

APPROVED 2/4/2020

**MINUTES
BOARD OF COMMISSIONERS
BUSINESS MEETING
January 21, 2020
7:00 p.m.**

The Orange County Board of Commissioners met in a Business Meeting on Tuesday, January 21, 2020 at 7:00 p.m. at the Whitted Human Services Center in Hillsborough, N.C.

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

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 Donna Baker (All other staff members will be identified appropriately below.)

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

1. Additions or Changes to the Agenda

Chair Rich noted the following items at the Commissioners' places:

- 4b- PowerPoint and Report for OWASA
- 6a- PowerPoint and Revised Resolution for Greene Tract
- Blue sheet: Board of County Commissioners' quarterly travel expenses
- Green sheet: Information from Commissioner Greene re: Removal of Thomas Ruffin's picture
- White sheet: Two resident post cards in re: Refugees' resettlement

PUBLIC CHARGE

The Chair acknowledged the public charge

Arts Moment

Katie Murray, Orange County Arts Commission Coordinator, introduced Karina Castañeda Esparza:

Karina Castañeda Esparza is a proud daughter of two immigrant parents. She is from Mebane, North Carolina. Her top priority at the moment is to continue her academic journey and make her parents proud. She plans to major in psychology. While she does not know exactly what she wants her career to be, she knows for a fact that she is headed toward a place in life her parents have always dreamt of for her. Since her freshman year at Orange High School, she has worked tutoring students that recently came from Spanish speaking countries or who struggle with the English language. She is committed to leading other Latinx students and minorities toward success. Over the past two years she has been involved in many community service programs and events and photography. She cares about unity and equality and knows that with strong, forward thinking and diverse students, girls and boys of every color will be able to thrive and earn the education they deserve.

Karina Castaneda Esparza read an excerpt of her work.

2. Public Comments

a. Matters not on the Printed Agenda

Riley Ruske said he has several hopes for the Board of County Commissioners (BOCC) this coming year: it would uphold its oath of office to support and maintain the constitution and laws of the United States and North Carolina; rescind all resolutions supporting illegal immigration as well as those that infringe on citizen freedoms; and to publicly discuss and vote on any public petitions. He closed his comments by reciting the Pledge of Allegiance, inviting the Board and staff to join him, many of whom did not do so the last time he recited the pledge at a meeting.

Seamus O'Neill said he would like to ask the Board of County Commissioners to repeal the sales tax that was installed 10 years ago to support the light rail. He said this sales tax is one of the most regressive taxes and most strongly harms those that are least able to pay for it.

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 Dorosin said he attended the ABC Board meeting last week, and one of the issues being discussed is increasing the living wage. He said this board is currently paying the living wage, and it is now time for an increase and there is concern about compression. He said the last time it was done, the overall cost was around \$100,000, including compression. He said the board is concerned that if it does the updated adjustment, it would want to include the compression costs again. He said the board asked him to take a proposal back to the Board of County Commissioners proposing that the amount the ABC Board contributes to the general fund be reduced by the same amount as the increase needed to cover the living wage increase. He said he would be in favor of discussing this compromise, given the BOCC's support of the living wage.

Chair Rich said this topic can be added as an agenda item at a future meeting for further discussion.

Commissioner Marcoplos said Durham County has stopped purchasing plastic water bottles with county funds, and he petitioned that Orange County do the same.

Commissioner Greene referred to the green sheet at the Commissioners' places, and said the portrait in the County Courthouse of Thomas Ruffin has come down. She said Senior Superior Court Judge Fox made this request after having a conversation with former Public Defender James Williams. She said James Williams made this request as new information about Judge Ruffin has come to light regarding his personal life. She said the North Carolina Supreme Court is also considering removing a portrait of Judge Ruffin, which sits prominently behind the Chief Justice. She petitioned the Board to issue a statement informing the public about this decision and why it was made, which can be sent to Judge Fox and Chief Justice Cheri Beasley. She sent the following email to the BOCC:

As a result of conversations that former public defender James Williams has had with Judge Fox—bringing forward new information—Judge Fox requested the removal of the portrait of Chief Justice Thomas Ruffin that had been hanging in the courtroom of the historic Orange County Courthouse. My understanding is that Travis has honored his request by seeing to the removal and placing the portrait in storage.

This discussion arose in the context of a discussion currently happening at the N.C. Supreme Court level about the appropriateness of the placement of a large portrait of Judge Ruffin in the

most prominent position, behind the Chief Justice's seat, in the Supreme Court courtroom. Chair Rich has sent you a recent news story explaining the research and reasoning behind this concern.

I'm hoping that tonight we can vote to endorse this statement and decide to send it especially to Judge Fox and to Chief Justice Beasley.

Commissioner Greene read the following:

Last week, Senior Resident Superior Court Judge Carl R. Fox requested the removal of the portrait of former North Carolina Supreme Court Chief Justice Thomas Ruffin from the courtroom in the historic Orange County Courthouse "because of his racist past and his participation in slave trading and slave ownership." The county manager's office has complied with his request.

A Hillsborough attorney, Orange County farmer, and trustee of the University of North Carolina at Chapel Hill, Ruffin joined the Supreme Court in 1829, serving as chief justice from 1833 to 1852. The portrait is a copy of one commissioned by an honor society at UNC. It had hung in the courtroom since a renovation in 1993.

Ruffin was nationally recognized during his lifetime for his keen judicial mind. Little mentioned after his death, however, was an opinion in recent years deemed to be among the most shocking in the entire body of slavery law. *State v. Mann* (1829), as Judge Fox wrote in a statement, "rivals the Dred Scott decision in its horror and inhumanity."

State v. Mann gave enslavers virtually unlimited powers of discipline. In overturning a Chowan County's verdict of assault against a man who had shot a young enslaved African American woman in the back as she fled from his chastisement, Ruffin wrote: "The power of the master must be absolute, to render the submission of the slave perfect." There was no legal or statutory precedent to justify the opinion. Its language was broadly circulated, licensing extreme physical abuse.

As a businessman, Ruffin trafficked in human lives: he secretly partnered with a South Carolina man in a speculative slave trading business. His personal life too indicates little respect for enslaved people: he once took a cane to an enslaved woman who had come on to his property without permission.

These facts are among those discovered in original research conducted by UNC law professor Eric Muller and Commissioner Sally Greene.* As a result of their findings, the large portrait of Judge Ruffin prominently placed in the courtroom of the North Carolina Supreme Court has come under scrutiny. A committee named by Chief Justice Cheri Beasley is in the process of considering the appropriate disposition for this and the other portraits in the Court's collection. Their deliberations are expected to continue through the end of 2020.

As the truth about Ruffin's life and work becomes more widely known, it is increasingly difficult to justify his portrait in a position of special honor in any courthouse. The Orange County Board of Commissioners applauds Judge Fox's exemplary leadership in recognizing the silent but very real impact that the portrait of Ruffin could have on the interests of fair and impartial justice in Orange County and in taking appropriate action.

*Op-ed published on Oct. 25, 2019, in the *News & Observer*,
<https://www.newsobserver.com/opinion/article220326985.html>

Chair Rich said she asked Commissioner Greene to read this so the BOCC could discuss it, possibly put it on letterhead, and send it to Judges Fox and Beasley.

Commissioner Marcoplos thanked Commissioner Greene.

Commissioner Dorosin said something should also be put on the County website.

Commissioner Price said the woman that was shot was named Lydia, which should be recognized. She said Thomas Ruffin is buried here in Hillsborough, and no one has ever taken any action up to now. She said it is time that something is done.

Commissioner Greene said the Triangle J Council of Governments (TJCOG) is having a meeting on February 5th on affordable housing, and both she and Chair Rich cannot attend. She said the meeting is asking for elected officials to attend.

Commissioner Price thanked all of the organizers and participants of MLK events. She said the Durham Chapel Hill Carrboro Metropolitan Planning Organization (MPO) approved a release of a draft Unified Planning Work Program, and a public hearing will held at the next MPO meeting on February 12th in Durham.

Commissioner Price said some constituents are concerned about the agreement between the UNC Board of Governors and the Sons of the Confederate Veterans. She said she would like the BOCC to consider sending a letter of support.

