

APPROVED 04/02/2019

**MINUTES  
BOARD OF COMMISSIONERS  
WORK SESSION  
March 12, 2019  
7:00 p.m.**

The Orange County Board of Commissioners met in regular session on Tuesday, March 12, 2019 at 7:00 p.m. at the Southern Human Services Center in Chapel Hill, 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 7:01 p.m.

**1. County Commissioners: Boards and Commissions – Annual Work Plans/Reports**

External Boards (to which the Board of County Commissioners (BOCC) appoints):

- **Carrboro Northern Transition** – Anahid Vrana, Amy Jeroloman (Chair) and Deb Rich

Amy Jeroloman referenced new material at the Commissioners' places, and said she would address this at the end of her presentation.

Amy Jeroloman reviewed the information below:

The primary purpose of the Northern Transition Area Advisory Committee (NTAAC) is to review and make recommendations about development and planning concerns in the area of Orange County under Carrboro's jurisdiction. The following annual report highlights the work of the NTAAC from November 2017-November 2018. Please note that the NTAAC has not met since November 2018 because there were no items brought to the committee for consideration.

**(1) Proposal for Light-Industrial Land Uses on Town-Owned Property at 7917 Old NC 86**

The rezoning and development of the Town owned property at 7917 Old NC 86 to light Industrial would provide businesses with affordable and quality space to grow, positively affecting our local economy. The NTAAC represents the interests of residents and adjacent property owners of the Northern Area in these discussions.

Areas of interests include:

- Traffic impacts on Old NC 86 and Twin Creeks Park entrance as well as mitigation strategies
- Impacts on adjacent properties with regards to noise, lighting, scenery and view obstruction, water quality, buffers
- Terms and definition of light-industrial in regards to the surrounding rural landscape
- Consideration for multi-use paths, sidewalks, and greenhouses
- The Towns dual roles of developer and enforcer of the process (Land Use Ordinance, etc.)

- Funding details for development of the property, potential funding partners, and cost projections
- *Flooding and Stormwater impacts. Recently Hurricanes Florence and Michael brought significant and swift flooding to this area, making Old NC 86 briefly impassable, both at 7917 Old NC 86 and the future entrance to Twin Creeks Park (across from 8021 Old NC 86.)*

*NTAAC requests that the Commissions have NCDOT Engineers review the area with the above specific considerations. The NTAAC also requests that residents and interested parties, such as Town commissions and boards, be emailed in advance in a timely manner when this project is to be discussed. The NTAAC continues to seek information on the project and we would appreciate any update on this project from the Commissioners.*

### **(2) Trash and Traffic Concerns on Old NC 86 & Eubanks Roads**

The NTAAC remains concerned about the excessive trash along Old NC 86 (i.e., from Calvander to Eubanks Rd). With the close proximity to the County's Solid Waste Center, trash and debris often fall from vehicles on Old NC 86 and garbage accumulates along this road at a more rapid rate than at other locations. *The NTAAC again recommends to County Commissioners that the collection schedule be revised given that the road is too dangerous for community groups to sponsor or adopt for cleanup.*

The NTAAC remains concerned with the traffic along Old NC 86 and Eubanks Road. On school mornings, traffic backs up on Eubanks Road by Morris Grove since the traffic circle does not have a dedicated right turn lane into the school. During weekday mornings, residents can no longer safely make a left turn onto Old NC 86 on the stretch of Old NC 86 from Calvander to Eubanks Rd given the amount of cross traffic on Old NC 86. In November 2017, the NTAAC reported to the BoA these concerns and recommendations for mitigating traffic. In April 2018, the same concerns and recommendations were reported to the County Commissioners. *The NTAAC requests that any information be shared with us about traffic studies or car counts done by the NCDOT and /or any plans for road infrastructure improvements.*

Additionally, as part of the Way Finding Project (see #2 under "Additional Items of Interest") *NTAAC recommended that directional signage at the intersection of Eubanks Road and Old NC 86 would be helpful, particularly as the area grows and motorists less familiar with that intersection need to ascertain directions to Hillsborough and Carrboro.*

### **(3) North-South Connector Road via Lake Hogan Farms Extension**

The NTAAC continues to advocate for the completion of the North-South Connector Road, using Lake Hogan Road Extension, northward to Eubanks Road and Morris Grove School, as a solution to traffic and safety issues. This connector road would provide an alternate route to Old NC 86 as well as improve traffic circulation and safety for the surrounding area including Hogan Farms and the future Twin Creeks Park. Carrboro Planning Staff confirmed the last phase of the development Ballantine / MI Homes has stalled, but an engineering review of bridge crossing is underway. (The connector's current path requires two bridge crossings.)

*The NTAAC recommends that the Orange County Board of Commissioners and Board of Aldermen discuss the North-South Connector Road project at their next joint meeting. We are concerned that these joint meetings have been cancelled for the past two years. We also request an update on what funding, if any, the County has allotted to the Twin Creeks Parks and the completion of the connector road.*

Amy Jeroloman addressed the additional information that she handed out to the Board. She said, as a committee, they objected to the flex zoning, and an applicant has come to accept this site as a flex land site, and Carrboro has asked all of their boards to provide comments. She said they are worried about density, and would like the help of the Board of County Commissioners (BOCC) with this campaign.

Chair Rich said at the last BOCC meeting she petitioned the Board about this issue, and asked questions about the flex zone. She said Orange County staff was working with Carrboro staff, and will bring back information. She said the BOCC cannot tell the towns what to do; however, the County can provide information and recommendations, but ultimately it is up to the individual towns whose jurisdictions these concerns come to.

Deb Rich said they cannot vote for the Board of the Alderman because they are in the extraterritorial jurisdiction (ETJ). She referred to the Bubble sheet, which is at their places, to outline and understand the flex process. She said it is very confusing.

Deb Rich said there will not be a site plan on the front end and the density is mixed use, but they do not know what the market will hold. She said it seems to be limited to the County area of about 25 acres. She said she is concerned that people are not aware of this, and they are not noticing people except within 1000 feet. She said this seems like a blank check.

Amy Jeroloman said this level of notification works in Carrboro, but not for those living in the County.

Commissioner Dorosin clarified that a preliminary draft of ordinance has been done.

