is an annual request for approval to apply for the rural transportation administrative grant program. He said the Community Transportation Program (CTP) is administered by the state and requires a local match. He said it provides administrative support for community operated Community transportation programs. He said the County typically uses these funds for administrative and staff salaries, as well as other administrative supplies that reduces cost to the County for services provided in rural areas. He said the grant provides Orange County access to funds for transportation infrastructure that promotes economic self-sufficiency to a wide range of residents and locations. He said in the past year, this funding undergirded the rural transportation services in Orange County. He said a public hearing is

required for the grant to give the public the opportunity to speak and to share comments relative to the grant.

Chair Price said there is no one signed up to speak, but the Commissioners must still open and close the public hearing.

A motion was made by Commissioner Bedford, seconded by Commissioner Hamilton, to open the public hearing on the proposed grant application.

**Roll call ensued**

**VOTE: UNANIMOUS**

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

**Roll call ensued**

**VOTE: UNANIMOUS**

A motion was made by Commissioner Bedford, seconded by Commissioner Fowler, to approve submittal of the 5311 Grant application for FY 2023 in the total amount of \$187,568, with a local match total of \$28,135 to be provided when necessary; approve and authorize the Chair to sign the 5311 Program Resolution, Local Share Certification, Anticipated DBE/DWE Vendor Awards, DBE Certification Form, EEO Questionnaire Form, and the Title VI Program Report; and approve the Grant Designee Certification Form Resolution authorizing the Transportation Services Director to serve as the designee.

**Roll call ensued**

**VOTE: UNANIMOUS**

## **6. Regular Agenda**

### **a. Change in BOCC Meeting Schedule for 2021**

The Board considered changes to the Board of Commissioners' meeting calendar for 2021.

#### **BACKGROUND:**

Pursuant to North Carolina General Statute 153A-40, the Board of County Commissioners must fix the time and place of its meetings or provide a notice of any change in the Meeting Schedule.

There is one proposed Meeting Calendar change for 2021, as it relates to Board of Commissioners' meetings currently scheduled to occur in-person in 2021. Due to current public health concerns, it is proposed that the Board of Commissioners conduct Virtual Board Meetings during the months of September and October 2021.

Members of the Board of Commissioners would be participating in the meetings remotely. As in prior meetings, members of the public would be able to view and listen to the meeting via online

streaming video or on Spectrum Cable TV. The meetings would be streamed in real-time on the County's website for public viewing/listening, real-time broadcast on Spectrum Cable, and video-recorded for future television broadcast and reference on the County's website.

### **September 2021 Virtual Meetings**

September 9 BOCC Virtual Work Session – 7:00 pm  
 September 14 BOCC Virtual Business Meeting – 7:00 pm  
 September 23 BOCC Joint Virtual Meeting with Schools – 7:00 pm

### **October 2021 Virtual Meetings**

October 5 BOCC Virtual Business Meeting – 7:00pm  
 October 7 BOCC Virtual Joint Meeting with Fire Departments and Work Session – 7:00 pm  
 October 19 BOCC Virtual Business Meeting – 7:00pm

Chair Price reminded the Commissioners that the Board planned back in June to have tonight's meeting in person, but that did not happen due to the delta variant. She said this item is for the Board to consider a revised schedule again. Chair Price asked if the Clerk to the Board had any comments on this item.

Laura Jensen said staff will make sure the Board's decision is properly noticed.

Commissioner McKee said his petition is that the Board go into, and remain in, open session besides the September 2 and September 9 meetings. He said Commissioners and staff can fit comfortably and safely in the boardroom at the Whitted Building, and described how this is possible. He said elected officials should meet in public when discussing public matters, and while virtual meetings work, they do not have the same access as in person meetings. He said children are back in school safely, and the BOCC should be able to do the same.

Commissioner Bedford agreed with Commissioner McKee about the quality of the meeting being better in person when the public can be present. She said children under age 12, who cannot be vaccinated, are still at risk and, given breakthrough cases and heightening restrictions elsewhere, she thinks continuing virtual meetings for the time being is more appropriate. She said 6 week check-ins seem appropriate. She said she does not feel safe not knowing which members of the public are and are not vaccinated.