Chair Rich said MLK weekend was amazing, and she congratulated Carrboro on the grand opening of the MLK Park.

4. Proclamations/ Resolutions/ Special Presentations

a. National Mentoring Month Proclamation

The Board considered voting to approve a proclamation designating January 2020 as National Mentoring Month in Orange County and authorize the Chair to sign.

Commissioner Price presented the information below:

BACKGROUND: National Mentoring Month is a campaign held each January to promote youth mentoring in the United States. It was inaugurated in 2002, and has been spearheaded by the Harvard School of Public Health and MENTOR: The National Mentoring Partnership. National Mentoring Month focuses national attention on the need for mentors, as well as how individuals, businesses, government agencies, schools, faith communities and nonprofits can work together to increase the number of mentors to help ensure positive outcomes for young people. The campaign celebrates mentoring and the positive effect it can have on young lives, with goals to:

- Raise awareness of mentoring in its various forms;
- Recruit individuals to mentor, especially in programs that have waiting lists of young people; and
- Promote the rapid growth of mentoring by recruiting organizations to engage their constituents in mentoring.

Mentoring is a critical component in young people's lives, helping them make the decisions and connections that lead to opportunity.

Commissioner Price introduced individuals representing various mentoring groups in Orange County:

- Atrayus Goode, President and CEO, Movement of Youth
- Charlene & Jeff Campbell, Co-Founders, Beyond Expectations, Inc.

- Bishop Victor Glover, Executive Director, Fathers on the Move

Commissioner Price read the proclamation:

**ORANGE COUNTY BOARD OF COMMISSIONERS
NATIONAL MENTORING MONTH
PROCLAMATION**

WHEREAS, the people of Orange County honor caring adult mentors who support young people by showing up for them every day and demonstrating their commitment to helping them thrive; and

WHEREAS, mentoring programs such as MENTOR North Carolina make our local communities, our state and our nation stronger; and

WHEREAS, quality mentoring promotes healthy relationships and communication, positive self-esteem and growth of a young person; and

WHEREAS, students who meet regularly with their mentors are more than fifty-two percent [52%] less likely than their peers to skip a day of school, and youth who face an opportunity gap and have a mentor are fifty-five percent [55%] more likely to be enrolled in college than those who had no mentor; and

WHEREAS, youth who regularly meet with their mentors are forty-six percent [46%] less likely than their peers to start using drugs and twenty-seven percent [27%] less likely to start drinking alcoholic beverages; and

WHEREAS, two-thirds of adults consider it highly important for young people to have mentors, and that same population estimates that only a quarter of youth have the mentors they need; and

WHEREAS, research shows that forty-four percent [44%] of adults not yet mentoring are willing to consider mentoring, and that mentoring is poised for growth; and

WHEREAS, almost half of young adults today report having a mentor in their youth and those rates appear to have been rising steadily over the past several decades; and

WHEREAS, National Mentoring Month is the time of year where engagement from community members interested in becoming a mentor is highest;

NOW, THEREFORE, the Orange County Board of County Commissioners does hereby proclaim January 2020 as National Mentoring Month in Orange County, and encourages all residents to take this opportunity to celebrate, elevate and encourage mentoring in communities across the county.

This the 21st day of January 2020.

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

VOTE: UNANIMOUS

Bishop Victor Glover, Executive Director, Fathers on the Move, said mentoring is his passion and purpose, and if he had had a mentor in school he would have probably gone to college. He said he wants to give back and help.

Charlene and Jeff Campbell, Co-Founders of Beyond Expectations, Inc., said they mentor kids in grade 6-12, and a mentee can come in all kinds of form and fashion. They said they are kind of a mom-and-pop mentoring, with about 25 kids in the program. They said they are mainly in Hillsborough and work with middle and high schools.

b. OWASA Annual Update Presentation

The Board received a presentation and information from the Orange Water and Sewer Authority (OWASA) on recent activities.

BACKGROUND: At the beginning of each calendar year over the last decade, OWASA representatives have appeared before the Board of Commissioners to make a presentation on recent OWASA activities. OWASA Executive Director Ed Kerwin will also be available at the meeting to provide information and respond to questions.

Commissioner Bedford arrived at 7:40 p.m.

OWASA Board Chair Ray DuBose and Board member Jody Eimers made the following PowerPoint presentation:

OWASA's Annual Update for Board of County Commissioners
Jody Eimers and Raymond DuBose
January 21, 2020

Key OWASA Initiatives

- System resiliency and infrastructure investments
- Forest Management – to protect watersheds and forest health
- Energy Management
 - Solar PV
 - Participation on Orange County Climate Council

System Resiliency/Infrastructure Investments

- Remains high priority; ~50 cents of every dollar of OWASA revenue invested in renewing and replacing infrastructure
- Capital improvement investments:

FY 2019	FY 2020	FY 2020-2024
~\$17 million	~\$28 million	~\$113 million

 Plan to replace ~14 miles of water mains over next 5 years

Drinking Water System Resiliency

- Board approved resources to improve execution of capital improvement projects and maintenance of OWASA's ~13,000 valves in the water distribution system
- This spring, construction is expected to start on ~\$3.7 million project to simplify and increase resiliency of complex piping leaving the Jones Ferry Road Water Treatment Plant
- Completing development of industry best-practice model to prioritize replacement of water mains

Historic Water Main Breaks (graph)

Commissioner Price referred to the graph, and asked if there is a trend.

Ray DuBose said the trend shows that the black triangles go down as OWASA investments continue.

Commissioner Price asked if the green bars have significance.

Ray DuBose said the green bars represent the amount of money that OWASA has invested each year in replacing piping infrastructure.

Jody Eimers resumed the presentation:

OWASA owns about 2400 acres of forested land, the majority for protecting the Cane Creek Watershed

OWASA Forest Land

Vision

- *Protect water quality now and for future generations by following science-based principles to manage our forest lands so they are healthy, diverse, resilient, and sustainable.*

Guiding Principles

- Protect water quality, OWASA's highest priority
- Improve ecological health of forested land
- Reduce the risk of wildfire
- Improve wildlife habitat and species diversity
- Sustainably manage OWASA's resources
- Engage the community and partner agencies
- Minimize adverse impacts on neighbors and surrounding community

Forest Management Next Steps

- Based on forest health, prioritize land needing active management
- Prepare draft stewardship plans on priority sites and share with neighbors
- Finalize plans and implement
- Keep the community (and local governments) informed and involved

Energy Management Goals and Progress

Reduce purchased natural gas from 2010 levels by 5% by 2020

- Reduced by 28%

Beneficially use all methane generated at wastewater treatment plant

- Under long-term consideration

Reduce purchased electricity from 2010 levels by 35% by 2022

- Reduced by 28%

Solar Lease

- New financial option in NC
- Minimal upfront costs; can utilize Duke Energy solar rebate for down-payment
- Public-private partnership = lower cost overall
- RFP issued in July 2019
 - 2 responses
 - Eagle Solar and Light submitted a responsive proposal

Cane Creek Ground Mount Solar PV System

Biosolids Application Land Ground Mount Solar PV System

Energy Management Next Steps

- Solar Lease
 - Neighborhood Engagement
 - Local Permitting
 - Interconnection Request
- Energy Management Plan
 - Identify opportunities to reduce energy use cost-effectively
- County Efforts
 - Engage with and support Orange County Climate Council

Commissioner Greene referred to the methane gas issue, and asked if the impediments could be identified, as well as the gains achieved should all the methane be used.

Jody Eimers said the gain would be not releasing any methane into the atmosphere. She said OWASA can provide a list of impediments to the BOCC.

Commissioner Dorosin said when the BOCC receives these reports, he starts thinking how expensive it is. He said he understands that OWASA's position is that there is no flexibility on the rates, based on its interpretation of the law, but referred to the care-to-share day program, and asked if this could be further clarified. He said he would like to know how much money gets raised; how do people that need the assistance apply; and how many costs are being defrayed. He said this is likely a program of limited viability, but the County is focused on affordable housing and economic diversity.