Deb Rich said yes, and she will share with the BOCC. She said they are going to be meeting every other week, and it is on an ambitious timetable.

Commissioner McKee said the BOCC may be able to meet with the Department of Transportation (DOT), and talk to them about trash and traffic on Old NC 86.

Deb Rich said a development with that level of density and car impact can only have a negative effect.

Commissioner McKee said the traffic mitigation is a DOT issue.

Deb Rich said a dedicated turn lane into Morris Grove Elementary School would help, and this property goes right up to the traffic circle. She said they have requested a site visit as some of this land used to be wetlands, but may not be anymore. She said this change has led to changes in the possible density.

Commissioner Price said she had hoped to work together again as they have in the past.

Deb said no one on the Board of Aldermen (BOA) understands Old NC 86, as none of them live in Hogan Farms. She said she has talked with Hogan Farms residents and they do not feel represented either.

- **Carrboro Planning Board** - unable to attend but sent attached report (Susan Poulton)
- **Chapel Hill Parks, Greenways and Recreation Commission** - unable to attend but sent attached report (Alice Armstrong)

### Internal Boards Representative(s)

- **Adult Care Home Community Advisory Committee**      **Michael Zuber, Chair**  
Michael Zuber said they make unannounced quarterly visits to adult care communities, and annual visits to family care homes (6 or less beds), and one of their purposes is to foster collaborative relationships with facility administrators and managers.  
Michael Zuber said they are up to 13 volunteers.

Michael Zuber said in Chapel Hill and Carrboro they are blessed with strong facilities, such as Carol Woods, but the living conditions in the lower level facilities are appalling. He said they frequently see bed bug cleanups, smell of feces, lack of funding, and high staff turnover. He said the facilities receive the reports, but there is a lack of desire to make changes. He said there is legislation on the table to increase public assistance up from \$66. He asked if the BOCC would support this effort. He said they are trying to set up committees with local government leaders and the administrators of these facilities. He said many of these facilities are for-profit, and may not be able to receive government funding, but he does think there are areas where improvements can be made.

Michael Zuber said the committee feels that local leaders have become apathetic and pessimistic about improving the living conditions for the elderly in Orange County assisted living homes.

Commissioner Bedford asked if all 12 facilities are licensed.

Michael Zuber said the State licenses and regulates them, and they work with their Triangle J Council of Governments' (TJCOG) Ombudsman. He said there is a real lack of incentive for Administrators to make any improvements.

Commissioner Bedford asked if the County has any ability to enforce standards.

Janice Tyler, Department on Aging Director, said the family care homes and assisted living facilities are monitored by the local Department of Social Services (DSS), which is different from the report the Board will hear from the Nursing Home Committee, and those facilities are monitored by the Division of Health Services, which is a State organization. She said locally they do have a bigger stick with the Adult Care Homes and the Assisted Living facilities. She said all are for-profit entities, except for Carol Woods.

John Roberts said DSS does help with regulations, but the County does not have any regulatory authority to pass ordinances. He said DSS is inspecting and enforcing based on State rules and regulations.

Commissioner Bedford said her daughter lives in a group home that is run by the State, and it is immaculate. She said reports need to be filed, and the press needs to be brought in; whatever it takes.

Commissioner Price asked if the completed reports carry any weight.

Michael Zuber said the reports are put on the County website and are mailed to administrators, but there is not much push for change.

Commissioner Price asked if Janice Tyler reports findings to DSS.

Janice Tyler said DSS is typically the connection or the Ombudsman.

Michael Zuber said the Ombudsman usually follows up, and it is usually the same facilities that have recurring problems.

Chair Rich asked if there is high turnover due to low pay.

Michael Zuber said probably, and he was part of a recent visit where he saw an unattended med cart in the hallway, which he brought up to the staff who did not seem at all concerned. He said these are issues that cannot be swept under the rug. He said many counties are struggling with similar issues, but there needs to be good, affordable, quality care.

Commissioner Marcoplos said he would like to have a Board of County Commissioners representative at these meetings.

Michael Zuber said they meet at 4 p.m. every two months, and are trying to have more field meetings with the administrators.

Janice Tyler said these committees meet onsite, and these meetings are back to back with the Nursing Care Homes meetings. She said Commissioners are welcome at both meetings.

Commissioner Greene referred to the list of emerging concerns and improving regulatory expectations, such as resident to staff ratio and handicap accessible door requirements. She asked if these are State issues or if the County could intervene.

Michael Zuber said DSS may know more. He said there is one facility without handicap accessible doors, and he was told there is insufficient funding.

Commissioner Greene said the body with authority should be lobbied to address this.

Janice Tyler said there are handicap accessible doors, but they do not have the ability to open automatically.

Commissioner Greene said the lack of resident-to-staff ratio is insane. She referred to the statement about local leaders being apathetic about improvements, and asked if this referred to the BOCC.

Michael Zuber said no. He said there is some discussion in the Master Aging Plan (MAP) program about projects related to the assisted living facilities.

Commissioner Bedford thanked all of the committee members for serving, especially given the considerable training requirements.

Commissioner Dorosin referred to the question about lobbying, and asked if there are some organized advocacy groups that are pushing for changes.

Janice Tyler said the Friends of Residents of Long Term Care is a statewide organization that is having an advocacy day on the first Wednesday in April. She said there is some legislature going forward to raise the amount for the personal care allowance.

Commissioner Dorosin asked staff to get the name of the bill so the Board can pass a resolution of support.

Commissioner Price encouraged her colleagues to participate in these meetings or visits. She said both are very informative.

- **Advisory Board on Aging**

**Peggy Cohn, Chair**

Peggy Cohn said the most outstanding accomplishment is the success of the Master Aging Plan, and its ability to bring our community together to successfully serve our growing aging population. She said the Aging board is especially proud of its work on advocating for affordable housing. She said the Senior Housing Report was updated and is used as a resource for the community in developing senior housing initiatives. The development of the Home Preservation Coalition has improved the communication among agencies and will ultimately help in getting clients served in a more coordinated and efficient manner.

