

APPROVED 4/16/2019

**MINUTES
BOARD OF COMMISSIONERS
REGULAR MEETING
April 2, 2019
7:00 p.m.**

The Orange County Board of Commissioners met in regular session on Tuesday, April 2, 2019 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:

COUNTY ATTORNEYS PRESENT: Annette Moore, Staff Attorney

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

Commissioner Dorosin suggested moving Item 8-f, Proclamation Recognizing the 110th Anniversary of the NAACP, up to Item 4-d.

Chair Rich proposed moving items 8-d and 8-e up to items to 4-f and 4-g since these are both tax office related items, and Dwane Brinson and his staff are here.

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

- Petition from Commissioner Bedford
- PowerPoint for Items 4-e and 6-c
- Capital Investment Plan (CIP) notebooks

PUBLIC CHARGE

Chair Rich acknowledged the public charge.

Arts Moment

Ashley Nissler, Orange County Arts Commission Member, introduced Fred Joiner: Fred Joiner is a poet and curator and the newly named Carrboro Poet Laureate. His work has appeared in Callaloo, Gargoyle, and Fledgling Rag, among other publications. Fred has read his work nationally and internationally. Joiner is a two-time winner of the Larry Neal Award for Poetry and a 2014 Artist Fellowship Winner as awarded by the D.C. Commission on the Arts and Humanities. Most recently, one of Joiner's poems won the Smithsonian's National Museum of African Art's Divine Comedy Poetry Contest, in response to Konate's textile work. As a curator of literary and visual arts programming, Joiner has worked with the American Poetry Museum, Belfast Exposed Gallery (Northern Ireland), Hillyer Artspace, Honfleur Gallery, Medina Galerie (Bamako, Mali), the Phillips Collection, the Prince Georges African American Museum and Cultural Center, the Reginald F. Lewis Museum and others. He is the co-founder of The Center for Poetic Thought currently based at the Monroe Street Market in Washington, DC. Joiner is a Board Member of The American Poetry Museum and the Orange County Arts Commission.

Fred Joiner read a poem from a collection called "Dark Testament and Other Poems" by Pauli Murray about freedom.

2. Public Comments

a. Matters not on the Printed Agenda

Cindy Talisman said she understood the County's theme for National Women's month to be "Visionary Women: Champions of Peace and Non-Violence." She said this theme did not seem congruent with the keynote speaker this past Sunday, Linda Sarsour. She said she is ashamed that the Board of County Commissioners (BOCC) and the Hillsborough Mayor endorsed bringing this speaker to Orange County. She said Orange County should support unity, and this speaker was in conflict of that. She said Annette Moore informed the BOCC at its March 17 meeting, that a nationally known speaker would be coming, the identity of whom could not be revealed; she also failed to reveal the cost to bring this speaker to Orange County. She said the BOCC accepted this unknown speaker, cost and agenda, which seemed unwise. She said she does not deny Ms. Sarsour the right to free speech, but does protest the use of taxpayer money to pay for someone who promotes hatred of police officers, supports Lewis Farrakon, and has made anti-Semitic remarks. She said she would like to know the costs incurred by the taxpayers for this event, and called for the dismissal of Annette Moore immediately, for a lack of transparency with the residents of Orange County. She said she would also like the BOCC to apologize, and explain its support for this anti-Semitic speaker.

Mattie Rose Crowder referred to and read page 4 of the civil rights ordinance, and asked if the civil rights ordinance was followed at Saturday's event. She said it did not promote the equal treatment of all individuals, nor did it protect the personal dignity of all individuals, nor did it prevent strife and unrest within the community. She requested that the Board of County Commissioners and HRC be much more careful in planning events and vet its speakers. She thanked Commissioner McKee for not advocating for this event.

Seamus O'Neill read the following comments:

Good evening and good cheer to the Commissioners and all attending tonight. My name is Seamus O'Neill and I live at 308 Charleston Lane in Chapel Hill. By trade, I am an economist and financial analyst, and as such I have served as an advisor to both Democrat and Republican elected officials and run two companies created with my business partner. Personally, I have little political history. I was born and raised a Democrat, but I have been an economic conservative for most of my adult life. I joined the Republican party only recently. I am here tonight for two reasons:

First, to express my gratitude to the protesters from both sides who on Sunday, March 31st exercised their Right to Free Speech and Assembly while not interfering with the same Rights of their opponents, and to the deputy sheriffs and other law enforcement officers for their positive engagement with both groups of protesters on this highly divisive issue. By extension, compliments to the Orange County Commissioners and to the County Sheriff.

Second, I wish to express my profound disappointment with the Orange County Commissioners for permitting the Orange County Human Relations Commission to invite Linda Sarsour to speak, and to spend almost \$10,000 of County resources on her speech and related expenses. The Orange County Commissioners facilitated, either by act or omission, the speakership of one of the most polarizing and offensive public figures in the country today.

For those that are not familiar with the brand of Linda Sarsour - she traffics in some of the most hateful ideas available in the public square – antisemitism, radical Islam, terrorism, and the demonization of women that speak out for their rights. She is smart, well-spoken, engaging, and dangerous to free people everywhere, particularly, Jews and Muslim women. Having said

this, Linda Sarsour does have a Right to Free Speech, and I support her Right to propagate her hateful ideas through speech, media and print, but she has no such right to use Orange County as her vehicle. You gave her that opportunity. What occurred was made possible only through the actions of the Orange County Commissioners.

As I stand here today I still cannot fathom how our County decision-makers concluded that extending this invitation was a good idea. One would have thought that somewhere in the chain of approvals, authorizations, budget requests, cost estimates, invoices and check issues someone, anyone would have said "... Whooooaaa! Maybe this is not such a good idea!" However, if the Sarsour episode was in fact a well thought out event then we are all in serious trouble as we have just witnessed the weaponizing of Orange County Government against its own people.

Does it have to be this way? No!

If not, how do we fix it?

The answer lies within our nation's founding documents, legal traditions, history and culture. Or, simply go with respect and logic:

First Respect –We should not turn the County treasury into a piggy bank for someone's ugly propaganda. The Sarsour incident diminishes confidence that we will be treated fairly by the government on other matters. Loss of trust in our government is the most damaging result of disrespect. We start asking whose side is our government on? What do I need to do to protect myself and my family? This makes us all more tribal! The glue that holds us together starts to dissolve. People will start to seek resolution outside the political process.

Second Logic – Linda Sarsour is the radical Left's David Duke. Would you have permitted David Duke to Speak? Of course not you say - the idea would be absurd. But why? The logic of your actions regarding Sarsour suggests otherwise. The views of both Sarsour and Duke are highly offensive and unacceptable to the majority of Orange County citizens? Please note, many options exist for Sarsour's local fellow travelers to organize a nonprofit or use an existing nonprofit to sponsor speakers with the most extreme ideas and beliefs. Just don't use our tax dollars.

Conclusion

If your goal is to tear the social and political fabric of our County then you have succeeded. You have used the power of government for a truly destructive purpose – to divide the people. I can assure you that going down this road will not end well, for you, for us, for our children, for no one.