Ray DuBose said this program is in its infancy, and in the beginning it was a round up program, but in the last couple of years the emphasis has been to ask customers to do a fixed donation each month. He said these monies go to the Inter-Faith Council (IFC) to help people pay their bills, and last year \$10,000 was collected, which met all of the requests from the IFC.

Commissioner Dorosin asked if OWASA gets any data/reports on these requests.

Ray DuBose said OWASA met all of the requests from the IFC and does not keep any records. He said he does not know this program will continue in the future, or how it may change, but OWASA is exploring possible ideas.

Commissioner Marcoplos said he and Chair Rich last met with OWASA after the discussion of the possible widening of Highway 54. He said the pipes that run from Cane Creek reservoir to the plant run right down Highway 54, which is one of the implications of widening the road.

Chair Rich said the website indicated that the reservoirs are close to full. She said the OWASA area uses 6.4 million gallons of water, which indicates that conservations efforts are working well.

The OWASA representatives submitted the following report:

OWASA Annual Report

We are pleased to submit this report on our service, projects, and initiatives since November 2019. This report includes information on the following items:

1. Key System Resiliency Improvements
2. Executive Director Transition Update
3. New Revenue Bonds
4. PFAS Monitoring Update
5. Care to Share Day

6. Youth Water Academy
7. Infrastructure Investments

Key System Resiliency Improvements:

OWASA has completed key portions of several major projects to improve resiliency throughout the community's water and wastewater system. This quarter, significant progress was made on projects at the Jones Ferry Water Treatment Plant (WTP):

Design work has been completed to simplify and increase resiliency of a complex piping network around the WTP. We expect to award a construction contract for the project in March and estimate construction will run from summer 2020 through summer 2021. This project was taken up following the November 2018 water emergency.

The design process has also been completed for a project at the WTP to replace aging bulk chemical storage tanks, a safety containment area, and chemical system feed pumps.

Preliminary work is underway to convert the remainder of the WTP's electrical distribution system to an updated voltage standard and provide automatic transfer capabilities for on-site generators during power outages.

Overall, OWASA has invested nearly \$3 million this quarter in design and construction work improving the water distribution system resiliency. OWASA Quarterly Report January 16, 2020

Executive Director Transition Update:

OWASA's Board of Directors is working with Slavin Management Consultants to recruit OWASA's next Executive Director. That final hiring decision is expected by late April or early May 2020.

New Revenue Bonds:

OWASA issued revenue bonds totaling \$18.6 million. The bond terms include a 2.7% interest rate over 25 years. OWASA continues to be rated highly by all three credit rating agencies: S&P (AAA), Fitch (AA+), and Moody's (Aa1). The governance of our organization, as well as the stability of the community's economy (anchored by UNC) plays a large part in our high rating. OWASA has refinanced for better interest rates over the years – resulting in cost savings for customers – but this is the first instance of raising funds through revenue bonds since 2006. Proceeds will be used to fund Capital Improvement Projects.

PFAS Monitoring Update:

OWASA's treated drinking water remains safe and meets all current Federal and State regulations and health advisories and treated wastewater remains safe for the environment. OWASA supports and participates in science-based research to inform these regulations and protect water quality and human health.

In January 2018, OWASA initiated a proactive monitoring program for PFAS – per- and polyfluoroalkyl substances – for our raw reservoir water and treated drinking water; sampling continued on a quarterly basis throughout 2019 of our Cane Creek Reservoir raw water and treated drinking water. PFAS are man-made chemicals used in a variety of everyday products to increase resistance to water, grease, or stains. PFAS are also present in aqueous firefighting foams. There are thousands of PFAS compounds in existence, including GenX.

The EPA established a lifetime Health Advisory Level of 70 parts per trillion (ppt) for the combined amount of two categories of PFAS in drinking water. A ppt is comparable to a grain of sand in an Olympic swimming pool. OWASA's treated drinking water remains well below the health advisory level.

In addition, we have begun to voluntarily test our wastewater for PFAS. As products containing PFAS are washed or degrade, PFAS can enter wastewater systems and travel into lakes and rivers. Wastewater systems are not sources of PFAS but are passive receivers.

The results of OWASA's wastewater testing consistently showed combined concentrations of the two monitored categories of PFAS were also below the 70 ppt threshold.

While PFAS research is emerging and complex, OWASA is committed to sharing available information about PFAS with customers in a manner that is accessible and understandable. OWASA includes PFAS monitoring updates to local stakeholders, documents on our website, OWASA Quarterly Report January 16, 2020 and through communications directly with customers – including the annual Water Quality Report Card and recent educational initiatives at the Chapel Hill Public Library.

Care to Share Day:

OWASA and the Interfaith Council for Social Services celebrated the inaugural Care to Share Day on November 21, 2019. Leading up to the event day, OWASA hosted a series of in-person and social media-focused events. WCHL donated 23 public service announcements; OWASA and IFC staff came together to celebrate and raise funds; there was significant social media activity generating interest and awareness for the program.

The program plays an important role in our community, and we hope this awareness effort leads to an increase in donors to the program.

Thank you to the governing boards for proclaiming Care to Share Day at meetings leading up to the celebration. We value your historic and ongoing partnership and support of Care to Share.

Youth Water Academy:

Another group of water-conscious local teens is ready to take their newly acquired water knowledge to the Chapel Hill-Carrboro community after completing OWASA's Youth Water Academy.

This fall's program culminated in early December for the 18 participants from local high schools after five weeks of learning the ins and outs of the process of bringing high-quality water from the source to taps across the community.

The academy included tours of OWASA's Water and Wastewater Treatment Plants, learning more about water governance in our community, and what it takes from an infrastructure standpoint to keep things flowing smoothly. The students were then able to put that knowledge to work by constructing their own water treatment system during a hands-on build in OWASA's operations center.

The program is open to students in grades 9-12 in Chapel Hill and Carrboro. Keep an eye out for the next round of applications for the next Youth Water Academy in 2020.

Infrastructure Investments:

OWASA maintains 750 miles of water and wastewater pipes, a water treatment plant, a wastewater treatment plant, pump stations, and other infrastructure. Meeting the community's needs and increasing system resiliency requires ongoing rehabilitation of the water, wastewater, and reclaimed water systems. Capital investments, including debt payments for capital projects, account for about half of our costs. In the last fiscal year, we invested about \$17.3 million to renew, replace and improve infrastructure. Our five-year Capital Improvements Program can be viewed here. Notable infrastructure work in the past quarter included: OWASA Quarterly Report January 16, 2020

1. **Rogerson Drive Pump Station and Force Main:** Large projects were completed to improve electrical, HVAC, and controls at OWASA's largest wastewater pump station near Cleland Drive. A major replacement of a portion of the Rogerson Drive force main at Raleigh Road has also been completed.
2. **Water Main Replacement:** Water line replacement on Manning Drive has been completed. Work is continuing on replacement of water mains at the service road to Fordham Boulevard east of Scarlett Drive and at Dobbins Drive between Erwin Road and East Franklin Street. Projects to replace water mains along Barclay Road, Weiner Street and Country Club Road were also recently started.
3. **Investment in Our Treatment Facilities:** Construction is underway on projects to improve the pumping system at University Lake and rehabilitate concrete at the Water Treatment Plant sedimentation basins.

We would be happy to provide you more detailed information on the items above or other topics of interest as desired. Please feel free to contact Executive Director Ed Kerwin (ekerwin@owasa.org or 919-537-4211), or me.

Sincerely,
Raymond DuBose, Chair
OWASA Board of Directors

c. Update on the Orange County Food Council

The Board received an update from the Food Council about activities in the 2019 – 2020 fiscal year and the proposed scope of work for the 2020 - 2021 fiscal year.

BACKGROUND: The Food Council Coordinator was hired in July 2019. This new Coordinator position was approved through an interlocal agreement process and is jointly funded by Orange County, Chapel Hill, Hillsborough and Carrboro. The Coordinator is charged with coordinating the Food Council and helping it achieve its goals. This presentation will provide an update of the Coordinator's work and progress since July 2019 plus an overview of the Food Council's plans for the 2020 - 2021 fiscal year.