Peggy Cohn said the MAP plan has brought the community together. She highlighted the following:

- Programs developed for older adults seeking employment. Commodity Senior Food Program served 243 low-income older adults in five locations (Seymour, Passmore, Efland Cheeks Community Center, Cedar Grove Community Center, and Carolina Spring).
- Rural Orange Action Partnership (ROAP) Steering Committee: Together with the UNC Center for Health Equity Research, DoA formed the ROAP Steering Committee, comprised of ten individuals from the Efland-Cheeks and Cedar Grove communities. This committee will serve as a platform for meaningful community action and change, and its development was financially supported by the Detroit-Academic Urban Research Center, and the University of Michigan School of Public Health.
- Continuation of two award programs to promote high quality services within long-term care organizations – the Direct Care Worker Award and the Long Term Care Quality Service Award.
- Supporting 52 Project EngAGE Leaders serving on 13 Senior Resource Teams.

Peggy Cohn said they were sorry to see OC Cares end, and it was so successful that it has been wrapped into the work being done by the Department on Aging. She said staff deserves credit for expanding dollars and keeping these services going. She said the Senior Employment program has also been successful.

Peggy Cohn said her favorite program is Project EngAGE, which has been extraordinarily successful in training them about community resources, and enabling them to develop and execute projects within the community. She said there are 13 senior resource teams, with another starting next fall, and they are amazing.

- **Nursing Home Community Advisory Committee** **Vibeke Talley, Chair**

Vibeke Talley invited the Board to attend their meetings.

Vibeke Talley said there is a new Nursing Home Center on Legion Road, and its opening fortunately coincided with the evacuations from the coastal areas, which provided a great service to displaced residents. She said the Committee is still working with all nursing homes to increase the quality of life, meeting with patients for exit interviews and also with the activity directors. She said they are involved with Project EngAGE as well, and trying to get these volunteers to go into the nursing homes to provide activities and that way they know more about the nursing homes. She said the Committee is working with Chapel Hill High to get students to come in and assist and get hands on experience with seniors.

Commissioner Price asked how many high school seniors have been involved.

Vibeke Talley said 4-5, and this was the first time they had done this.

- **Affordable Housing Advisory Board (AHAB)** **Keith Cook, Chair**

Keith Cook said he works closely with Sherrill Hampton, Housing Director, and the board is in agreement with their charge, and has a few topics they want to work on this year.

This year AHAB held one subcommittee meeting as it relates to planning for a joint meeting with the other affordable housing advisory boards in Chapel Hill and Carrboro. Other subcommittees will be formed and meetings will be held as AHAB plans to enhance its role of advising the Board of County Commissioners. He said the board plans to attend more meetings that can assist them (in report) to increase their working knowledge.

Other activities they are engaged in:

- Begin designing a resource clearing house, in terms of what people can use for support in housing and additional sources for non-profits to seek funding. This activity will be completed over several years. Phase I will begin in 2019.
- Have various County funding recipients return throughout the calendar year to provide updates on their progress.
- Expand outreach to the community, such as meeting with representatives of school and religious institutions; identify potential partnership opportunities with other affordable housing-affiliated organizations; and scheduling AHAB meetings at various locations in the community.

Keith Cook said their first Status of Affordable Housing report will be coming out this summer.

Emerging Issues:

- Gentrification
- Rural Buffer Review
- Manufactured Home Park Potential Closures

- Acquiring New Sources of Funding to Mitigate Affordable Housing Challenges in the County

Commissioner Price asked if the board's conversations include tiny homes.  
Keith Cook said yes.

- **Housing Authority (HA)**

**Tammy Jacobs, Chair**

Tammy Jacobs is the new Chair, but has been on the board for a while. She said the charge for this board is to be the citizen oversight of the County's Housing Authority and its Housing Choice Voucher (HCV) Program. She said they need more information about the Rural Buffer and how that will involve their department.

Some accomplishments this year:

- Participated in sponsored activities, events and workshops that help build HCV participants' self-sufficiency.
- Participated in OCHA's outreach events and activities for existing landlords and other interested rental property owners in an effort to increase landlord participation in the HCV program.
- Review and provide input on the Consolidated Plan/Annual Plan Update and Performance Report.
- Review and approve changes to the Housing Authority policies, including revisions to the Administrative Plan in order to enhance program efficiency, compliance with U.S. Department of Housing and Urban Development (HUD) requirements, as well as meet program participants' needs.
- Review of the Section 8 Management Assessment (SEMAP) before its submission to HUD.
- Continue participation in landlord engagement events and activities in an effort to increase landlord participation in the HCV Program.
- Work with staff to increase HCV participants utilization of the voucher for homeownership opportunities.
- Continue educating County residents and the BOCC on the changing landscape for Housing Authorities, various new regulations and their ramifications on the County's HCV Program.
- Ongoing advocacy on behalf of low-income individuals and families in need of sustainable housing solutions

Commissioner Dorosin said there is some overlapping membership with the Housing Authority and the AHAB, which is somewhat redundant, and asked if there is any thought to consolidating these two boards.

Tammy Jacobs said that was one of their reasons for meeting with the AHAB, in order to identify what they do individually and what they can do collectively.

Commissioner Dorosin said Carrboro and Chapel Hill both have housing boards, and if the goal is a unified vision, then the County should be speaking with a unified voice. He said he knows there are different statutory issues.

John Roberts said the HA is a non-profit organization, and not an advisory board. He said all local jurisdictions could work directly with the HA, but the AHAB and HA cannot be combined as they are not two boards.

Commissioner Dorosin said the County can abolish the AHAB, and the BOCC appoints the members of the HA.

Tammy Jacobs said she is not saying that any entity does not need to exist, but there are so many disjointed housing authorities and organizations in the County.

Commissioner Dorosin said generally the County is trying to operate more efficiently, and affordable housing is a priority for the BOCC. He said housing resources are stretched thin, and it is especially important to be work wisely.

Commissioner Greene said she did not realize that the HA was a separate entity, and she said would like to understand why the County's entity operates independently as opposed to the Towns.

Commissioner Greene said when Chapel Hill created its current Housing Advisory Board it merged the function of the advisory board to support the public housing. She said there should be a way to make the County's operations more streamlined, efficient and effective.

Commissioner Marcoplos said both Tammy Jacobs and Keith Cook mentioned the Rural Buffer, and the BOCC is trying to make progress on the Greene Tract area of the rural buffer. He said this would be a great boost for affordable housing.