On the other hand, if your goal is to unify our citizens into a functioning body politic then agree that the Sarsour incident was a terrible mistake and commit never to repeat it. Please don't waste your most precious resource, OUR TRUST, on what I hope was just a bad idea that somehow slipped through the system.

Kathy Zimmerman read the following email from Bob Randall, who was unable to attend tonight's meeting:

I am a long time citizen of Orange County. I just have three issues to address: The first one is our tax dollars paid around \$10,000 for Linda Sarsour to speak right here last Sunday. Unless you are woefully misinformed, or have turned a blind eye, you must know by now that she is not a person who promotes love and tolerance. In the spirit of

truth and transparency, I would like to see a show of hands from you who supported her engagement. And then a show of hands who opposed her engagement. If it hasn't been done already, I think the Orange County taxpayers are owed the transcript of her speech to be posted on the HRC website; after all we paid for it.

Number two, I am looking forward to seeing all taxes linked to the light rail project removed, since light rail transit is dead.

Number three, no matter how many buses you put out there on the roads, it isn't going to solve Hillsborough's traffic problems, which are worsening by the week. Hillsborough's charm has been destroyed by too much downtown traffic. Hillsborough desperately needs a practical, north-south bypass to divert traffic around the town for those who have no business in downtown.

Steve Mahaley said he attended the Sunday event, and respectfully disagrees with most that has been said so far about Linda Sarsour. He did agree that a transcript of the event should be provided. He said the costs may have been high, but celebrating the end of Women's history month was well served by the presence of Linda Sarsour. He said she was one of the founders of the women's march, and her comments were inspirational. He thanked Annette Moore for bringing this speaker to Orange County.

Andrea Sharpire commended the HRC for organizing the Courageous Conversations Speaker series. She said these conversations are meant to be difficult, and feed our democracy, and Linda Sarsour was a good choice. She said she did not agree with everything said by Linda Sarsour, but encouraged all to listen to the talk she gave.

Kate Sullivan, Development Director of the Kidzu museum, said the museum has reached two milestones: 1.) On March 6 the Town of Chapel Hill voted to negotiate a development agreement with Kidzu for a future children's museum to be located in Southern Village and; 2.) This week Kidzu opened its first, of two, community based pop-up museum in Hillsborough during spring break. She said they are still not seeing or hearing all of the kids in Orange County, and asked if the BOCC would support Kidzu's next pop up in July. She said support could come via the full funding of Kidzu's human services request, or support the pop-up initiative with a \$10,000 matching grant to enable Kidzu to reach all the kids and families as it plans for its next community's children's museum.

Jamie Paulen said she was among a group to attend a lunch with Linda Sarsour, and she sat next to her. She said she asked her what she would want people to know about her, and Linda Sarsour said she would want people to know her story is American. She thanked everyone for making this happen.

Heather Redding thanked Orange County and HRC for inviting Linda Sarsour to speak this past weekend. She said when those who differ from us come together there is no place or power for hate.

Latarndra Strong said she was inspired from the events this past weekend, and she appreciated hearing a different perspective on life. She said there are many places within Orange County where she feels unsafe, and this must change. She said one cannot object if one is not willing to listen first.

Ashley Campbell said the previous speaker mentioned the "power to quell people who don't sound like us," which summarizes the difficulties she faces in Orange County as someone who is not progressive. She said she is surrounded by people of power who wish to silence people who lean more to the right ideologically. She said she is here to speak her truth. She said she had an exchange with Commissioner Marcoplos on

Facebook, and she wanted to have a civil conversation with him about the Linda Sarsour event. She said she asked him if he had office hours, but he did not; and she asked if he met with constituents outside of meetings, and he said yes. She said she asked if she could meet with him about Linda Sarsour, and he said to send him an email, as he is not interested in talking to her because of past comments she has made, and that he said he has no respect for her. She said she emailed Commissioner Marcoplos, but she received no response other than the FAQ page that was distributed about the Linda Sarsour event. She said she protested against the talk, but did attend it, and Linda Sarsour referred to people with her beliefs as white supremacists. She said there was no chance for dialogue. She said the event was not allowed to be recorded and there was a last minute decision to allow staff to search people. She did not agree with either of these decisions, and felt that latter may not even be legal.

Sarah Cross thanked Orange County for bringing Linda Sarsour to speak. She said she was angry because she had to pass through white supremacists, etc. on Sunday to get to her seat. She said she will not stay silent in the hatred of Muslims, and it is the responsibility of the BOCC to address this white supremacy. She said the current national administration is the root of current anti-Semitism and Islamophobia. She said she is a Jewish woman, and knows that she is not safe is Linda Sarsour, a Muslim woman is not safe.

Miriam Thompson said the event on Sunday to celebrate Women's History Month was an example of the Board's sureness of purpose. She said the speaker had to face loud and hatred rhetoric outside of the event, which she rose above and offered engaging and inspiring comments. She reviewed some of the highlights of the speech.

Lorena Morelock said she has no vehicle and utilizes County transportation, with which she has had many problems. She said she reached out to one of the Commissioners, who blew her off. She said she wanted answers about transportation, and would like to know how best to communicate with the Board.

Riley Ruske is a US citizen and combat veteran, and is abhorred that his taxpayer monies were used to bring Linda Sarsour to Orange County. He asked the BOCC to rescind the transit tax, since light rail is dead and to cut the wasteful spending on transportation.

Marc Xavier thanked the Board of County Commissioners and the HRC for bringing Linda Sarsour to speak on Sunday, and he would like her speech put on line in its entirety.

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 earlier this week Democrats introduced a series of bills about LBGQT rights, including a non-discrimination provision that would add sexual orientation to non-discrimination law, which was on the Board's legislative goals. He petitioned the Board to compose a letter/resolution in support of these bills (3).

Commissioner Dorosin said at the Board's last work session, the Adult Care Committee did a presentation, which mentioned legislation to raise the personal care allowance, and he petitioned the Board to issue a resolution in support of this legislation.

Commissioner Dorosin said Fred Battle passed away this passed week, and he would like the Board to offer some type of recognition for him.

Commissioner Dorosin said he attended Linda Sarsour's presentation on Sunday, which was inspiring, and he commended Annette Moore for this event. He said Linda Sarsour challenged everyone to be and do better.

Commissioner McKee said he petitioned several weeks ago for staff to engage with the Town of Chapel Hill about transit shortfalls, and he would like to also petition for the engagement of Carrboro/Hillsborough/Mebane to address Orange County transit needs, and to start developing changes in the interlocal agreement.

Commissioner Price thanked the HRC for having the courage to present the program on Sunday.

Commissioner Price said last week she attended the North Carolina Council on Women and Youth Involvement's Women's History Month program in Raleigh, which highlighted several local women.

Commissioner Price said today is "equal pay" day for women, and years ago she and former Commissioner Alice Gordon tried re-convening a women's commission. She said she would like to look into this again.

Commissioner Price said this is National Public Health Week, and the theme is "Creating the Healthiest Nation for Science, for Action, for Health." She commended Orange County Health Department staff for its work.