Ashley Heger, Food Council Coordinator, made the following PowerPoint presentation:

**Orange County Food Council
2019 Review and 2020 Scope of Work**

2019 - 2020 Fiscal Year

- Hired full-time coordinator

- Facilitated partnership with Orange Co Schools and Orange Co Solid Waste to begin a school composting pilot program in 2 Hillsborough elementary schools
- Organizing a 'state of food security' report for the County in January
- Facilitated Social Justice and Racial Equity workshops
- Grown workgroup participation in Local Food Economy, Racial Equity, Food Access and Food Waste Recovery

2020 - 2021 Goals & Scope of Work

- Develop a Food Policy Agenda (2 year process)
- Create a Racial Equity Community Data Index in collaboration with the Health Equity Council
- Sustain workgroups and partnership development

What is a Food Policy Agenda? (flow chart)

Purpose & Structure

- Identify gaps and opportunities for improving the local food system
- Develop an agreement between partners where lived experience and racial equity is centered and everyone understands their role in this work
- Provide policy recommendations and create process to keep policies accountable to the outcomes/impact

How this relates to our full scope of work in 2020 - 2021

- Data Index as a tool for identifying issues and tracking outcomes
- Workgroups and partners helping drive this work and inform the process
- Working with a racial equity coach

Commissioner Price asked if the data index could be explained.

Ashley Heger said many already exist, and they are looking at examples now. She said it will likely be a public facing website, and one can look at disaggregated data from different aspects of the community like affordable housing, etc. She said the Health Equity Council would be part of a group that would be analyzing the data.

5. Public Hearings NONE

6. Regular Agenda

a. 2020 Greene Tract Resolution and Environmental Assessment Interlocal Agreement

The Board considered voting to approve the 2020 Greene Tract Resolution and Interlocal Agreement between Orange County, the Town of Chapel Hill, and the Town of Carrboro to jointly fund the costs of an environmental assessment related to the Greene Tract and authorizing the Chair to sign.

BACKGROUND: The Greene Tract is a 164 acre parcel of which 104 acres is jointly owned by Orange County/Chapel Hill/Carrboro and 60 acres owned by Orange County (Headwaters Preserve). In 2001/2002, local governments approved a resolution conceptualizing uses of the 104-acre joint owned area. In 2017, local governments agreed to have the Managers, Mayors, and Chair (MMC) consider preservation and development options for the Greene Tract. Starting

in May 2017, a joint staff work group began to examine the preservation and development potential of the existing Greene Tract.

The MMCs requested that each alternative include specific elements and goals including, but not limited to, incorporate a future elementary school and park site, preserve valuable environmental features and corridors, protect historical and cultural resources, encourage cost effective infrastructure, and identify areas for future development. In addition, the MMC recommended staff examine the reconfiguration of the joint owned and county owned tracts. The purpose of this request was to determine the feasibility in adopting a revised resolution supporting the reconfiguration of these tracts. The 60 acres which are county owned would be established as prime preservation areas. These goals and objectives, vetted through a multijurisdictional staff work group, assisted in the development of the 2019 Greene Tract Resolution and Conceptual Plan.

January 29, 2019 Assembly of Governments Meeting

The 2019 Greene Tract Resolution and Conceptual plan were presented at the January 29, 2019 Assembly of Governments meeting. Elected officials stated support for the resolution and conceptual plan.

February 12, 2019 Carrboro Board of Aldermen Meeting

The 2019 Greene Tract Resolution and Conceptual Plan were adopted by the Carrboro Board of Aldermen.

February 19, 2019 Orange County Commissioners Meeting

The 2019 Greene Tract Resolution and Conceptual Plan were adopted by the Orange County Board of Commissioners.

February 20, 2019 Chapel Hill Town Council Meeting

The 2019 Greene Tract Resolution and Conceptual Plan were presented to the Chapel Hill Town Council. The Council approved the exchange of acreage from jointly-owned to county-owned and county-owned to jointly-owned commencing the recombination process and the exploration of ways to protect the County-owned Headwaters Preserve and Jointly-owned preserve areas. However, the conceptual plan with linked land use designations was not approved at this time.

July 15, 2019 Chapel Hill Town Council Meeting

The 2019 Greene Tract Resolution and Conceptual Plan were presented to the Chapel Hill Town Council for adoption consideration. The Council approved a substitute Resolution (Option C) which was not the same resolution and conceptual plan adopted by Orange County and the Town of Carrboro. This resolution and conceptual plan acknowledged action taken at their February 20 meeting and approved land use acreage designations, but did not specify land use designations on the adopted conceptual plan. In addition, the Town Council adopted a second resolution outlining next steps for the Greene Tract, which included the completion of an environmental assessment. This element was not contained in the resolutions adopted by Orange County and of the Town of Carrboro since a multi-jurisdictional environmental scan was conducted.

2020 Greene Tract Resolution

Following the July Chapel Hill Town Council meeting, local governments have been working to bridge the two resolutions adopted by the Towns and County. In addition, the local governments have considered the importance of the environmental assessment and how to proceed. As a

result of these discussions, a 2020 Greene Tract resolution was proposed. This resolution would provide a process for the three jurisdictions to move forward in their pursuit of development on the Greene Tract and would provide guidance and next steps while a memorandum of understanding document is drafted. The resolution would:

1. Initiate an environmental assessment of the 164-acre Greene Tract to determine the most environmental sensitive area to be designated as the Headwaters Preserve.
2. Initiate drafting of a Memorandum of Understanding between the three jurisdictions. This document would detail decision-making process for the jurisdictions to agree to.
3. Delay public engagement efforts until agreement of a Memorandum of Understanding.

With adoption by all three governing boards, the attached resolution would supersede the 2002 Resolution, approved December 10, 2002, and the 2019 Resolution adopted on February 19, 2019 which outlined the County and Towns' intentions for developing the Greene Tract.

Greene Tract Environmental Assessment Interlocal Agreement

The proposed 2020 Greene Tract resolution outlines next steps, which includes the initiation of an environmental assessment of the 164 acre Greene Tract to determine the most environmental sensitive area to be designated as the Headwaters Preserve along with required environmental areas within the 104 acres.

The purpose of this environmental assessment is to obtain site-specific information on environmental conditions present on the Greene Tract in order to identify areas of the property to be preserved and/or protected. The assessment will also balance the environmental conditions in conjunction with future infrastructure (i.e. roads, water, sewer, stormwater, etc.) necessary for adjacent future development. A future developer would use this information as a base and not have to duplicate such work. After future preserved areas are identified, then other areas that could be considered for desired uses as determined in future site evaluations, suitability analyses, community input sessions, site plans, and development proposals.

Orange County, in partnership with the Towns of Chapel Hill and Carrboro, will be providing joint funding to cover the costs of the environmental assessment as outlined in the Interlocal Agreement (Attachment 3). The estimated cost for the environmental assessment is \$40,000. Based on the proposed cost share agreement of 43/43/14 percent (Orange County/Chapel Hill/Carrboro respectively), Orange County's cost share will be approximately \$17,200. The proposed Interlocal Agreement has also been reviewed by the respective Attorneys of the three local governments.

The 2020 Greene Tract Resolution and Interlocal Agreement are planned for adoption consideration at the January 21 Carrboro Board of Aldermen meeting and the January 22 Chapel Hill Town Council Meeting. Any amendments to the resolution and/or interlocal agreement by the Town of Chapel Hill and the Town of Carrboro would prompt a return to the BOCC for consideration.

FINANCIAL IMPACT: There is no direct financial impact associated with the 2020 Greene Tract Resolution. Following adoption of the proposed Interlocal Agreement, Orange County will be responsible for paying the provider as detailed in the proposed Interlocal Agreement from the current (FY19/20) Budget/Capital Investment Plan (CIP). The Towns will be notified of the County's payment and authorize reimbursement to the County based on the proposed cost share agreement (Chapel Hill 43% and Carrboro 14% of the total cost). If the cost of the

environmental assessment exceeds the allocated budget, Orange County staff will present a budget or CIP amendment to the BOCC for consideration.