- **Human Relations Commission (HRC)** **Deborah Stroman, Chair**

Deborah Stroman said despite the current cultural climate, they believe a large majority of the County wants to connect and are good people.

Deborah Stroman said her board is made up of true patriots, and it is the role and charge of the Commission to bring issues to the Board of Commissioners.

Deborah Stroman said the Commission is moving toward reducing their board membership from 18-12, and are doing better with marketing and social media. She said their annual Community Read ("*Evicted: Poverty and Profit in the American City.*"), will be on April 3 at 6pm at the Southern Human Services Center in Chapel Hill.

#### Emerging Issues

1. Ensuring that the membership of the HRC reflects racial, cultural and gender diversity.
2. Recruiting even more representation from Northern Orange for the HRC.
3. Creating an open line of communication between the HRC and other residents in order to keep up-to-date on social justice issues impacting all parts of the County. Promote the new communication tools: Chapelboro.com blog and Facebook page.
4. Engage the community in frequent conversations to promote positive communication and understanding. We decided to move against the promotion of a civility program due to the charged language of the word 'civility'.
5. Being mindful that UNC-Chapel Hill social justice issues are Orange County social justice issues.
6. Coordinate a community-wide social justice meeting whereby all leaders of these organizations will be invited to share their purpose and best practices.
7. Continued engagement with Government Alliance on Race & Equity (GARE) sponsored by the Haas Institute and Race Forward.
8. Learn more about immigration laws and ICE to gauge the impact on the community.

Deborah Stroman added a few more items: Orange County Remembrance Coalition, specifically lynching, and concern about Chapel Hill-Carrboro City Schools' (CHCCS) equity advocacy and implementation.

Commissioner Price asked if the Commission will look at the Orange County Equity policy.

Deborah Stroman said yes.

Commissioner McKee thanked the HRC for bringing in more rural voices.

- **Board of Adjustment (BOA)** **Craig Benedict, Planning Director**

Craig Benedict emphasized the training that is now provided for BOA members. Commissioner Dorosin asked if there is an update on reviewing the BOA.

Craig Benedict said a series of educational videos from the School of Government (SOG) have been purchased. He said the training covers quasi-judicial procedures, which the Planning Board often conducts. He said there has been turnover and new board members are completing orientation. He said every time there are regulatory changes, staff works with the Attorney's office to be more specific, to avoid confusion of interpretation.

John Roberts said staff asked the BOA if it needed outside and separate legal counsel, and the BOA said no. He said he has given it great thought, and his opinion has fluctuated over time. He said in the event that the staff's recommendation is in conflict with the BOA, the staff would need separate representation. He said if the Board would like to explore separate representation for the BOA, staff can certainly do so.

Chair Rich asked if the education and training are helping.

John Roberts said yes, and he and James Bryan also did an overview of the BOA's responsibilities.

- **OUTBoard (Orange Unified Transportation Board) Art Menius, Chair**

Art Menius said they have Abigaile Pittman and Tom Altieri and others that support their Board, and he thanked them and said they are able to provide extensive orientation to their new members and it is also on their website.

Art Menius said the OUTBoard has a strong interest in multi-modal transportation, and would love to be known for this around the state and country. He said the bike safety task force is exciting, and safety videos and other media, are being circulated effectively. He said the website is up and operating, and the OUTBoard continues to see open communication between the government entities about how to create the best conditions for transportation safety in non-motorized modes. He said the safe routes to school are an important piece of this, with the route to Grady Brown Elementary and Cedar Ridge High School still being of concern.

Art Menius said public transportation is a priority and the OUTBoard is excited about the progress made by Transportation Director, Theo Letman. He said ongoing conversations about providing better transportation to the rural parts of the community are exciting and allowing the County to be on the cutting edge of innovation. He said of special concern is effective communication of their public transportation offerings to the public who most need these services.

Art Menius said staff continues to support the OUTBoard in dealing with all of the tasks that comes to it from TARPO and the MPOs. He said the OUTBoard is observing the Highway 54 project closely, and opposes widening it to 4 lanes. He said an area that has sparked great citizen interest is the Eland/Buckhorn/Mebane access area. He reviewed the following highlights:

Activities for 2019:

In 2018, the OUTBoard has:

1. Received and reviewed information regarding Orange County's SPOT 5.0 project lists and scores submitted by the DCHC MPO, the BG MPO, and the TARPO and NCDOT for ultimate consideration of inclusion in the 2020-2028 Statewide Transportation Improvement Program (STIP).
2. Received and reviewed regular updates regarding NCDOT Division 7 projects located in the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO), (Burlington-Graham Metropolitan Planning Organization) BG MPO, and (Triangle Area Rural Planning Organization) TARPO.
3. Initiated a quarterly effort to assist Planning staff with the identification of small

transportation projects, to be submitted to NCDOT when there are opportunities to submit requests to fund Orange County projects. Potential funding sources for these projects include the High Impact – Low Cost Project Program, the Resurfacing Program, and the Spot Safety Program.

4. Received updates and commented on the NC 54 Corridor Study.
5. Received updates and commented on the revised Efland-Buckhorn-Mebane Access Management Plan.
6. Reviewed and commented on updated OUTBoard orientation materials.
7. Received reports from the Bicycle Safety Implementation Subcommittee, and participated in review and comments at OUTBoard meetings.

In 2018 the Transit Advisory Services (TAS) effort led by Orange County Public Transportation (OCPT) Department, has addressed transit topics at OUTBoard meetings relating to public transit.

Some activities planned for 2019:

1. Continue quarterly meetings with OCPT regarding Transit Advisory Services (TAS) to discuss new bus routes, unmet needs in the service area, service design and scheduling, marketing, billing rates and fares, resolve complaints; and to monitor compliance with federal regulations and the status of any deficiencies noted in any official federal, state or local review or report (BOCC Goal 3, Priority 20). Related staff time is a part of staff's current work plan.
2. Review, comment and make recommendations on the B-G MPO CTP/ MTP (BOCC Goal 3, Priority 20). Related staff time is a part of staff's current work plan.
3. Participate in the development and review of transportation projects as part of the TARPO, DCHC MPO and B-G MPO STI local input processes for SPOT 6.0. (BOCC Goal 3, Priority 20). Related staff time is a part of staff's current work plan.
4. If required, review, comment and make recommendations on final recommendations of the NC Hwy 54 west study being in DCHC MPO, TARPO and B-G MPO jurisdictions (BOCC Goal 3, Priority 20). Related staff time is a part of staff's current work plan. Out Board is recommending four laning.
5. If referred by the BOCC: Implementation efforts related to the Safe Routes to School (SRTS) Action Plan (BOCC Goal 3, Priority 20). Related staff time would be a part of staff's current work plan.