Commissioner Marcoplos thanked the HRC for a great program on Sunday, and said a lot of thoughtful dialogue happened afterwards. He said Linda Sarsour has been misinterpreted.

Commissioner Marcoplos said the Solid Waste Advisory Group (SWAG) met last week and Michael Everhart made a presentation about saving wood from old trees and turning it into projects and artwork. He said the interlocal agreement was celebrated. He said SWAG is looking for a northern Orange County plot of land for storm debris management. He said composting is going to be looked at very closely as a major component of the waste stream.

Commissioner Marcoplos referred to Commissioner McKee's request, noting it could be a work session topic. He said the Board needs an overview of how decisions are made on transportation in Orange County. He said the Board needs to know who makes the decisions, such as the MPOs, the towns, the County, etc. He would like a general report.

Commissioner Marcoplos said he concurred with Commissioner Dorosin about Fred Battle who was a great leader for civil rights, and a very principled man.

Commissioner Greene said she too wanted to extend her sympathies to Fred Battle's family and friends. She thanked Annette Moore for the presentation on Sunday, and asked if the entire speech was available to be posted online.

Annette Moore said the County contracted with Linda Sarsour for pieces of the video to be presented publicly. She said she would ask if the entire video could be posted.

Commissioner Greene said she sees this as important, especially given the controversy and that not all residents were in attendance. She said a selective portion of the speech may seem like the HRC is trying to hide something.

Commissioner Greene said April is Poetry Month, and thanked the Board of County Commissioners for setting up the Arts moment.

Commissioner Greene said she has seen new rural buffer signs in Orange County, and asked Bonnie Hammersley if all have gone up.

Bonnie Hammersley said the signs are in the process of going up.

Commissioner Bedford said April is also Autism awareness month, and today is National Autism Awareness day. She said she is the mother of a 31-year old daughter with autism.

Commissioner Bedford commended the Information Technology staff for its efforts in regards to the service breakdown.

Commissioner Bedford referred to petition at the Commissioners' places about LMEs. She petitioned the Board to support this:

April 2, 2019
Petition from Commissioner Bedford

RE: Email from Kevin Leonard, Executive Director of NCACC dated 3/29/19 to provide input by 4/17/19 on recommended regions for "Tailored Plans" within Medicaid transformation

I petition that the Manager and Board provide input in writing to input@ncacc.org by Wednesday April 17, 2019 for Orange County regional preference regarding the Tailored Plans.

An earlier map of regions has been developed for those with substance abuse and mental health needs who will have their physical and mental health services integrated into Prepaid Health Plans as part of the first phase of Medicaid transformation to a managed care structure. The participating contracts were announced Feb 4, 2019. First launch set will be in November.

People with intellectual/developmental disabilities, those with more challenging behavioral health needs, and some other special populations will be served by "Tailored Plans" under the Medicaid transformation. The regions are being drawn and will be in place for four years. NCACC has been asked to provide input for the map.

Orange Co should consider stating a preference to be in the same region as Durham and Wake counties.

For example, CASA operates in Durham, Wake and Orange counties to provide housing for people with mental illness. Their operations and client access would be more efficient if Orange Co were grouped with Durham and Wake counties. Generally, Orange Co residents would have greater access to more and more varied services along with public transportation if our county were grouped with Durham and Wake.

Commissioner Dorosin asked if Orange County is grouped with anyone currently. Commissioner Bedford said the Charlotte area.

Chair Rich said the gentleman, who presented to the SWAG, called his efforts "treecycling". She said he cuts down trees in larger chunks (12-14 feet), so that they can be repurposed. She said Commissioner Marcoplos is now Chair of the SWAG.

Chair Rich thanked the HRC for the event on Sunday, and thanked the Sheriff and both deputies here tonight, who were also present on Sunday. She also thanked Rabbi Jen Feldman, who could not attend the event. She said she, the Rabbi, and a member of the HRC met prior to the event, and the conversation was helpful.

Chair Rich said the Internet is spotty in the facility tonight.

Chair Rich said she also attended the women's event in Raleigh, and she drove Ms. V (one of the local women who were recognized) to this event. She said she is a freshman at the University of North Carolina, and is a lovely, inspiring young lady.

Chair Rich said she worked with Fred Battle on the OWASA board, and he was always very concerned about wasting water and leaky pipes that resulted in high water bills.

Commissioner Price said in addition to a proclamation for Fred Battle, she would also like to send something to the family. She said Fred had a present throughout Orange County, and his legacy is great, and there is much work to be done to honor it, and continue his work.

4. Proclamations/ Resolutions/ Special Presentations

a. Sexual Assault Awareness Month Proclamation

The Board considered voting to approve a proclamation recognizing April 2019 as Sexual Assault Awareness Month in Orange County and authorize the Chair to sign.

BACKGROUND:

The Orange County Rape Crisis Center, a non-profit, volunteer agency which has been serving the community since 1974 is working with others in the community to stop sexual violence and its impact through support, education and advocacy. Sexual assault is the most costly crime to its victims considering factors such as medical cost, lost earnings, pain, suffering and lost quality of life. The Orange County Rape Crisis Center assisted over 700 survivors of sexual violence, their loved ones, and community professionals during 2018.

The coordination of the Orange County Sexual Assault Response Team (SART) is bringing together members of law enforcement, the medical community, the legal system and other community advocates to improve services for survivors of sexual assault who come forward. The Board of Commissioners is asked to proclaim April 2019 as "Sexual Assault Awareness Month" in Orange County to encourage all residents to speak out against sexual assault, and to support their local communities' efforts to provide services to victims of these appalling crimes. The Board has approved similar resolutions in prior years.

Rachel Valentine, Executive Director of the Orange County Rape Crisis Center read the proclamation:

ORANGE COUNTY BOARD OF COMMISSIONERS

**Proclamation
"Sexual Assault Awareness Month"**

WHEREAS, the Orange County Rape Crisis Center assisted over 700 survivors of sexual violence, their loved ones, and community professionals during 2018; and

WHEREAS, the Orange County Rape Crisis Center works with the county's two school systems and other groups to provide students with age-appropriate information about violence prevention, reaching over 17,500 youth and adults each year; and

WHEREAS, the coordination of the Orange County Sexual Assault Response Team (SART) is bringing together members of law enforcement, the medical community, the legal system, and other community advocates to improve services for survivors of sexual assault who come forward; and

WHEREAS, 1 in 5 American women have been sexually assaulted at some point in their lives (Centers for Disease Control and Prevention, 2010); and

WHEREAS, in the United States rape is the most costly crime to its survivors, totaling \$127 billion a year considering factors such as medical cost, lost earnings, pain, suffering, and lost quality of life (U.S. Department of Justice, 1996); and

WHEREAS, in the United States 1 in 3 women and 1 in 4 men have experienced some form of sexual or physical violence committed by an intimate partner (Centers for Disease Control and Prevention, 2010); and

WHEREAS, there are more than 18,000 sex offenders registered as living in North Carolina (NC State Bureau of Investigation, 2019); and

WHEREAS, victim-blaming continues to be an enormous problem in instances of rape and sexual assault; and

WHEREAS, the Orange County Rape Crisis Center, a nonprofit agency that has served this community since 1974, is working to stop sexual violence and its impact through support, education, and advocacy;

NOW, THEREFORE BE IT RESOLVED that we, the Orange County Board of Commissioners, do hereby proclaim the month of **April 2019** as “**SEXUAL ASSAULT AWARENESS MONTH**,” and encourage all residents to speak out against sexual violence and to support their local community’s efforts to prevent and respond to these appalling crimes.