Travis Myren made the following PowerPoint presentation:

2020 Greene Tract Resolution and Environmental Assessment
January 21, 2020
Board of Orange County Commissioners

Purpose

- To Consider Approval of the *2020 Greene Tract Resolution* and Cost Share Agreement for Environmental Assessment
 - Reconcile the 2019 Greene Tract Resolutions
 - Codify Land Use Needs and Goals
 - Pursue a Comprehensive Environmental Assessment – Cost Share ILA
 - Share Environmental Assessment with Potential Developers to Avoid Duplication
 - Pursue a Memorandum of Understanding for Future Decision Making
 - Postpone Formal Public Engagement Until MOU is Finalized
 - Hold Group Discussion at the Assembly of Governments Meeting on January 28, 2020

Greene Tract

- Approximately 164 total acres
 - 104 acres jointly owned by Orange County, Town of Chapel Hill, and Town of Carrboro
 - 60 acres owned by Orange County – Headwaters Preserve
 - Originally Solid Waste Property
 - General Fund Purchased in FY2016-17
 - Designated for low impact recreation and preservation
 - Neville Tract
 - Solid Waste Owned
 - Provides soil cover for C&D Landfill

2002 Resolution

- Adopted by Orange County, Chapel Hill, Carrboro
 - 18 Acres Affordable Housing
 - 86 Acres Open Space
 - 60 Acres Preserved by Orange County

2017-19 Managers, Mayors, Chair and Multijurisdictional Staff Work Group Meetings

- Update the 2002 Resolution
- Goals for the Update
 - Elementary School Site
 - Preserve Most Valuable Environmental Features
 - Protect Historical and Cultural Resources
 - Encourage Cost Effective Infrastructure
 - Identify Areas for Future Development
 - Examine Reconfiguration of Properties to Maximize Environmental Protection

2019 Greene Tract Resolution and Conceptual Plan

- Governing Boards Adopt Substantially Similar *But Not Identical* Resolutions
- Same Land Uses

- Approximately 22 acres for joint preserve
- Approximately 11 acres for a public school site
- Approximately 4 acres for a public recreation facility site
- Approximately 67 acres for housing/mixed use
- Town of Chapel Hill Removes Map Designations and Adopts Resolution on Public Input Process and Next Steps

Map with Land Use Designations/Map Without Land Use Designations (maps)

Commissioner Dorosin asked if all partners have agreed to the reconfigured headwaters preserve.

Travis Myren said in concept, yes, and one of the things that the environmental assessment would accomplish would be to really establish where the property lines are, and how this would be reconfigured. He said all partners have agreed that some form of reconfiguration of the headwaters preserve is appropriate.

Commissioner Dorosin clarified that the map itself has not yet been re-configured.

Travis Myren said no, none of the property lines have changed.

Commissioner Dorosin asked if the concept of this is for the headwaters preserve to still be solely owned by Orange County.

Travis Myren said the County would retain sole ownership of the 60 acres.

2020 Greene Tract Resolution and Environmental Assessment Interlocal Agreement

- 2020 Resolution Supersedes Prior Action
 - Maintains Agreement on Number of Acres Designated for Different Land Uses
- Includes Five (5) Major Provisions:
 1. *Jointly pursue an **environmental assessment** of the entire 164 acres to consider designating the most environmentally sensitive area as the Headwaters Preserve. The cost of this analysis will be shared among the parties, 43% Orange County, 43% Town of Chapel Hill, 14% Carrboro.*
 - Total Cost Estimated - \$40,000
 - Orange County Share - \$17,200
 2. *Jointly pursue a **Memorandum of Understanding** for future decision-making processes. This document will be used to ensure the parties participate in good faith in the planning process for potential development of the Greene Tract. The document will describe community outreach efforts.*
 3. *Jointly agree to not initiate formal **public engagement** until completion of the Memorandum of Understanding document.*
 4. *Jointly agree any potential developers of the Greene Tract may rely upon and utilize the environmental assessment contemplated herein and shall **not be required to conduct** or obtain a separate environmental assessment.*
 5. *Jointly agree to a **discussion** of the Greene Tract at the 2020 Assembly of Governments meeting on January 28, 2020.*

2020 Greene Tract Resolution Potential Amendments

- Amend Whereas Clause #7:

WHEREAS, over the last 16 years, various joint planning studies [including the Historic Rogers Road Task Force Report and Mapping Our Community's Future](#), and collaborations with the community and school district have suggested land use and acreage needs; and

- Amend Provisions #3 and #4

3. ~~Jointly agree to not initiate formal **public engagement** until completion of the Memorandum of Understanding document.~~
3. Jointly agrees to have a joint public information session that includes Orange County, Chapel Hill, and Carrboro a minimum of 2 months after the Environmental Assessment has been completed by the consultant and received by the jurisdictions.

4. Jointly agrees to not initiate formal *further* public engagement until completion of the Memorandum of Understanding document.

Schedule for Consideration

- January 21 – Board of Orange County Commissioners
- January 21 – Carrboro Town Council
- January 22 – Chapel Hill Town Council

Decision Points

- Approve and Authorize the Chair to Sign the 2020 Greene Tract Resolution (Attachment 2) *as amended*;
- Approve the Environmental Assessment Interlocal Agreement (Attachment 3) and Authorize the Manager and Finance Director to Sign

Commissioner Price asked if there could be clarification given regarding the timeline.

Travis Myren said two months after the document is complete, and submitted to staff for review, there will be a public information session.

Chair Rich said the minimum was proposed by Chapel Hill, who wanted staff to have time to review the assessment and compare it to the work that has already been done. She said the environmental assessment would happen after staff puts out an RFP, most likely in the spring, and once the assessment is received, staff will have time to fully digest the content prior to holding a public information session.

Commissioner Dorosin said the language is awkward. He clarified that there is no actual time limit between the report being completed and the staff holding a public information session.

Chair Rich said staff hopes it can do a review within two months, at a minimum.

Commissioner Dorosin said none of this has a timeline, and some target dates are needed on all this: a target date for the RFP, a target date for a completed report, a target date for staff to be done with its review, etc.

Chair Rich said the intent of this agreement is not to get the target dates, but rather it is an agreement to gather the information first and to work together, etc. She said if all three partners do not approve to move forward, then any target dates are null and void.

Commissioner Dorosin said he just wants a sense of a timeline.

Chair Rich said discussing the timeline is one of the goals of the Assembly of Governments (AOG) meeting next week.

John Roberts said the draft document is finished, and was submitted to the other three attorneys three weeks ago. He said it sets an 18-month window, where all of the uses have to be firmly established and if they are not, there is a 6-month window to resolve disputes, or there will be a vote of the parties by ownership interest, allowing two parties to overrule a third. He said two years is a reasonable time to resolve all issues, and there is always the last resort of partition of the land, and returning it to Orange County jurisdiction.

Chair Rich said if the BOCC changes anything tonight, the process must start over. She said Carrboro is voting on this tonight and Chapel Hill tomorrow night.

Commissioner McKee said this is moving slowly, but the Chair is correct; if the Board changes anything the process must start over. He said the Board should approve this

resolution tonight, hoping the other entities approve it as well, and then all can move to the MOU.

John Roberts said if substantive changes are made, then other parties would have to review again.

Chair Rich said this item is on the AOG agenda.

Commissioner Price said there should be more specificity on a timeline of the public information sessions.

Travis Myren said he would put together a target schedule to bring to the AOG meeting, if that would resolve concerns.

Commissioner Price asked if this proposed timeline would include a time limit on when a public information session would be held, after the assessment is completed.

Travis Myren said he is not sure how much of this was a point of a negotiation, but said he can focus on getting the staff's work completed in a certain time frame.

Chair Rich said the intent of this statement is to give the ability to staff to look at the assessment, compare it with original assessment, and create a group of staff to hold a public information session. She said staff needs time to do its work. She said the intention is not to withhold the information from the public, and the Mayor of Chapel Hill wanted to ensure that staff has time to complete its work thoroughly.

Commissioner Price said she wants to ensure that the public has an idea as to when it can see this report. She said she understands that staff needs time to complete its work, but the public has requested that this assessment be done, and the public should have an idea of when it will be available.

Commissioner Dorosin said once the assessment is released to the County, it is a public record.

Commissioner Price said she would be satisfied if the resolution included that the assessment would be made available online, once it was received.