Emerging Issues:

1. Continue to explore implementation opportunities for Safe Routes to School (SRTS) projects, including prioritizing the county and the Town of Hillsborough working out an agreement for sidewalk construction and maintenance to facilitate sidewalks to the schools that are outside the Town limits; and traffic calming measures along Orange Grove Road in the vicinity of New Grady Brown Road and the schools.
2. Coordinate connectivity and infrastructural changes with the towns in order to create better conditions for bicycling and other alternate forms of non-motorized transportation.
3. Work with NCDOT to promote funding of pedestrian and bicycle projects in rural areas to a greater degree.
4. Examine multi-use path planning in the county.
5. Promote efforts to communicate with underserved populations about transportation

- **Planning Board (Orange County)**

**Lydia Wegman, Chair**

Lydia Wegman said the Planning Board is focusing on coordination with the other advisory boards, and doing an update to the 2030 Comprehensive Plan. She said it is particularly important for the Planning and Economic Advisory Boards to be in close communication and cooperation. She said there has been extensive work done on the Table of Permitted Uses, and staff has done an excellent job. She said there will be work done on affordable housing issues, as well as greater access to services in the rural parts of the County. She said cluster developments are being strongly considered, along with climate change and sustainability in the County.

Craig Benedict said the 2030 Comprehensive Plan was approved in 2008, with a review scheduled every ten years. He said, during this process, the Commissioners came up with 8 planning principles to guide all the different elements from land use to transportation to housing, etc. He said the process that was established to create the 2030 plan brought together all the lead advisory boards to work together. He said when the 2020 census data becomes available; they will look at the trend lines and adjust accordingly.

Lydia Wegman said Commissioner involvement would be welcomed in this process.

Commissioner Price said the Planning Board met with all the other advisory boards previously, and asked if this information was still available.

Craig Benedict said all this information is still available, but an update would be good as some things have changed.

Lydia Wegman said to use the same process, and revise as needed.

Commissioner Dorosin said one of the Planning Board's top emerging issues is listed as the removal of uninhabitable housing. He said he was unaware this was an issue, and asked if any investigations have been conducted, and, if so, what is the scope of the problem.

Craig Benedict said when staff did the inventory of mobile homes (individual and in mobile home parks), a lot of abandoned homes were found. He said there used to be grant monies to remove these homes but those funds have dried up. He said these abandoned homes are not only a safety hazard, but are eyesores when showing areas for potential economic development. He said the nuisance regulations available to cities, are not as available to the County, but staff is seeking a higher level of enforcement to try and treat this problem.

Commissioner Dorosin asked if the number of abandoned homes is known, or if there is an area of greater concentration.

Craig Benedict said these homes are scattered throughout the County, and likely number between 100-200 homes.

Commissioner Dorosin asked if the County could have a similar regulatory/enforcement authority as the cities.

Craig Benedict said enabling legislation would be needed.

Commissioner Price asked if there is a place to take the uninhabitable mobile homes.

Craig Benedict said part of the issue is moving them, as well as where to move them. He said the C&D facility is not equipped to take a lot of the mobile home materials.

Chair Rich asked if the original 8 principles could be sent to the BOCC.

Bonnie Hammersley said staff will do an information item on this topic.

Chair Rich said a climate change committee has just been created, which will involve all of the towns in the County. She said Lydia Wegman may want to tap into this.

Chair Rich said to include Commission for the Environment as well.

Lydia Wegman said this is absolutely happening, and its omission was a mistake.

Craig Benedict said the 2030 Comprehensive Plan includes a sustainability chapter, which connects environment, economy and social equity. He said the goal in planning is to

push these circles as close together as possible, to create a sweet spot, in order to address all the goals at the same time.

Craig Benedict said they will provide an information item on the history of the 2030 Comprehensive Plan.

## 2. Durham-Orange Light Rail Project Update

John Talmadge, GoTriangle, presented this item.

### **PURPOSE:**

To receive an update from GoTriangle on recent developments with the Durham- Orange Light Rail Project. The update will not include proposed changes to the *Interlocal Cost Sharing Agreement* or the *Orange County Transit Plan* as project financing and feasibility conditions evolve. Any proposed changes will be presented and considered by the Board at future meetings.

### **BACKGROUND:**

On April 27, 2017, the Board of Orange County Commissioners adopted the *Interlocal Cost Sharing Agreement for the Durham-Orange Light Rail Transit Project* as well as the *Orange County Transit Plan*. These agreements allowed GoTriangle to provide updated financial information to the Federal Transit Administration (FTA) in support of GoTriangle's application to enter the engineering phase of the Durham-Orange Light Rail Project. On July 28, 2017, GoTriangle received approval from the FTA to enter the New Starts Engineering phase of the Capital Investment Grant Program.

Since the adoption of these agreements, several new developments will require changes to the *Interlocal Cost Sharing Agreement* between Orange County, Durham County, and GoTriangle as well as to the *Orange County Transit Plan*. This presentation is intended to describe the changes that have occurred. Any proposed amendments to the *Interlocal Cost Sharing Agreement* and/or the *Orange County Transit Plan* will be presented and considered at future meetings of the Board of Orange County Commissioners. The presentation from GoTriangle will offer the most recent information regarding:

- Negotiations with Duke University to participate in a Cooperative Agreement and contribute land to accommodate the light rail alignment;
- Negotiations with the North Carolina Railroad on a lease agreement and other considerations to accommodate the light rail alignment;
- Financial requirements resulting from the Federal Transit Administration's Risk Assessment Report;
- Environmental analysis requirements for the engineering changes in downtown Durham; and
- Schedule for future consideration of any proposed changes to the *Interlocal Cost Sharing Agreement* and the *Orange County Transit Plan*.