This the 2nd day of April 2019.

A motion was made by Commissioner Dorosin, seconded by Commissioner Price for the Board to approve the proclamation designating April 2019 as “Sexual Assault Awareness Month” in Orange County and authorize the Chair to sign the proclamation.

VOTE: UNANIMOUS

b. Fair Housing Month Proclamation

The Board considered voting to approve a proclamation designating April 2019 as Fair Housing Month in Orange County and authorize the Chair to sign.

Annette Moore presented the information below:

BACKGROUND:

The month of April is National Fair Housing Month. April 2019 will mark the 51st anniversary of the enactment of the Federal Fair Housing Act of 1968 and the 25th anniversary of the Orange County Civil Rights Ordinance. These laws grant every person a right to live where they choose, free from discrimination on the basis race, color, national origin, sex or gender, religion, familial status, or disability. The Orange County Civil Rights Ordinance, established in 1987, adds additional protections from discrimination based on age and veterans status.

During Fair Housing Month the Human Rights and Relations Department and the Human Relations Commission, along with other community organizations, will co-sponsor a variety of events to commemorate Fair Housing Month. In addition to an Emergency Preparedness Power of Attorney Clinic, the County will also host and co-sponsor other events.

The County also acknowledges its Community Partners in the Community Book Read – Empowerment, Habitat for Humanity, Marian Cheek Jackson Center, Orange County Affordable Housing Coalition, Orange County Partnership to End Homelessness, Orange County Affordable Housing Advisory Board and the Orange County Housing Authority.

Annette Moore said HUD and Fair Housing Assistance Program (FHAP) closed 7985 cases nationally, and received almost \$9 million in monetary relief for complaints. She said at the end of 2017, there was 84 FAPS; 49 that serve a locality, like Orange County, and 35 that provide statewide services. She said FHAP closed in 2017 6329 of the 7985 cases. She said 6878 complaints were filed with FHAP, the greatest number of which was based on disability, which holds true in Orange County too (59.47%) and is twice as many as the next category,

which is race. She said Orange County conciliated 7 cases and no caused 4 cases, of the 11 cases received. She said HUD told Orange County that it closed more cases than some of the large agencies, which was surprising.

Deborah Stroman, Human Relations Commission Chair, read the resolution:

**ORANGE COUNTY BOARD OF COMMISSIONERS
PROCLAMATION
FAIR HOUSING MONTH**

WHEREAS, April 11, 2019 marks the 51st anniversary of Title VIII of the Civil Rights Act of 1968 (formally known as the Fair Housing Act) and the 36th anniversary of the North Carolina Fair Housing Act prohibiting discrimination in housing on the basis of race, color, sex or gender, religion, national origin, disability and familial status; and

WHEREAS, the Orange County Board of Commissioners enacted the Orange County Civil Rights Ordinance on June 6, 1994, which affords to the residents of Orange County the protections guaranteed by the Fair Housing Act and additionally encompasses the protected classes of Veteran Status and Age; and

WHEREAS, Orange County and the U. S. Department of Housing and Urban Development as well as concerned residents and the housing industry are working to make fair housing opportunities possible for everyone by encouraging others to abide by the letter and the spirit of fair housing laws; and

WHEREAS, the U.S. Department of Housing and Urban Development annually declares the month of April as National Fair Housing Month; and

WHEREAS, despite the protections afforded by the Orange County Civil Rights Ordinance and the Fair Housing Act, illegal housing discrimination still occurs in our nation and within our County; and

WHEREAS, by supporting and promoting fair housing and equal opportunity, we are contributing to the strength of our County, State and Nation;

NOW, THEREFORE, we, the Board of County Commissioners of Orange County North Carolina, do proclaim April 2019 as **FAIR HOUSING MONTH** and commend this observance to all Orange County residents.

This the 2nd day of April 2019.

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

VOTE: UNANIMOUS

c. Community Development Week Proclamation

The Board considered voting to approve a proclamation designating April 22-26, 2019 as Community Development Week in Orange County, North Carolina and authorize the Chair to sign.

Sherrill Hampton, Housing Director, presented the information below:

BACKGROUND: The week of April 22-26, 2019 is designated as National Community Development Week. Its purpose is to showcase the Community Development Block Grant (CDBG) and the HOME Investment Partnerships (HOME) Programs, which are both administered by the U.S. Department of Housing and Urban Development (HUD). Since 1975, the CDBG Program has been an important source of funding for communities to address a broad array of affordable housing and community and economic development needs. The HOME Program, since 1992, has provided funding to local communities to create or retain affordable housing for low-income households. The theme for this year's National Community Development Week is "*CDBG and HOME Make Communities Better Places to Live and Work.*"

In recognition of National Community Development Week, Orange County's Department of Housing and Community Development will co-sponsor a National Community Development Week exhibit at the Orange County Main Library, Carrboro Branch Library and the Chapel Hill Public Library to showcase books that touch on the many facets of community development. Books will range from the landmark *The Power Broker*, by Robert A. Caro to P.E. Moskowitz's recent *How to Kill a City: Gentrification, Inequality, and the Fight for the Neighborhood*. In addition, the Housing and Community Development Department will host other activities during the week, including posting stories on the County's Website showcasing the applicable work of the County's various community partners, etc.

Sherrill Hampton read the proclamation:

**ORANGE COUNTY BOARD OF COMMISSIONERS
PROCLAMATION
COMMUNITY DEVELOPMENT WEEK**

- WHEREAS,** the week of April 22-26, 2019 has been designated as National Community Development Week to recognize and celebrate the Community Development Block Grant (CDBG) Program and the HOME Investment Partnerships (HOME) Program; and
- WHEREAS,** the theme for the 2019 National Community Development Week is "CDBG and HOME Make Communities Better Places to Live and Work"; and
- WHEREAS,** for the past 44 years, the CDBG Program has provided annual funding and flexibility to local communities to provide safe, decent and affordable housing, a suitable living environment and affordable housing opportunities to low and moderate income persons and families; and
- WHEREAS,** for the past 27 years, the HOME program has provided funding to local communities to create and preserve safe, decent and affordable housing for low income persons and families; and
- WHEREAS,** last year the Orange County HOME Consortium, consisting of Orange County and the towns of Carrboro, Chapel Hill and Hillsborough, received a total of \$401,340 in HOME funds that were used for second mortgage assistance, acquisition of affordable rental housing and tenant-based rental assistance; and

WHEREAS, every \$1.00 of HOME grant funding leverages more than \$4.00 in other funding to help further expand the critically-needed supply of affordable housing;

NOW, THEREFORE, we, the Board of County Commissioners of Orange County, North Carolina, do hereby proclaim April 22-26, 2019 as **COMMUNITY DEVELOPMENT WEEK** and commend this observance to all Orange County residents.