Commissioner Greene said it is a good step to agree to move forward with the assessment, while also working on the MOU.

Commissioner Greene agreed with Commissioner McKee that there is a concern if the Board does not pass this tonight.

Commissioner Greene proposed alternate language for number 3, but said she is not proposing to change the language, as it would cause delay.

Commissioner McKee asked if this alternate wording were adopted, would it require the approval of the other parties. He said his concern is that this wordsmithing will cause delay. He suggested that the Board approve this resolution tonight, and all other details can be discussed at the AOG meeting.

PUBLIC COMMENT:

Delores Bailey said she has been working on the Greene Tract since 2003. She said she is concerned that the language is not clear as to when this is coming to the public for review. She said once the public receives this information it can start thinking through how this will affect the Rogers Road Community. She said if the MOU takes 2 years, the Greene Tract will have been worked on for 33 years total, and that is too long.

John Roberts said the MOU can be entered into immediately, but there is a 2-year window in the case of disputes.

Delores Bailey said all involved are desperate to move this issue forward, and there needs to be some clarification as to when the public will be able to look at the document.

Chair Rich said the reason the Mayors/Managers/Chair (MMC) wanted to keep this open was so that there can be a full discussion at the AOG. She said the hope is that everyone will be at this meeting to have productive conversation.

John Roberts said the public will have access to this document as soon as the Planning Department puts it on the website, and there will be a minimum of two months for the staff to prepare for the information sessions.

Commissioner Bedford referred to newly worded point #4, which says: “Jointly agrees to not initiate formal further public engagement until completion of the Memorandum of Understanding document”. She said it is possible that the MOU will not be completed, and this will end up in court. She said she does not see the purpose of refusing to have formal public engagement before the MOU is completed.

John Roberts said the purpose of #4 is only for the environmental assessment, and the MOU will focus on uses, where they go, how much acreage, etc. He said until all of that is decided, the only thing to discuss with the public is the environmental assessment.

Commissioner Bedford said she thought the MOU was about what to do if parties do not agree. She said if the MOU is to include land uses, etc. then the public absolutely should be involved. She said this process is confusing.

John Roberts said the MOU will decide how this property is used.

Commissioner Dorosin said the MOU will determine how the discussions will move forward.

Chair Rich said the MOU is a governance document, and the issues being raised by Commissioner Bedford will be discussed in a series of public meetings/hearings. She said the MOU will determine how to move forward.

Commissioner Bedford asked if there is a process to move forward if the parties do not agree on the MOU.

John Roberts said he has put a two-year time frame, but this may not stand. He said if the parties cannot agree on the MOU after two years, as is currently written, then the option could be partitioning the property and taking Orange County’s property out of the ETJ to do as it wants to with the land. He said the partition is a judicial process, if the boards cannot agree.

Commissioner Marcoplos said he will very reluctantly support this resolution because there is one shot to do something impactful and historic with this land. He said this opportunity has existed for years. He said the County owns the land and can build more for less money there. He said the Rogers-Eubanks neighborhood has had the road stubbed out for years and years, but nothing has happened. He said the County has had an affordable housing crisis for years, and nothing has happened. He said it was very disappointing, and caused him a bit of a loss of faith, when the Town of Chapel Hill left the collaborative process. He said the historical timeline shows Carrboro and the County trying to move this forward, but Chapel Hill did not, and the points of disagreement should have been worked out at the MMC, as they were not complicated issues. He said he was part of a group that met in the spring, which prodded Chapel Hill to meet in July in order to move this project forward. He said the July meeting was actually a confusing set back.

Commissioner Marcoplos said there were then discussions in Chapel Hill about tall buildings, etc. on the Greene Tract. He said the map of uses out there matches what is on the ground, and he has been out to this area many times. He said from his observation, the County’s assessment did what it was supposed to do.

Commissioner Marcoplos said he then learned of the option of gaining the partition, which seemed the quickest way to move this project forward, which is his main goal. He said many issues were misunderstood, and the Rural Buffer is a 5-minute walk from this area and there are a lot of opportunities to enjoy the natural areas. He said he will support it this resolution, and he does not know why this process went off the rails.

Commissioner McKee said the key word for him is the completion of the MOU, and not the adoption. He said he does not want the boards to start talking about the nuclear option (partitioning of the property). He said the AOG meeting will give everyone an opportunity to work out the kinks and hear the same thing.

Commissioner Dorosin said he appreciated Commissioner Bedford's comments. He said the hope that they will reach a consensus next week is great, but probably unrealistic, as even late today the Board received a change by one of the parties. He said he favors moving the assessment forward and setting some hard targets and timelines for that at the AOG meeting. He said some in the collective want to move this forward, and others are not as enthusiastic.

Commissioner Dorosin said the Commissioners need to be cognizant that everybody that lives on Rogers Road, and to the east, are Orange County's constituents. He said Chapel Hill is not politically accountable to anyone that lives in the extraterritorial jurisdiction (ETJ). He said all three of the boards need to be collectively involved in the public engagement process, and things seem to have gone awry because different people had conversations with different people in the community, and everyone was not on the same page. Commissioner Dorosin said, at the very least, all parties need to agree next week as to what will be communicated to the public, otherwise it is just a massive game of telephone.

Chair Rich said at the end of the last MMC meeting, everyone involved had an assignment to complete.

Commissioner Dorosin said all are agreeing to the environmental assessment, which seems quite straightforward. He asked if there is a plan as to what will happen after the parties sign the other MOU; is there a checklist that there will be 10 public meetings, etc.

Chair Rich said these details will be discussed at the next MMC meeting. She said the environmental assessment needs to be done first, and after the AOG, the MMC will reconvene and put in timelines, etc.

Commissioner Dorosin said this was all laid out 2-3 years ago when he was Chair, and the process should not be starting at zero.

Chair Rich said one of the partners did not want that plan anymore, and the 2002 agreement states that all three partners must agree.

Chair Rich said Chapel Hill added point #3, and Carrboro added point #4. She said a meeting occurred, of which the County and Carrboro were not aware, and staff was blindsided by public input. She said point #4 came out in order to prevent this type of meeting from occurring again, without appropriate representation of all parties.

Commissioner Price clarified that the County did an assessment, which was not good enough for the partners, and has led to a new environmental assessment being needed. She referred to point #5, which states developers may rely upon this. She said she is hoping that this new assessment will be good enough for all three parties.

Travis Myren said he is not sure of the issues surrounding the first assessment, and why it was insufficient. He said the new assessment will involve dispassionate, third party analysis, which should be viewed as more neutral.

Travis Myren said the intention would be for the assessment to be turned over to future developers. He said the County will not pay for anything further.

Commissioner Greene said it is her understanding that this would be the final environmental assessment, and she thought this would be included in this resolution.

Travis Myren said it is included in point #5.

Commissioner Greene said this is acceptable language.

Commissioner Marcoplos said there is now a mediator with the MMC and minutes are being taken, which are being received by all elected officials. He would like to see these minutes available to the public as well.

Chair Rich said these minutes are public record.

Bonnie Hammersley said staff can put these minutes on the Greene Tract page of the website.

Commissioner Marcoplos said he would like to put out PSAs to make the public aware that these minutes are available.

Commissioner Bedford asked if John Roberts could confirm the meaning of point #4.

John Roberts asked if Commissioner Bedford is referring to completion versus adoption.

Commissioner Bedford said she is concerned that a MOU may never be completed or adopted, and the Board may be tying its hands to never have further public engagement.

John Roberts said he does not interpret it to be indefinitely, and there is no legal definition for completion, but rather it is a dictionary definition. He said completion means when the MOU is done and being circulated for adoption.

Commissioner Bedford asked Travis Myren if there is a difference between an environmental assessment versus a federal environmental impact statement.

Travis Myren said a federal environmental impact statement is used in larger projects, is very prescriptive, etc.; and an environmental assessment is typically used on smaller things, and comes before any environmental impact statement would be required. He said the size and scope is different between the two.

Commissioner Bedford said it would be a courtesy for staff to reach out to the Chapel Hill-Carrboro City Schools (CHCCS) to see if they have any input.