**FINANCIAL IMPACT:** A new financial plan for the project has not been finalized. However, Orange County's contribution to the project is capped at \$149.5 million.

John Talmadge made the following PowerPoint presentation:

GoForward  
A Community Investment In Transit  
Orange County BOCC

**March 12, 2019****Light Rail Project Update**

- Recent Accomplishments
  - Execution of nine critical agreements
  - \$190 million of State funding in STIP
- Recent Updates
  - Letter from Duke University president
  - Letter from NCCR Board Chair
  - Draft Risk Assessment Report from Federal Transit Administration
  - Environmental analysis requirements for downtown Durham changes
  - Transit Plan Update in development

**Light Rail:**

- 17.7 Miles, 18 stations between UNC and NCCU.
- Serves three of the top ten employers in North Carolina.
- Direct access to Duke Hospital, UNC Hospital, the Durham VA Medical Center and downtown Durham.
- Create tens of thousands of new jobs and infuse billions into the local and state economies

**Light Rail Route Map****Connectivity, Opportunity, and Job Creation**

- Provides direct connection to three major universities.
- Serves three major hospitals: UNC Hospital, Duke Hospital, VA Medical Center.
- Directly connects three of the top 10 employers in the State.
- Creates tens of thousands of new jobs and infuses billions into the local and state economy.

**Project Funding**

- Project remains eligible for approximately \$1.25 billion in federal funding (Full Funding Grant Agreement anticipated Fall 2019).
- Durham County confirmed its intent to provide an additional \$57.6 million in dedicated transit revenue.
- Impacts of FTA Risk Assessment Report under evaluation
- Updated cost-sharing agreement and transit plan anticipated March- April 2019.

**Durham-Orange Light Rail Transit Project Timeline - graph****Recent Updates**

- Letter from Duke University president: exploring options to proceed without that cooperative agreement.

- Letter from NCCR Board Chair: indicated that NCCR was not prepared to execute a lease of February 28, but are willing to resolve the remaining issues and complete the agreement. There has since been communications with their CEO about the timing issue, and there may be some flexibility with that. The attorneys are working on the negotiation of those remaining terms. There are 2 agreements: a lease agreement with NCCR, and a project agreement with NCCR, Norfolk-Southern RR, and GoTriangle.

John Talmadge said there is a path to resolving the remaining issues on a timeline that works for submitting the FTA grant application.

John Talmadge said the FTA application is a process, and it is the last step in the process. He said GoTriangle has been providing materials to the FTA for many months, and once the FTA agrees that the agency is ready, GoTriangle will send a letter requesting to apply for the full funding grant, and the terms of the grant are negotiated.

John Talmadge said another step, in being ready to apply for the FTA grant, is the environmental documentation. He said GoTriangle released a supplemental environmental assessment draft in October, and had public comments on it. He said this document contained a plan for downtown that required the closing of Blackwell Street, and a signature civic space span across the railroad there. He said in December, because of communication from the railroads that the shared crossing in the plan was not acceptable, as well as feedback from downtown stakeholders regarding the closing of Blackwell Street closing, and an encouragement from the FTA to deal with the RR objections, GoTriangle created an alternative design that includes underpasses, the tunnel section in the middle, and a bridge on the east end of that stretch.

John Talmadge said GoTriangle is waiting on final direction from the FTA about the environmental review requirements, but is anticipating a revised supplemental environmental assessment. He said this would be a document including the updated downtown changes, and technical corrections to the October supplemental environmental assessment; followed by a 30-day public comment period. He said it is unknown when this will occur, and GoTriangle expects to hear from the FTA momentarily.

John Talmadge said the FTA is asking for a Draft Risk Assessment Report, which is something the FTA requires of every single project applying for large capital improvement grants. He said the FTA is looking at the scope of the project, the cost estimates, and the schedule for delivering the project through construction. He said a team from the FTA has submitted a number of changes to the budget that it would like to see in the final budget that would go through the application. He said these changes are as follows:

- Pettigrew Street Changes  
\$128.8 million additional needed for real estate lease fees for the railroad; contract or overhead.
- Construction escalation (inflation during construction period) needed to be more conservative. It was at 3.1% annual rate, and FTA said it should be 3.6% based on what the FTA has seen in construction costs nationally. This is an impact of adding \$47.8 million in year of expenditure to the project.
- Contingency # - how far has the design progressed, and the FTA does a statistical simulation to see how much they want to see to have a good robust budget. This was an additional \$60.4 million.

John Talmadge said this totals \$237 million in addition to the budget in year of expenditure dollars.

John Talmadge said GoTriangle has been working with this information during the recent weeks, and information about borrowing rates, and has had conversations with the cost-sharing partners and the City of Durham, in order to create a final financial plan.

John Talmadge said the final financial plan would have to be reflected in both the Orange County and Durham County transit plans. He referred to the Orange County side of things, and said the working assumption is that there will be no changes to the transit tax revenues that would be committed to bus services, vehicle purchases, bus stop improvements,

BRT and Hillsborough train station from the 2017 adopted transit plan. He said the capital dollar commitment of \$149.5 million, of Orange County transit tax to the light rail project, remains the same. He said the financing costs associated with the \$149.5 million would be at or below the levels that are in the 2017 transit plan levels.

John Talmadge said the changes would reflect the new cost of the LRT project, and the changes to the other sources of revenue: the state funding, and the other local funding (Durham share and private capital campaign share).

John Talmadge said the private capital campaign only has \$15 million currently, and there would have to be a backstop committed at this point in time, which has been part of the conversation with the cost-sharing partners and the City of Durham.

John Talmadge said the conversations have reiterated that there will be no changes to the \$149.5 million Orange County commitment, and that the financing costs would be at, or below, the 2017 transit plan levels.

John Talmadge said the final work on this, due to the April 30<sup>th</sup> state deadline for the non-state/non-federal funds, requires all entities to come together and finish these transit plans, release them for public comment, and come back to the elected boards for presentations, details, and a vote.

Commissioner Marcoplos asked if the backstop funding could be explained.