Commissioner Hamilton said she understands and sees both sides of this issue. She said her mother lives in a facility, and it just went into lock down due to a positive test for Covid. She said she would like to think through a middle position, especially regarding the issue of how to accommodate the public in the space. She said she would also like to determine agreed upon criteria to trigger meeting in public again: what figures does the Board want to see, etc.

Chair Price agreed the Commissioners and staff could fit in the room safely, but does not know how logistics of bringing in the public would work. She said she wants to take the delta variant seriously, as it is so transmissible, and no one knows what the next variant may look like. She said she is willing to meet virtually for the next 3 meetings, and understands the Clerk's concern of wanting to have advanced notice. She said the County is taking this one-day at a time, in many ways.

Commissioner McKee said he does not want to jeopardize anyone else's health either. He said his only intent is to get public business back into public meetings. He said this should be a thought out plan. He asked if staff would work with the Health Director and Asset Manager on how the room can be configured to achieve the goal of safely returning to in person meetings, so that the plan will be in place when the time comes.

A motion was made by Commissioner Bedford, seconded by Commissioner McKee, to amend the Board of Commissioners' meeting calendar for 2021 and conduct all meetings scheduled for September and October 2021 virtually.

**Roll call ensued**

**VOTE: UNANIMOUS**

Commissioner Fowler agreed with Commissioner Hamilton that there should be a process and rules and said everyone should be wearing masks for the meetings. She said in June and July everyone thought the Board was good to go back in person, but the delta variant has changed that. She said she supports continuing some virtual aspect for the public going forward, as it creates more access for some people.

Commissioner Greene suggested the Board start with a work session in person to start the process and see how to set the room up, since public comments are not accepted at work sessions.

**7. Reports**

**a. Update on 2021 Appeals Process**

The Board received a report on the progress of the 2021 Appeals Process.

**BACKGROUND:**

2021 is a Revaluation year, and in March 2021, the Notices of Revaluation were mailed to property owners. Property owners have the right to appeal their value each year, and it is especially important in a revaluation year when values are adjusted to current fair market value per NC General Statute 105-286 to equalize and redistribute the County's tax base.

Soon after the Notices were mailed, community leaders in the area brought inconsistencies in the valuation of properties within neighborhoods, including Chapel Hill's Northside Neighborhood Conservation District and other conservation districts in the Chapel Hill area, to the attention of the Tax Assessor and the Board.

Community leaders also expressed concerns that the established appeal period did not allow enough time for property owners to appeal, citing the need to provide assistance for property owners not familiar with the process and the constraints of the current pandemic. By resolution approved on June 15, 2021, the Board of Commissioners directed the Tax Assessor to extend the Board of Equalization and Review's adjournment date from June 30 to September 1, 2021. This action extended the formal appeals period until September 1, 2021.

Many of the properties located in the Northside Neighborhood Conservation District submitted value appeals. After reviewing these properties, and considering information provided by leaders of the Jackson Community Center about the neighborhood conservation districts, the Tax Assessor approached the Board of Equalization and Review (BOER) to exercise its power and duties as noted in NC General Statute 105-322(g)(1)(b,c,d) and request the Tax Office review the remaining properties in the Northside neighborhoods that were not appealed, and make any necessary corrections to these properties and their values to be consistent with the actions taken on properties within the Northside neighborhoods that were appealed. The BOER requested the additional review at its July 28, 2021 meeting.

The BOER will adjourn as of September 1, 2021 and continue to hold post-adjournment hearings to complete review of the appeals submitted through the adjournment date, and according to the 30-day appeal period provided in decision notices.

Current data on appeals (through August 24, 2021):

- 2,004 appeals total – 1,682 informal and 322 formal
- 1,802 have been completed, including all but 3 of the informal appeals which are commercial properties
- 58 appeals have been submitted since the original appeals deadline of June 30
- 191 total appeals from Northside area - 183 informal and 8 formal

As Decision Notices continue to be mailed for the ongoing appeals, the appellants are provided a 30-day window from the date of the decision notice to appeal at the formal level to the BOER, and are not held to the date of adjournment if the 30-day window reaches beyond the September 1 deadline. Post-adjournment hearings are expected to continue through December.

**This item was postponed until the September 14, 2021 Business Meeting.**

## **8. Consent Agenda**

Commissioner Bedford noted a change to the May 20, 2021 meeting minutes.