Travis Myren said staff has already had a conversation with school district staff and some preliminary information can be gathered that may be helpful in a school discussion.

PUBLIC COMMENT:

Reverend Robert Campbell is the Executive Chairperson of Rogers-Eubanks Neighborhood Association (RENA) and a member of the Friends of the Greene Tract. He said some of the technical language is confusing to the public, as much of it sounds the same, but actually has different meanings and scope. He said the public has no understanding of the verbiage, and it is important to have a glossary of terms for any information that goes out publically, as it will help cut down on the misinformation and confusion. He said any collective meetings should involve the community and all relevant staff groups, to ensure that all voices are at the table.

Revised Resolution below:

A RESOLUTION FOR A PATH FORWARD PROCESS FOR FURTHER ASSESSMENT OF THE GREENE TRACT

WHEREAS, in 1984, Orange County and the Towns of Carrboro and Chapel Hill jointly purchased the property known as the Greene Tract (164 acres more or less); and

WHEREAS, in 2000, title to 60 acres of this property was deeded exclusively to the Orange County Solid Waste Enterprise Fund for non-landfill solid waste purposes under provisions of the 1999 Interlocal Agreement for Solid Waste Management; and

WHEREAS, at that time, the remaining 104 acres was retained in joint ownership by the three governments (with the intent that the future uses of the property would be determined at a future time); and

WHEREAS, the 60-acre parcel (designated as the Headwaters Preserve by the Orange County Board of Commissioners on October 18, 2016) was purchased by Orange County via reimbursement to the Solid Waste Enterprise Fund in 2016; and

WHEREAS, in 2002 Orange County and the Towns of Carrboro and Chapel Hill adopted the 2002 Resolution which called for approximately 86 acres for open space and 18 acres for affordable housing on the jointly-owned land; and

WHEREAS, the Greene Tract is part of the Historic Rogers Road Neighborhood where the Towns of Chapel Hill and Carrboro have researched market development potential and zoning to implement a planning program in the overall area; and

WHEREAS, over the last 16 years, various joint planning studies including the Historic Rogers Road Task Force Report and Mapping Our Community's Future, and collaborations with the community and school district have suggested land use and acreage needs; and

WHEREAS, Mayors for Carrboro and Chapel Hill and the Orange County Commissioners Chair have agreed to jointly pursue an update to the 2002 Resolution and have been meeting with respective management and supporting staff, as suggested by the elected officials at an Assembly of Governments meeting in 2017, to determine next steps for preservation and development of the Greene Tract; and

WHEREAS, on February 12, 2019 the Carrboro Board of Aldermen and on February 19, 2019 the Orange County Commissioners voted to approve a resolution to support adjusting the property lines of the 104-acre jointly-owned tract and the 60-acre Headwaters Preserve, creating a jointly-owned preserve, indicating land uses, and conceptually agreeing to consider development of the Greene Tract; and

WHEREAS, on February 20, 2019 the Chapel Hill Town Council voted to approve the exploration of ways to protect the County-owned Headwaters Preserve and a proposed jointly-owned preserve area; and

WHEREAS, the Chapel Hill Carrboro City Schools in a letter dated May 22, 2019, have indicated the district's continued interest in designation of a school site to be located on the Greene Tract; and

WHEREAS, on July 15, 2019 the Chapel Hill Town Council adopted a resolution to support adjusting the property lines on the tract and the Headwaters Preserve, creating a jointly-owned preserve, and conceptually agreeing to consider development of the Greene Tract; and

WHEREAS, at that time the Chapel Hill Town Council did not agree to designating the land uses indicated on the maps attached to the Carrboro and County's resolutions; and

WHEREAS, the three jurisdictions agreed conceptually to the following land use designations:

- Approximately 22 acres for joint preserve;
- A minimum of 16 acres for public school site and public recreational facility site;
- Approximately 66 acres for housing/mixed use; and

WHEREAS, the Chapel Hill Town Council also adopted a resolution on July 15, 2019 committing to holding a series of community meetings, soliciting input from the public and respective advisory boards regarding land uses and densities, initiate environmental and connectivity assessment; and initiate steps to protect the jointly-owned preserve and the Headwaters Preserve in perpetuity; and

WHEREAS, an environmental assessment would be based on the highest protective environmental regulations of the three jurisdictions (Carrboro, Chapel Hill, and Orange County) and as also defined by the Army Corps of Engineers for wetlands determination; and

WHEREAS, in the interest of working together, Carrboro, Chapel Hill, and Orange County elected boards have considered this resolution to determine a joint path forward; and
WHEREAS, each board will consider this resolution in January 2020 outlining next steps and provide direction to their respective staff; and

WHEREAS, this resolution attempts to consolidate the differences and supersede the resolutions adopted in February 2019 by the Carrboro Board of Aldermen and the Orange County Commissioners and the resolution adopted in July 2019 by the Chapel Hill Town Council; and

WHEREAS, analysis of the Greene Tract's past, present, and future identified the following land use needs and goals:

- Promote mixed-income housing opportunities; development of housing that serves a range of incomes
- Preserve valuable environmental features including tree canopy, open space, stream buffers, and wildlife corridors;
- Protect historical and cultural resources;
- Promote cost effective infrastructure;
- Incorporate school and recreation sites;
- Earmark development areas for mixed income housing and mixed use potential; and

WHEREAS, the staff work group considered direction from the respective governing boards, specialized staff, housing partners, and community in developing a conceptual process for the Greene Tract.

NOW, THEREFORE, BE IT RESOLVED THAT the Orange County Board of Commissioners:

1. Jointly pursue an environmental assessment of the entire 164 acres to consider designating the most environmentally sensitive area as the Headwaters Preserve with a cost share Interlocal Agreement for that analysis of 43/43/14 percent (Orange County/Chapel Hill/Carrboro respectively).
 - a. Environmental assessment of the site should include site topography, habitat for species of special concern, wetlands, stream corridors, and cultural and historic resources.
 - b. Best practical alternative shall be evaluated to balance environmental and infrastructure needs (i.e. roadway, water, sewer, stormwater, etc.).
2. Jointly pursues a Memorandum of Understanding for future decision-making process. This document will be used to ensure the parties participate in good faith in the planning process for potential development of the Greene Tract. The document will describe community outreach efforts.
3. Jointly agrees to have a joint public information session that includes Orange County, Chapel Hill and Carrboro a minimum of 2 months after the Environmental Assessment has been completed by the consultant and received by the jurisdictions.
4. Jointly agrees to not initiate formal further public engagement until completion of the Memorandum of Understanding document.
5. Jointly agrees any potential developers of the Greene Tract may rely upon and utilize the environmental assessment contemplated herein and shall not be required to conduct or obtain a separate environmental assessment.
6. Agrees to discussion of the Greene Tract at the 2020 Assembly of Governments meeting on January

A motion was made by Commissioner McKee, seconded by Commissioner Greene for the Board to approve and authorize the Chair to sign the 2020 Greene Tract Resolution as revised contained in Attachment 2.

VOTE: UNANIMOUS

A motion was made by Commissioner Bedford, seconded by Commissioner Price to approve the Environmental Assessment Interlocal Agreement contained in Attachment 3 and authorize the County Manager and Finance Director to sign.

VOTE: UNANIMOUS

Commissioner Dorosin said he wanted to add another petition. He said he has done a lot of research on the impacts of young people aging out of foster care, and he would like to expand the County's scholarship fund at Durham Tech to specifically set aside funds for those who are aging out of the Orange County foster care system, and to partner with the Department of Social Services to do so.

Commissioner Price said this topic was discussed when she was on the Durham Tech board, and asked if Commissioner Dorosin is asking for funds to specifically be set aside for those aging out of the foster care system.

Commissioner Dorosin said yes, and this would be in addition to what the County is giving now.

Commissioner Bedford said she would like to provide full scholarships.

Commissioner Dorosin said yes, that is his intent.