This the 2nd day of April 2019.

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

VOTE: UNANIMOUS

d. Proclamation Recognizing the 110th Anniversary of the NAACP (formerly Item 8-f)

The Board considered voting to approve a proclamation recognizing the 110th Anniversary of the National Association for the Advancement of Colored People (NAACP) in 2019.

Commissioner Dorosin read the proclamation:

**ORANGE COUNTY BOARD OF COMMISSIONERS
PROCLAMATION RECOGNIZING
THE 110TH ANNIVERSARY OF THE NAACP**

WHEREAS, the National Association for the Advancement of Colored People (NAACP) was founded in 1909; and

WHEREAS, the bi-racial endeavor to advance justice for African Americans was formed by a group including W. E. B. DuBois, Mary White Ovington, Ida B. Wells-Barnett and Henry Moskowitz; and

WHEREAS, the charter of the NAACP states its mission as follows: "To promote equality of rights and to eradicate caste or race prejudice among the citizens of the United States; to advance the interest of colored citizens; to secure for them impartial suffrage; and to increase their opportunities for securing justice in the courts, education for the children, employment according to their ability and complete equality before the law."; and

WHEREAS, during the early decades of the NAACP, an anti-lynching campaign was central to its agenda; and

WHEREAS, the NAACP played a pivotal role in the civil rights movement of the 1950s and 1960s; and

WHEREAS, one of the organization's key victories was the U. S. Supreme Court's 1954 decision in Brown v. Board of Education that outlawed segregation in public schools; and

WHEREAS, the mission of the NAACP has evolved today “to secure the political, educational, social, and economic equality of rights in order to eliminate race-based discrimination and ensure the health and well-being of all persons”; and

WHEREAS, the NAACP has grown to more than half a million members worldwide; and

WHEREAS, historically marginalized and oppressed people remain encouraged and continue the march for the full measure of social justice and equality that they believe they shall achieve one day;

NOW, THEREFORE, the Orange County Board of Commissioners hereby recognizes the 110th anniversary of the National Association for the Advancement of Colored People, and urges all residents to support and engage in the ongoing struggle to ensure justice and equality for all of humanity...locally, nationally and globally.

This the 2nd day of April 2019.

A motion was made by Commissioner Dorosin, seconded by Commissioner Greene to approve the proclamation recognizing the 110th Anniversary of the National Association for the Advancement of Colored People (NAACP) in 2019.

VOTE: UNANIMOUS

e. Update on Current Tax Base and 2021 Countywide Revaluation

The Board received an update on the current state of taxable property in Orange County, and received an overview of the 2021 revaluation process.

BACKGROUND:

Counties in North Carolina are required to conduct a revaluation of all real property at least once every eight (8) years. Orange County, like many other counties, has adopted a resolution to advance the cycle to once every four (4) years. The last revaluation of real property in Orange County took effect January 1, 2017, and the next is scheduled for January 1, 2021.

Dwane Brinson, Tax Administrator, made the following PowerPoint presentation:

2019 Real Estate Update

T. Dwane Brinson, CAE

Orange County Tax Administrator

General Information

- All 2017 revaluation appeals have been resolved.
- Currently accepting and working with taxpayers on appeals for the 2019 tax year.
- Have begun working on the revaluation to take effect January 1, 2021.

New NCDOR Standards

- NCDOR issued new procedural standards for all 100 counties.
 - 1% random sample of improved properties due September 1, 2018
 - Square Footage Data: NCDOR Standard – 95%, Orange County – 98.21%
 - Objective Data: NCDOR Standard – 95%, Orange County – 98.30%
 - Subjective Data: NCDOR Standard – 90%, Orange County – 97.11%
 - Reappraisal plan due January 1, 2019

- Budget
- Staffing levels
- Outsourcing needs
- Timeline

2021 Revaluation Timeline

- January 2019 – December 2019: Initial property visits
- January 2019 – December 2020: Sales analysis
- January 2019 – September 2019: Land pricing
- January 2019 – December 2020: Data entry
- January 2019 – December 2020: Testing
- May 2020 – August 2020: Building of Schedule of Values
- September 2020 – November 2020: Adoption of Schedules
- December 2020 – February 2021: Notices of Value
- January 2021 – June 2021: Appeals

2018 Market Sales Statistics – NCDOR Annual Report

- Number of qualified market sales: 421
- Sales ratio measurement
 - Median = .91
 - Mean = .932
 - COD = 12.99
 - PRD = 1.014
 - Range = 1.604

Commissioner Dorosin asked if there is a process for determining which random sales to choose.

Dwane Brinson said staff submits the last book and page to the Department of Revenue each year. He said the Department of Revenue gives staff a sample of sales to analyze, and if a sale does not qualify (related party sale, corporation sale, etc.), staff skips it and goes on to the next market sale.

Community Initiatives

2021 Revaluation Community Initiatives

- PUBLIC COMPER
 - Simple, convenient way to find and compare sales
 - Available to anyone, anywhere – no need to spend money on a private appraisal to appeal
 - Effective method of appealing
- ONLINE PROPERTY RECORD CARD (PRC) AND CHANGE REQUEST
 - Easy-to-understand format to review property characteristics
 - Method to electronically submit a change request to appraisal staff

Important Tax Dates and Reminders

Commissioner Price asked if the color of the card could be changed.
Dwane Brinson said yes.

f. Reappointment of Tax Administrator (formerly item 8-d)

The Board considered voting to approve a resolution reappointing Timothy Dwane Brinson as Orange County Tax Administrator to a four-year term effective July 1, 2019.

A motion was made by Commissioner Greene, seconded by Commissioner Marcoplos to approve a resolution reappointing Timothy Dwane Brinson as Orange County Tax Administrator to a four-year term effective July 1, 2019.

VOTE: UNANIMOUS

g. Appointment of Five (5) Deputy Tax Collectors (formerly Item 8-e)

The Board considered voting to reappoint Valerie Curry, Bernice Gwynn, and Bobbie Underwood as Deputy Tax Collectors for a four-year term, effective July 1, 2019, and to appoint for the first time Rebecca Lee and Tonya Smith as Deputy Tax Collectors for a four-year term, effective July 1, 2019.

A motion was made by Commissioner Price, seconded by Commissioner Bedford to reappoint Valerie Curry, Bernice Gwynn, and Bobbie Underwood as Deputy Tax Collectors for a four-year term, effective July 1, 2019, and to appoint for the first time Rebecca Lee and Tonya Smith as Deputy Tax Collectors for a four-year term, effective July 1, 2019.

VOTE: UNANIMOUS

h. Presentation of Manager's Recommended FY 2019-24 Capital Investment Plan (CIP) (formerly Item 4-f)

The Board received the Manager's Recommended FY 2019-24 Capital Investment Plan (CIP).