A motion was made by Commissioner Bedford, seconded by Commissioner Fowler, to approve the consent agenda.

**Roll call ensued.**

## **VOTE: UNANIMIOUS**

- Removal of Any Items from Consent Agenda
- Approval of Remaining Consent Agenda
- Discussion and Approval of the Items Removed from the Consent Agenda

### **a. Minutes**

The Board approved the draft minutes for the May 18, 2021, May 20, 2021, May 27, 2021, June 1, 2021, June 3, 2021, June 8, 2021, June 15, 2021, and June 28, 2021 Commissioner Meetings.

### **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 thirteen (13) taxpayers with a total of fourteen (14) bills that will result in a reduction of revenue.

### **c. Property Tax Releases/Refunds**

The Board adopted a resolution, which is incorporated by reference, to release property tax values for twenty-eight (28) taxpayers with a total of thirty-five (35) bills that will result in a reduction of revenue.

### **d. Tax Collector's Annual Settlement for Fiscal Year 2020-21**

The Board received the tax collector's annual settlement on current and delinquent taxes, approved by resolution the accounting thereof, and upon acceptance of the reports, issued the Order to Collect for Fiscal Year 2021-2022.

**e. Resolution Confirming Orange County's Agreement to Adopt the General Records Retention and Disposition Schedule for Local Government Agencies**

The Board adopted a resolution, which is incorporated by reference, confirming Orange County's adoption and enforcement of the redesigned General Records Retention and Disposition Schedule for Local Government Agencies ("General Schedule"); authorized the Chair to sign the resolution and execute the necessary documents on behalf of the Board; authorized the County Manager and Clerk to the Board to execute the necessary documents as required by the NC Department of Natural and Cultural Resources; following review by the County Attorney, authorized the County Manager to approve any subsequent amendments to the General Schedule; and following review by the County Attorney, authorized the County Manager to approve any Department or Program-specific records retention schedules.

**f. Fiscal Year 2021-22 Budget Amendment #1**

The Board approved budget, grant, and capital project ordinance amendments for Fiscal Year 2021-22 for the Department on Aging; Planning and Inspections Department; Orange County Transportation Services; Health Department; Department of Environment, Agriculture, Parks and Recreation; Child Support Services; Series 2021 Financing – General Obligation Bonds; Chapel Hill Carrboro City Schools Capital Projects; County Manager's Office; Animal Services; Department of Social Services; Housing and Community Development; Library Services; County Manager – Arts Commission; Criminal Justice Resource Department; and Orange Rural Fire Department.

**g. Approval of Financing Arrangements for White Cross Fire Department to Purchase Fire Truck and Associated Equipment**

The Board approved White Cross Volunteer Fire Department (WCFD) entering into a financing arrangement to purchase a replacement fire engine truck and associated equipment and authorized the Board of Commissioners' Chair to sign the appropriate documents related to the financing arrangements.

**h. Approval of Boards and Commissions Assignments**

The Board approved assignments for members of the Board of Commissioners on Boards and Commissions with current vacancies.

**i. 401 Valley Forge Road Annexation**

The Board approved the submittal of a petition for voluntary annexation to the Town of Hillsborough for 12.866 acres of land, buildings and other improvements owned by Orange County and located at 401 Valley Forge Road, Hillsborough, NC; and upon review by the County Attorney, authorized the Chair to sign the petition and related documents.

**j. North Carolina Forest Service Lease of a Portion of the Orange County Bonnie B. Davis Environmental and Agricultural Center (EAC)**

The Board adopted and authorized the Chair to sign a resolution, which is incorporated by reference, approving the lease of a portion of the Orange County Bonnie B. Davis Environmental and Agricultural Center to the North Carolina Forest Service; and reviewed and authorized the Manager to sign the lease upon final review by the County Attorney.

**k. Northern Campus Water and Sewer – Transfer of Ownership to Town of Hillsborough**

The Board approved transferring the ownership of the recently constructed water and sewer utility infrastructure associated with the construction of the Northern Campus Project to the Town of Hillsborough.

**I. Revision of a 1986 Memorandum of Understanding between the Town of Chapel Hill and Orange County for the County to Provide Enforcement of Chapel Hill's Soil Erosion and Sedimentation Control Regulations**

The Board considered revisions to an existing Memorandum of Understanding (MOU) between the Town of Chapel Hill and Orange County regarding the provision of Erosion Control services by Orange County to the Town of Chapel Hill; and approved and authorized the Chair to sign the resolution regarding the proposed MOU revisions and authorize the County Manager to sign the revised MOU on behalf of the County.