**7. Reports
NONE**

8. Consent Agenda

- **Removal of Any Items from Consent Agenda**
 - Item g by Commissioner Greene
 - Item k by Commissioner Price
- **Approval of Remaining Consent Agenda**

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

VOTE: UNANIMOUS

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

g. Declaration of Surplus Property– Structure at 686 Erwin Road

The Board considered voting to declare an abandoned dilapidated structure located within Hollow Rock Nature Park as Orange County surplus, and to approve the removal of said structure by way of a live burn training conducted by New Hope Volunteer Fire Department (VFD) and authorize the Chair to sign.

Commissioner Greene asked if any of the structure is salvageable.

Dave Stancil, Department of Environment, Agriculture, Parks and Recreation (DEAPR) Director said no.

Chair Rich asked if staff would notify the Board when the structure will be burned.

A motion was made by Commissioner Dorosin, seconded by Commissioner Greene to declare an abandoned dilapidated structure located within Hollow Rock Nature Park as Orange County surplus, and to approve the removal of said structure by way of a live burn training conducted by New Hope Volunteer Fire Department (VFD) and authorize the Chair to sign.

VOTE: UNANIMOUS

k. Revised Interlocal Agreement with Towns of Chapel Hill and Carrboro Related to the Historic Rogers Road Area Private Sewer Service Lateral Connection Installations for Qualified Low-to-Moderate-Income (LMI) Homeowners – Cost Share

The Board considered voting to approve a revised Interlocal Agreement between Orange County, the Town of Chapel Hill, and the Town of Carrboro to jointly fund the costs of private sewer service lateral connection installations for qualified Low-to-Moderate-Income (LMI) homeowners in the Historic Rogers Road sewer service area and authorize the County Manager to sign. The revision primarily relates to modifying the method of hiring licensed plumbers to install the onsite private sewer lateral connections.

Commissioner Price asked if the bidding process could be explained.

Craig Benedict, Planning Director, said the County will take this on a case-by-case basis. He said when a property owner is interested, the County will analyze the property, do the design work, etc., and then go out to bid per property.

A motion was made by Commissioner Price, seconded by Commissioner Greene to approve a revised Interlocal Agreement between Orange County, the Town of Chapel Hill, and the Town of Carrboro to jointly fund the costs of private sewer service lateral connection installations for qualified Low-to-Moderate-Income (LMI) homeowners in the Historic Rogers Road sewer service area and authorize the County Manager to sign. The revision primarily relates to modifying the method of hiring licensed plumbers to install the onsite private sewer lateral connections.

VOTE: UNANIMOUS

a. Minutes

The Board approved the minutes from December 2 and 10, 2019 as submitted by the Clerk to the Board.

b. Motor Vehicle Property Tax Releases/Refunds

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

c. Property Tax Releases/Refunds

The Board adopted a resolution, which is incorporated by reference, to release property tax values for fifteen taxpayers with a total of twenty-three 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 approving twelve untimely applications for exemption/exclusion from ad valorem taxation for twelve bills for the 2019 tax year.

e. Ratification of Contract Signature Authority and Approval of Budget Amendment #4-A for the Philip Nick Waters Emergency Services Building Remediation Project

The Board ratified the County Manager's signature on Change Amendment 4 to the executed contract with Sasser Companies, Inc. in the amount of \$119,623.14, and approved Budget Amendment #4-A to increase the overall Philip Nick Waters Emergency Services Building Remediation project budget by adding an additional \$226,500, for a total project budget of \$3,435,959.

f. Ratification of Contract Signature Authority and Approval of Budget Amendment #4-B for the Solid Waste Administration Building

The Board ratified the County Manager's signature on the executed contract with Sasser Companies, Inc. in the amount of \$281,324, and budget contingency of \$28,132, and approved Budget Amendment #4-B the Solid Waste Administration Building.

h. Approval to Extend the White Cross Fire Insurance District Boundary from the Cane Creek Fire Insurance District

The Board approved the proposed White Cross Fire Insurance District map which has been expanded to include properties from the Cane Creek Fire District that is not currently in its rated insurance district.

i. Phillip Nick Waters Emergency Services Stormwater Control Measure Access and Maintenance Easement and Agreement with Town of Hillsborough (510 Meadowlands Drive, Hillsborough)

The Board approved a Stormwater Control Measure Access and Maintenance Easement and Agreement with the Town of Hillsborough for the Orange County Phillip Nick Waters Emergency Services Stormwater Control Measures; and authorized the Chair to sign the necessary paperwork upon final County Attorney review.

j. Orange County Sportsplex Field House Stormwater Control Measure Access and Maintenance Easement and Agreement with Town of Hillsborough (103 Meadowlands Drive, Hillsborough)

The Board approved a Stormwater Control Measure Access and Maintenance Easement and Agreement with the Town of Hillsborough for the Orange County Sportsplex Field House Stormwater Control Measures; and authorized the Chair to sign the necessary paperwork upon final County Attorney review.

l. Lease of 308 W. Franklin Street and Suite 101 at the Europa Center, and Approval of Budget Amendment #4-C

The Board authorized the Manager to sign the lease for 308 W. Franklin Street and the lease for Suite 101, Europa Center, upon final review by the County Attorney, and approve Budget Amendment #4-C.

9. County Manager's Report

Bonnie Hammersley referred to the Information items and the Commuter Rail Update, which was sent out by Commissioner Marcoplos. She said GoTriangle staff is willing to give a presentation to the Board, if the Board so chooses.

Bonnie Hammersley said the Board's annual retreat is on Friday, Jan. 24th at the Cedar Grove Community Center and the Assembly of Governments meeting will be Tuesday, January 28th at the Whitted Building.

10. County Attorney's Report

John Roberts said he previously informed the board that the Human Relations Commission (HRC) was working on diversity within County advisory boards, and this work will be ready for the BOCC's review soon. He said the HRC also has his draft of the anti-discrimination ordinance, which will be ready for BOCC review soon.

Commissioner Dorosin said he has been in contact with other elected officials on other boards about the anti-discrimination ordinance, and there may be an adoption of this ordinance at the same time, possibly during pride month in June.

11. *Appointments
NONE

12. Information Items

Chair Rich said the BOCC has received some calls about the Broadband initiative not moving fast enough. She said she has spoken to staff about this, and some areas have been connected, while other areas have trees that are presenting greater problems than anticipated. She said Piedmont may offer some vertical space. She said the process is still in phase one, which is slower than expected, but staff is doing all it can to keep things moving.

Commissioner McKee said there have been more than calls, and a community meeting may be held in Cedar Grove.

Commissioner Dorosin asked if more towers are needed.

Chair Rich said yes; the trees are blocking the signal.

Jim Northup, Chief Information Officer, said staff is looking at alternate sites, including some private property offered by homeowners. He said open broadband is having difficulty getting through the trees. He said there is technology that can penetrate the trees, but it is not going as expected. He said there are currently about 100 people signed up.

Commissioner McKee said he has received calls inquiring why the Board paid so much for this service, but is receiving so little in return thus far. He said he has told the public that full payment has not yet been made, and if the agreement is not fulfilled, then full payment will not be made.

Jim Northup said the company has invested money in addition to Orange County.

Commissioner McKee said the public is sometimes confused on how payment has been made.

Jim Northup said the contract is very clear, and staff is following it. He said the first customers were signed up in May 2019, and overall customer numbers are lower than the company anticipated.

Commissioner McKee said social media has contributed negatively to this process.

Jim Northup said staff is in the process of surveying the customers.

- December 10, 2019 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-Richard E. Whitted Front Entry Accessibility Ramp and Steps
- Memorandum-Broadband Initiative Pilot Project Update with Attached Service Area Map
- December 18, 2019 Greene Tract Facilitated Meeting Notes
- Memorandum-Greater Triangle Commuter Rail (GTCR) Update

13. Closed Session

A motion was made by Commissioner Greene, seconded by Commissioner Marcoplos to go into closed session at 9:37 p.m. for the purpose below:

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

VOTE: UNANIMOUS

RECONVENE INTO REGULAR SESSION

A motion was made by Commissioner Dorosin, seconded by Commissioner McKee to reconvene into regular session at 10:05 p.m.

Adjournment

A motion was made by Commissioner Dorosin, seconded by Commissioner McKee to adjourn the meeting at 10:05 p.m.

VOTE: UNANIMOUS

Penny Rich, Chair

Donna Baker
Clerk to the Board