John Talmadge said the private fundraising does not have a clock on it, and it can continue throughout the project. He said GoTransit Partners (non-profit organization) was set up to do the private fundraising, and has a consultant working for it to conduct outreach and fundraising. He said the consultant has heard a lot of positive interest from corporations that will sponsor the project once it is definitely going to move forward. He said at this point in time, the financial plan must be finalized, and a commitment shown to the FTA that the money is secure, even if the private fundraising is not as successful as expected. He said the backstop is the commitment that the money will be there, but it gets reduced with every private dollar that comes in.

Commissioner Price said Orange County's costs will be the same, but the finance charges will be lower.

John Talmadge said the financing charges would be at, or below, the 2017 levels because the long term borrowing uses the federal loan program that has very favorable terms for transportation projects. He said the estimated rate that was used was very conservative (5%), and as the time has come closer and closer, it seems the rates will be lower than estimated, and the federal rate is currently 3%.

Commissioner Price asked if options to move forward without cooperative agreement with Duke could be identified. She asked if the routes would be altered.

John Talmadge said the options do not include changing the alignment because of the timeline and costs associated with making those changes. He said the station location in between the Duke and VA medical centers is the second highest ridership projection, due to the proximity of jobs in this area. He said all other mechanisms to proceed without a cooperative agreement are being explored, and it is unclear how this will all work out.

Commissioner Price asked if it will be same with the railroads should they say no.

John Talmadge said they are much more confident of reaching an agreement with the railroads, and timing is the bigger issue.

Commissioner Price referred to the additional monies that are needed, and asked if Durham County will pick that up.

John Talmadge said his staff is talking with Durham about this, but Durham has made no commitments at this time.

Commissioner Dorosin said there are deadlines in April and November, and asked if the specifics for each of these deadlines could be clarified.

John Talmadge said those timelines were set in place last summer by the State legislation, and are tied to the access to the \$190 million. He said the first deadline calls for all of the non-federal and non-state funding to be committed to the project. He said the November deadline calls for all the federal money to be committed, the full funding grant agreement.

John Talmadge said in the 2017 plans, the negotiations about the cost split included private fundraising to close the gap between the two counties, but because that money is not going to be committed in time, the conversation with the City of Durham and Durham County is whether these two entities can back stop that gap, while the fundraising continues. He said the hope is that that Durham City and County will never have to pay any of that money, but the commitment must be in place now in order to meet the state deadline, and have a complete financial plan for the federal government to review.

Commissioner Dorosin asked if the deadline for the non-federal and non-state funds in April include any of the private fundraising, and the commitment for the funds has to be there, even if the private entities have not yet committed.

John Talmadge said yes.

Commissioner Dorosin asked if Duke had participated and donated the land, would that have counted in that pot.

John Talmadge said yes. He said this pot would include property donations, including the \$16 million value of the Duke land, and private corporate sponsorships. He said the fundraiser has indicated that the private landowners and donors are looking for a signal that the project will go forward prior to making a commitment. He said many donors were waiting to see what Duke would do, which has delayed other donations and made them unreliable.

Commissioner Bedford asked if outside counsel is going to be hired, and, if so, is there a timeline for doing so.

John Talmadge said outside counsel is already on board and under contract, and have been approved by the GoTriangle board. He said now it is a matter of finding the best individuals within those teams to take on the work. He said there are daily consultations with the legal counsel, and it will hopefully be resolved within days.

Commissioner Bedford asked if the GoTriangle board has the authority to decide whether or not to pursue eminent domain.

John Talmadge said the decision would be to authorize going forward with the private property acquisition process. He said it always starts with doing an appraisal of the property value, making a fair market value offer to the property owner, trying to negotiate for a period of time, and if all fails, then proceed to a condemnation process. He said the GoTriangle board has to authorize both the initiation of the purchase and condemnation processes.

Commissioner Bedford asked if an application can still be made to the FTA if the property is not secured.

John Talmadge said they have to show that they have the authorities to acquire the property.

Commissioner Bedford asked if GoTriangle is expecting more information from the FTA, and if the order for the cost sharing agreements and the FTA report could be explained. She asked if the closing of the federal government has had any impact.

John Talmadge said there is on-going communication about all of these processes, and there is an annual submittal of data about the project that goes into an annual report that the FTA creates. He said this annual report is scheduled to come out this month or next. He said they do expect communication from the FTA about the specific expectations and requirements on the environmental documentation to be required for the downtown and the revised environmental supplemental assessment. He said the FTA sent a draft risk assessment report, and GoTriangle provided comments, and the FTA issues a final report. He said no material

changes are expected, but GoTriangle will be communicating with the FTA as it finds out options that exist with Duke.

John Talmadge said once a final financial plan is submitted, the FTA will bring on a management consultant to review the financial plan and provide feedback, which takes about 4-5 weeks.

Commissioner Bedford asked if there will be more partner meetings, and if it is up to Durham County to decide if they can afford it.

John Talmadge said this sounds right to him.

Commissioner Bedford said she appreciates the protection for the 2017 levels of the Chapel Hill transit for the buses, etc., and it would be nice if there were an inflationary percentage attached to that.

John Talmadge said on the operating side there is 3.1% inflation built into the transit plans that were adopted in 2017.

Commissioner McKee said there is \$237 million increase, and asked for clarity on the \$67.5 million changes on Pettigrew Street.

John Talmadge said if they start from the western side of Pettigrew Street corridor, at Duke Street, it would pass under Duke Street in order to get out of the interaction with the gates at Duke Street. He said this would be a cut and cover underpass. He said the station would be at grade at Durham Station, and immediately east of Durham Station it would begin to go down in a trench, so that it is in a tunnel that is covered by Pettigrew Street, under Blackwell Street and under Mangum Street. He said it would come up in a trench just before Roxboro Street. He said if there is bridge grade separating the trains from the street, it can pass by at street level without interacting with the Amtrak. He said east of Roxboro, going up onto a bridge structure to get over Dillard Avenue and Fayetteville Street. He said near Grant Street, there will be a realignment of Pettigrew Street and the local streets in that vicinity.

John Talmadge said the \$67.5 million is net of the \$20 million that was in the budget for this signature civic space/pedestrian span. He said adding up how much these cost equals \$87.5 million, and that is in base year dollars.

Commissioner McKee said this is the net of the \$81 million that was previously given for that exact same configuration three weeks ago.