**m. Designation of Inflatable Boat as Surplus Property and Approval of Transfer to Orange Rural Fire Department**

The Board approved the designation of a 2015 Inmar inflatable rubber boat (vessel I.D. IMG3SA45J415) and accompanying 20 HP Suzuki (02002F-513562) jet prop as surplus property; and approved and authorized the Chair to sign a resolution approving and authorizing staff to transfer the surplus property to Orange Rural Fire Department.

**n. Appointment of Corey Root to the Central Piedmont Community Action, Inc. Board of Directors**

The Board approved and authorized the Chair to sign a resolution authorizing the appointment of Corey Root to the Central Piedmont Community Action, Inc. (CPCA) Board of Directors.

**o. Quarterly Report (2021 Q2) for Orange County's CDBG-CV Grant**

The Board reviewed the quarterly report and authorized the Chair to sign the report for submission to the NC Department of Commerce.

**9. County Manager's Report**

Bonnie Hammersley highlighted three information items: the first is the BOCC Elections Advisory Group report, which she wanted to give the Board and public a chance to read. She said this is scheduled for discussion on October 5. She said staff will try to do the same with information on Broadband, as it develops. She said Nancy Freeman, Tax Administrator, will be available on September 14 to share the developments on the Tax Appeals process. She said there is also an update on the Buckhorn Outreach Plan and what was done over the summer. She said staff will try to keep Board apprised of developments in small group updates.

Chair Price said she would like to meet some of the new Directors and people who have taken over for retirees.

Bonnie Hammersley said Rebecca Crawford, formerly Quintana Stewart's assistant in the Health Department, has taken over Paul Laughton's position following his retirement. She said she will also introduce the Board to the new Animal Services Director, Dr. Sandra Strong, at the September 14th meeting.

**10. County Attorney's Report**

John Roberts said he usually does legislative updates by email, but wanted to point out a couple because they will directly affect BOCC meetings, and even affected the meeting tonight. He said the 24-hour waiting period after public hearings, which has caused the Board to not be able to make some decisions on the night of a public hearing, was amended and no longer applies. He said going forward there will not have to be a delay. He said the Governor signed a bill today that has been several years in the making, which makes it harder for counties to adopt ordinances with misdemeanors as part of the enforcement provisions and flat out prohibits misdemeanors and certain types of ordinances such as land use ordinances, zoning subdivisions, etc.

**11. \*Appointments****12. Information Items**

- June 15, 2021 BOCC Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis
- Tax Collector's Report – Measure of Enforced Collections
- Tax Assessor's Report – Releases/Refunds under \$100
- Memorandum Regarding Outreach Status as Follow-up to the Buckhorn Area Study
- Memorandum Regarding Orange County/Durham County DCHC MPO – Durham City Governance Study Interlocal Agreement (ILA)
- Memorandum – LME/MCO Realignment Status
- Transmittal of the Final Report from the BOCC Elections Advisory Group (BEAG) on the Process for Electing County Commissioners in Orange County

Commissioner Greene said the dedication of the Schley Grange Hall on the national historic register will take place on September 12<sup>th</sup> from 2:00-4:00 p.m. She said this is a significant event for that community and the County.

**13. Closed Session**

A motion was made by Commissioner McKee and second by Commissioner Fowler to enter into closed session at 8:39 p.m. "pursuant to G.S. § 143-318.11(a)(3) "to consult with an attorney retained by the Board in order to preserve the attorney-client privilege between the attorney and the Board" and to approve closed session minutes.

**Roll call ensued.**

**VOTE: UNANIMOUS**

**Resume regular session**

A motion was made by Commissioner McKee and seconded by Commissioner Hamilton to enter into regular session at 9:18 p.m.

**14. Adjournment**

A motion was made by Commissioner Greene and seconded by Commissioner Bedford to adjourn the meeting at 9:18 p.m.

**Roll call ensued**

**VOTE: UNANIMOUS**

Renee Price, Chair

Tara May  
Deputy Clerk to the Board

Submitted for approval by Laura Jensen, Clerk to the Board.