Bonnie Hammersley said Travis Myren and Paul Laughton took the lead on the CIP process since she was involved in the outside agency review process and Travis Myren would give a high level view of the CIP and there is a CIP work session scheduled for April 9th where staff will go into more depth and detail about the CIP.

BACKGROUND:

Each year, the County produces a Capital Investment Plan (CIP) that establishes a budget planning guide related to capital needs for the County as well as Schools. The current CIP consists of a 5-year plan that is evaluated annually to include year-to-year changes in priorities, needs, and available resources. Approval of the CIP commits the County to the first year funding only of the capital projects; all other years are used as a planning tool and serves as a financial plan.

Capital Investment Plan – Overview

The FY 2019-24 CIP includes County Projects, School Projects, and Proprietary Projects. The School Projects include Chapel Hill-Carrboro City Schools, Orange County Schools, and Durham Technical Community College – Orange County Campus projects. The Proprietary Projects include Water and Sewer, Solid Waste Enterprise Fund, and Sportsplex projects. The CIP has been prepared anticipating moderate economic growth of approximately 2% in property tax growth and 4% in sales tax growth annually over the next five years. Many of the projects in the CIP will rely on debt financing to fund the projects.

RE: Manager's Recommended FY 2019-2024 Capital Investment Plan

I am pleased to submit the County Manager's Recommended Capital Investment Plan (CIP) for FY 2019-24 for your consideration. The CIP serves two important functions. First, it authorizes capital appropriations for the next fiscal year, but it also serves as a plan for the future. The Plan contains detailed recommendations for capital projects five years into the future and more general descriptions of projects proposed in the subsequent five years, projecting capital spending a total of ten years into the future. These future project plans are integrated into the County's debt model and budget projection model for long term financial forecasting.

Recommended capital expenditures for FY 2019-20 total \$47.4 million. Of this amount, \$10.1 million is recommended for County capital projects, \$2.9 million is recommended for proprietary fund spending including water and sewer projects, Solid Waste, and Sportsplex, and \$34.4 million is recommended for school capital improvements.

The recommended FY 2019-20 CIP represents a decrease of approximately \$19.3 million compared to the FY2018-19 Amended CIP. The FY2018-19 amended capital budget included several large projects such as the second allocation of the affordable housing bond (\$2.5 million), the Northern County Campus (\$34.7 million), the Southern Branch Library (\$5.6 million), and building remediation projects (\$3.5 million).

This memorandum describes projects that are recommended in the first year of the FY2019-24 CIP and other significant changes that are recommended for consideration in future years.

Policy Priorities

The Board of County Commissioners adopted a variety of policy priorities in 2016 consistent with existing Board goals. The CIP recommends funding associated with many of those priorities as well as funding for projects that have been introduced and approved conceptually as part of the Board's regular legislative process.

- **County Facility Resiliency to Climate Change - \$3.25 million**

During the FY2018-19 fiscal year, the County confronted several large scales, emergency repairs related to water intrusions from extreme weather events. The impacted facilities included the Battle Courtroom, the Government Services Annex, and the Phillip Nick Waters Emergency Services Building. These repairs necessitated several amendments to the FY2018-19 Capital Budget totaling \$3.5 million. Additional amendments are anticipated to advance the remediation of the Link Government Services Center, Government Services Annex, and Soltys Adult Care facility.

The FY2019-20 CIP is recommending increasing the investment in County facilities to improve their resiliency to more intense and frequent weather events. The recommended investments are contained in four CIP Projects.

- **Government Services Annex/Board of Elections - \$375,000**

During FY2018-19, the County invested \$643,290 to complete urgent repair and remediation of the Government Services Annex. An additional capital budget amendment will be presented for Board consideration for an additional \$704,360 to complete many of the remaining remediation activities. These emergency remediation activities included relocating the electrical service, replacing the heating, ventilation and cooling (HVAC) system, and

cleaning all of the surfaces and equipment. The underlying cause of water intrusion and moisture in this facility is its location within the flood plain. Due to this location, any significant rain event causes flooding in the basement. This project proposes to correct the root cause by sealing the basement from the first floor of the building and installing storm water diversion and drainage improvements.

- ***Heating, Ventilation, and Cooling (HVAC) Projects - \$1,157,500***

The FY2019-20 CIP recommends increasing the investment in HVAC projects to mitigate humidity in County facilities. The FY2018-19 investment totaled \$142,000; however, \$105,000 was repurposed for emergency remediation projects. Comparatively, the recommended FY2019-20 investment is over \$1.1 million. This project includes a Humidity Impact Study (\$50,000) as well as system replacements for the Central Recreation Facility (\$165,000), Hillsborough Commons (\$88,000), Mural Courtroom (\$32,000), Seymour Center (\$132,000), and the Southern Human Services Center (\$357,000). This project also contains a backup cooling unit for the County's data center (\$35,000) and an emergency replacement fund (\$50,000) for unexpected equipment failures.

- ***Roofing and Façade Projects - \$1,142,800***

The goal of the Roofing and Façade project is to repair known points of failure and to proactively identify measures to protect County facilities from water intrusions. The FY2018-19 Capital Budget included \$369,800 in roofing and façade repairs. Of this amount, \$174,800 was repurposed for remediation projects, and a new \$41,200 will be requested to complete urgent roof repairs on the District Attorney's building.

The FY2019-20 project recommends nearly \$1.2 million in roofing and façade investments. This project will fund a Building and Façade study (\$25,000) and a third party inspection process (\$55,000) as preventative elements. Funding is also recommended to repair or replace roofing and façade features at the Motor Pool Facility (\$180,500), Central Recreation (\$45,000), Hillsborough Commons (\$376,000), the Justice Facility (\$103,000), Orange County Public Transportation (\$40,000), and the Seymour Center (\$55,000). The project also funds design services for a large roofing projects at the Southern Human Services Center (\$64,000) as well as a partial window replacement at the Whitted Building (\$111,300).

- ***Whitted Site Drainage and Storm Water Improvements (\$575,000)***

The Whitted Building is positioned at the bottom of a hill, subjecting the facility to significant storm water impacts. These impacts have created water intrusion issues from the exterior of the building. This project recommends site drainage improvements, facility waterproofing, and grading changes to prevent water from penetrating the exterior walls.

- ***Criminal Justice Resource Department - \$216,300***

The Criminal Justice Resource Department is currently located in the Justice Center. The Board of Commissioners has supported the growth of this department to improve

outcomes for residents involved in the criminal justice system as well as those at risk of involvement. As the department has grown in scope and complexity, additional office space will be required to meet the needs of additional staff. The FY2019-20 CIP recommends \$216,300 to remodel underutilized office space in the Justice Facility to accommodate current staffing needs and future growth.