John Talmadge said the \$67.5 million in base year dollars equals the \$81 million in year of expenditure dollars.

Commissioner McKee said he does not see anything in the \$237 million to account for the elevated track at Duke.

John Talmadge said that was already in the base year budget that was given to FTA as part of the project definition and cost. He said these are things that are being asked for on top of that.

Commissioner McKee referred to the additional contingency, and clarified that this is only \$60.4 million. He asked if the total contingency could be identified.

John Talmadge said total contingency is roughly half a billion dollars, or 22%.

Commissioner McKee said basically they have \$237 million + \$88 million = \$325 million shortfall.

John Talmadge said there are savings associated with the lower TIFIA interest rates.

Commissioner McKee said he realizes there are savings, but he still sees \$300+ million that local entities will have to pick up and guarantee by April 30.

John Talmadge said that is not the number. He said the total number is north of \$200 million, and yes, that must be guaranteed by April 30.

Commissioner McKee said he does not understand how the number can be north of \$200 million when the FTA is saying \$237 and there is an additional \$88 million shortfall on private funding.

John Talmadge said the model is a complicated tool, and the number is not \$237 + \$88 million.

Commissioner McKee said he distinctly remembers, when the idea of private funding first came up, being told that this would be raised privately, and it was stated with confidence. He said there was no “maybe” or “hopefully” involved. He said he questions that it will come to fruition.

John Talmadge said the indication he is getting from his fundraiser is that the corporations need to know that the project is going to go forward and be completed. He said as the necessary steps are taken to get there, the fundraiser believes this will be the signal needed to get the donors to commit.

Commissioner McKee said there are new costs associated with capital expense, and he knows Orange County has set a hard limit of \$149.5 of capital, and in order for this to hold someone else will have to pick up all the new costs. He asked if there is any guidance available on who will pick up the interest on the new capital costs.

John Talmadge said that is part of the conversation with Durham County and the City of Durham.

Commissioner McKee asked if Orange County were to pick up the new interest on the new capital costs, would the \$149.5 not change.

John Talmadge said because of the commitments made in the 2017 transit plans and cost sharing agreements, it is like the capital dollars from the two counties are held separately. He said \$149.5 is the commitment from Orange County, which is held the same, then the borrowing that is needed for additional costs is not coming from the Orange County side or the financing of the Orange County \$149.5 million. He said it is all coming from the other side, and that is part of the conversations with Durham County and the City of Durham.

Commissioner McKee said that is an interesting reply.

Commissioner McKee asked if the risk assessment from FTA is the last correspondence GoTriangle has received from FTA.

John Talmadge said he would have to check.

Commissioner McKee asked if the absolute last date, by which the BOCC would have to endorse a new plan and cost share agreement, could be identified.

John Talmadge said the last regular BOCC meeting in April. He said the April 30 is a real deadline, and it would need to be in advance of that.

Commissioner McKee said there have been two delays in getting information with hard numbers to the BOCC, and asked if there is any expectation for the BOCC to sign off on either one of these agreements before receiving complete information, if there is another delay of additional information.

John Talmadge asked if Commissioner McKee is only referring to the financial information.

Commissioner McKee said he is asking if there is any expectation of the BOCC signing off on a new transit plan, or cost sharing agreement, prior to receiving all completed information. He asked if the BOCC will have all completed information before April 30.

John Talmadge said the expectation is that a completed financial plan, the updated language to the transit plan, and updated language to the cost sharing agreement would come forward to the BOCC, Durham County, the MPO and GoTriangle once for a meeting to explain it, and a second meeting for action.

Commissioner McKee asked if the information comes forward, and Durham declines to accept all of the new costs, will the BOCC be asked to move past the \$149.5 million boundary.

John Talmadge said that would be an option.

Commissioner Dorosin said that will all be negotiated in the cost-share negotiating process, which will be brought to both Boards. He said if no consensus is reached, then there

will be no cost-sharing agreement. He said Orange County has been very clear that it will not go beyond \$149.5 million.

Commissioner McKee said he is trying to get to the point of, if Durham does not pick up the money, then who will, and does the project die.

Several Commissioners said yes, if there is no money the project cannot proceed.

Commissioner McKee referred to information about cost savings, and asked if the elimination of stations, single car trains, running at grade, etc., is being considered.

John Talmadge said GoTriangle brainstormed these ideas, and they did not come from the FTA. He said none of these ideas would be easy, and all stakeholders would have to be consulted. He said these ideas would only be utilized once the invitation for bids go out, and contractors come back with costs that are higher than estimates, and higher than the parties believe to be affordable. He said it would be most effective to have these conversations, and a plan in place, prior to this happening.

Commissioner Bedford referred to the current cost figures, and asked if GoTriangle has already included the cost to ameliorate the electromagnetic interference (EMI) and the vibration at Duke, or will this be an additional cost.

John Talmadge said GoTriangle does not expect there to be additional costs at this time, and the vibration construction estimates assume that the contracts will include terms to manage vibration. He said the only equipment potentially affected by the electromagnetic interference is one electron microscope, and the estimate says that this could be protected with a \$40,000 EMI cancellation device. He said if Duke brings forth other concerns, GoTriangle will assess them accordingly.

Commissioner Marcoplos clarified that Duke said it was dissatisfied with the solutions for the EMI, and only provided the location of one microscope.

John Talmadge said Duke gave a list of assets that was reviewed by the EMI consultant, who identified two electron microscopes and six magnetic resonance imaging machines that may be affected by EMI. He said only one of these items is in a building that would be close enough to the trains for there to be a potential impact. He said there may be other equipment that is of concern to Duke, but GoTriangle is not aware of any at this time.

John Roberts referred back to the mobile home ordinance, and said the County does have the authority to have an abandoned mobile home ordinance. He said that authority expires in 2023, and the State has a competitive grant program, and Orange County would only qualify for \$1000 per mobile home. He said the State has given a little over \$1 million from 2008 to 2018, which was only good for 594 homes at about \$2000 per home. He said the County does have the authority, and as it is a nuisance type issue, it would probably be best under the Solid Waste Ordinance.

Commissioner Price said she would like the Board to consider this.

The meeting adjourned at 9:38 p.m.

Penny Rich, Chair

Donna Baker  
Clerk to the Board