- **Facility Accessibility and Security Improvements - \$371,000**
 The FY2019-20 CIP recommends several improvements to facility access. The two largest projects in this category would create an accessible sidewalk to River Park from the new bus stop on Churton Street (\$88,000) and repair the steps, sidewalk and curb outside of the Whitted Building. The project also recommends the installation of Automatic Emergency Defibrillators at several County facilities.
- **Economic Development – Piedmont Food Processing Facility Improvements - \$185,000**
 Part of the County’s economic development strategy is to facilitate the use of locally grown food and to support the growth of small businesses. The Piedmont Food Processing Facility provides a low cost food production environment to reduce barriers to entering the food production market. This project recommends installing a pre-cast grease interceptor to comply with food production facility regulations as well as a drive over drain for food trucks to easily dispose of waste water. The FY2019-20 CIP also recommends a \$125,000 emergency generator to provide consistent cooling capability during a power interruption. Both of these projects are recommended to be funded using Article 46 Economic Development sales tax fund balance.
- **Sustainability Bank - \$50,000**
 The Sustainability Bank project provides funding for small scale sustainability or renewable energy projects. During the upcoming fiscal year, departments will be asked to submit project proposals. These proposals will be evaluated and ranked by a staff team and approved by the Board of Commissioners prior to implementation. Priority will be given to projects that leverage outside funding or serve as the local match for grant applications. Funding for the Sustainability Bank was reallocated from the Board’s Technology Initiatives project. The Technology Initiatives project has not been used for several years and currently has a balance of \$200,000.
- **Broadband Expansion Project - \$150,000**
 During FY2018-19, the County created a public private partnership with Open Broadband to expand broadband access to parts of the County that do not have access to broadband speed and reliability. The first phase of the project focused on northern Orange County. This project proposes a second phase to focus expand service in the southwest portion of the County.
- **Sheriff Office Body Worn Cameras - \$158,380**
 The FY2018-19 CIP provided \$300,000 to implement body worn cameras in the Sheriff’s Office. The FY2019-20 CIP recommends adding \$158,380 to this project to equip all sworn officers in the Sheriff’s Office with body camera technology.
- **Emergency Medical Services (EMS) Substation - \$450,000**
 The Board has supported the development of new Emergency Medical Services (EMS) Substations to upgrade and strategically locate emergency response facilities throughout the County. The FY2017-18 CIP included a partnership with the Orange

Rural Fire Department and the Town of Hillsborough to collocate an EMS substation with a fire station and police substation in the Waterstone development in Hillsborough. New construction cost estimates suggest an additional \$350,000 will be needed to fund the County's share of construction. This project also adds a total of \$100,000 for furniture, fixtures, and equipment in both the Waterstone Station and the Buckhorn/Efland Station.

- **Economic Development – Hillsborough EDD Water and Sewer Project - \$1,060,000**

In FY2017-18, the Board authorized funding to conduct an analysis of the County's Economic Development Districts (EDD's). This report highlighted the importance of having sites that are prepared for development including the availability of water and sewer service. The County has previously appropriated over \$5.5 million to build out water and sewer infrastructure in the economic development districts to stimulate commercial and industrial development and job creation. The recommended CIP for FY2019-20 adds \$1,060,000 to the Hillsborough EDD project due to rising construction costs and additional rock discovered in the subsurface that was not anticipated when this project was initially budgeted. Debt service on water and sewer projects is paid using the portion of Article 46 sales tax revenue dedicated to economic development.

- **Orange County Southern Branch Library – \$750,000**

In October of 2017, the Board approved a development agreement with the Town of Carrboro to jointly develop a new facility at 203 South Greensboro Street. The facility would include space for the County's Southern Branch Library as well as Town offices. Funding for the construction phase of this project was approved in FY2018-19 at \$5.6 million. The additional \$750,000 recommended in FY2019-20 is intended to fund the furniture, fixtures, and equipment for the new library. The CIP also continues to recognize the additional operating expenses that will be required to operate this new branch. The net new operating costs are currently estimated at approximately \$650,000 annually after deducting the operating costs associated with the two existing County funded library resources in the Town of Carrboro.

- **School Capital Improvements - \$34.4 million**

The recommended CIP includes a total of \$34,377,500 to finance a variety of school capital improvements and deferred maintenance.

This total amount includes approximately \$20 million in general obligation bond funds for Orange County Schools. This \$20 million project will include the construction of a classroom wing at Cedar Ridge High School, roofing projects, and mechanical system replacements at several schools. This allocation to Orange County Schools represents the second of three bond fund allocations for Orange County Schools. The third installment for both Orange County Schools and Chapel Hill Carrboro City Schools is scheduled to occur in FY2021-22. This allocation will total approximately \$14.5 million and will exhaust the \$120 million in bond funds approved by voters in 2016.

The Recommended CIP also includes \$3 million in funding for deferred maintenance projects. When the County issued \$85.4 million in general obligation bonds in FY2017-18 primarily for Chapel Hill High School, it received a bond premium from investors seeking the favorable tax exempt status of these bonds. The County received a total of just over \$6 million in bond premium. The majority of this premium is recommended to be reinvested in school deferred maintenance over the next two fiscal years.

The remainder of the funding for school capital projects comes from a mix of sources including lottery proceeds, Article 46 sales tax proceeds, and \$1 million in debt financing specifically targeted at facility improvements in older schools.

Information Technology and Communications

Significant information technology and communication improvements are financed through the Capital Investment Plan. These projects maintain and expand the capabilities of the County's current information technology infrastructure, employ new technologies to better meet the needs of County residents, protect and store critical data, and improve internal operating efficiencies.

- **Information Technology Governance Council Initiatives - \$390,000**
 The Information Technology Governance Council includes representatives from each of the County's Functional Leadership Teams. The Council evaluates department requests for new technology and scores those requests based on established criteria. For FY2019-20, the Council scored a total of nineteen (19) requests, and the eight (8) highest ranking projects are recommended for funding. The cost of these projects total \$390,000. The projects include Pass Management software for Department on Aging, Pre-Arrest Diversion Program software for the Criminal Justice Resource Department, Lacherfisher Enhancement for records storage and retrieval, Patient Care Hardware replacement for Emergency Services, Neo-Gov Learning Management System to be used by all County departments, and detention grade security cameras for the Sheriff's Office.
- **Information Technology Infrastructure Initiatives - \$560,000**
 The FY 2019-20 CIP also recommends \$560,000 for Information Technology Infrastructure. These infrastructure projects include server upgrades, end user point replacements, data storage, network improvements, and the continued deployment of wireless capabilities.
- **Register of Deeds Automation - \$80,000**
 The Register of Deeds Automation project is funded using automation fees that are specifically designated by State Statute to improve technology capabilities in the Register of Deeds Office. Each year, the County budgets \$80,000 which is allowed to accumulate over time to make these significant technology investments. For example, these funds were used in FY2018-19 to upgrade the Register of Deeds recording software.
- **Communication System Improvements - \$273,250**
 The County has been engaged in a multiyear effort to replace its radio communication equipment to provide a consistent radio platform for first responders. For FY2019-20, \$273,250 is recommended to complete the replacement of 76 mobile radios and 55 portable radios in the Sheriff's Office.

Building and Infrastructure Improvements

The Recommended CIP also includes building and infrastructure investments that are important to the continued safety, security, and maintenance of County facilities and operations.

- **Court Street Annex - \$188,600**
 The Court Street Annex houses Juvenile Justice and Adult Probation and Parole offices. The majority of the requested funding in FY2019-20 (\$125,000) is to address restroom accessibility deficiencies. The remaining funds would be used to install security and to make other minor cosmetic improvements. This facility is located next to the current Detention Center and will be included in the planning process for the future of that site.

- **Justice Facility Improvements - \$43,220**
 The County is responsible for providing facilities for the court system. FY 19-20 funding is requested to replace recessed lighting fixtures in the Mural Courtroom with LED fixtures, install a counter in the Juvenile Section of the Clerk of Court's Office to increase security, install glass partitions at the Clerk of Courts counter to enhance security, and improve the furniture within the Probate Office to ensure privacy.
- **Lake Orange Dam Rehabilitation - \$95,000**
 Lake Orange is a Class II public water supply reservoir owned by Orange County. The Lake's primary uses are to serve as a public water supply as designated by the North Carolina Department of Environmental Quality (NCDEQ) and to maintain minimum flows in the Eno River, as defined within the Eno River Water Management Plan. In the Fall of 2018, NCDEQ and a private engineering firm conducted an inspection of the lake Orange Dam that identified numerous deficiencies. This project would begin a multi-year approach to repair these deficiencies, addressing high priority projects in FY2019-20 and FY2020-21. These projects include blasting and painting the intake tower beams and gate actuators and replacing the concrete expansion joints and sluice gate.
- **Major Plumbing Repairs - \$250,780**
 Three large plumbing projects are proposed in the FY2019-20 CIP. The first project would repair the underground hot water piping at the Whitted Building. This piping failed over the winter which revealed urgent repairs and caused significant service disruption. The second project would repair the septic tank line under the Cedar Grove Community Center to improve flows. This project is intended to address sewer system failures during high capacity events. If this repair does not correct the capacity deficiencies, a \$2 million system replacement is envisioned for FY2022-23. Finally, this project would connect the Orange County Public Transit facility to the Town of Hillsborough sewer.
- **Parking Lot Improvements - \$145,500**
 Funding approved in FY2018-19 included asphalt repairs, gravel, and site work for the Sheriff's Office and OCPT vehicle fleets at the Motor Pool facility. This funding was repurposed during FY2018-19 for emergency remediation projects. Therefore, funding is requested to complete this work in FY2019-20. Other funding requested in FY2019-20 includes a professional assessment for the Eno River Parking Deck and paving the David Price Farmer's Market Pavilion parking area.
- **Whitted Medical Clinic Renovations - \$68,200**
 The Whitted medical clinic waiting room is currently underutilized. This project requests \$68,200 to create four office spaces. An underutilized storage room in the Whitted medical clinic would replace the current waiting area. The new waiting area will be next to the entry to the clinic and would improve wayfinding and patient flow. This project is funded using Medicaid Maximization Funds.

Parks, Open Space, and Trail Development

The Board has consistently expressed support for parks, open space, and trail development that preserves natural areas of the County and promotes nature activities for County residents. This support is represented by the Parks and Open Space Master Plan as well as the individual master plans that have been adopted and periodically updated for each park property. The FY2019-20 CIP recommends funding for the following projects:

- **Cedar Grove Park Phase II - \$550,000**

Funding proposed in FY 2019-20 would fund Phase II-A of the Park's development. This phase of development would feature an additional small baseball/softball fields to address the loss of similar t-ball fields in Hillsborough in 2020 and associated parking and infrastructure. Phase II-B in Years 6-10 would add tennis courts, a picnic shelter and additional parking.

- **Mountains to Sea Trail - \$289,000**

The Mountains to Sea Trail (MST) is a part of the N.C. State Parks system that is planned to connect the Great Smoky Mountains with the Outer Banks by trail. A portion of the trail runs through Orange County. Funding requested in FY2019-20 would be used to acquire easements and construct trail segments of the MST from Buckhorn Road south, on and around the OWASA-owned lands at Cane Creek Reservoir, and continuing to the Alamance County line. The initial segment will also include pedestrian crossing improvements over Interstate 85/40.

- **River Park Phase II - \$150,000**

River Park is located behind the justice facilities in Hillsborough. Several improvements to the park are currently underway. These improvements anticipated a small scale performance shell, but as needs and opportunities were evaluated, an enhanced performance shell could significantly benefit the park and service to residents. FY2019-20 funding is included to construct an enhanced performance shell using outside funds raised through a private fundraising campaign.

- **Little River Park Phase II - \$50,000**

Little River Park is a joint Orange County and Durham County initiative guided by an Interlocal agreement that divides expenses equally between the two counties. Funding requested in FY2019-20 is intended to address the Laws House, which stands at the park entrance and has been stabilized pending a future decision on use or deconstruction.

- **Fairview Park Improvements - \$67,000**

A site assessment study for the former landfill area at Fairview Park was started in FY 2017-18 to investigate opportunities for remediation and park development. This multi-year assessment is underway and will continue into the summer of 2020. Funds for the landfill assessment study as well as the eventual mitigation will be reimbursed by the State Division of Environmental Quality.

- **Cedar Grove Community Center - \$107,000**

Funding is requested in FY2019-20 to replace funds that were re-purposed in FY 2018-19. This project will install shower facilities in the Community Center.

- **Parks and Recreation Facility Renovations and Repairs - \$180,000**

Funding of \$180,000 is requested in FY 2019-20 for ongoing safety, lighting/energy, park infrastructure, signage, preventive maintenance and landscape improvements to the County's seven parks. Each year, park and recreation equipment and facilities need renovation, safety improvements, repair, replacement and upgrades. This project provides for a scheduled and prioritized funding source for these needs identified in the 2030 Parks & Recreation Master Plan process.

Vehicle Replacements - \$965,550

The Capital Investment Plan is also used to procure replacement vehicles. The highest priority vehicles include those used in public safety functions. The FY19-20 CIP requests \$965,550 to replace Sheriff's Office vehicles, an Animal Control vehicle, Ambulance remounts, and an administrative vehicle for Emergency Services.

Financing the Capital Investment Plan

The Recommended Capital Investment Plan for FY2019-20 totals \$47.4 million in expenditures. Of that amount, \$37 million is recommended to be financed by County funded debt. Other significant sources of funds include Lottery Proceeds and Article 46 sales tax proceeds. Both of these sources are dedicated to fund school capital needs and are estimated to contribute approximately \$3.3 million to the resources used to support the CIP.

Debt Capacity Target and Next Steps

County policy establishes a debt service capacity target of fifteen percent (15%) of general fund revenues. As the voter approved general obligation bonds have been issued for school projects and affordable housing, this policy is expected to be exceeded in future years. Additional pressure on this policy will occur in future years due to emergency spending on remediation projects and the increased cost of the Northern County Campus. As the Board considers the CIP, staff will provide updates and recommend necessary adjustments so that the Board is comfortable with the current and planned debt over the course of the FY2019-24 CIP.

As the CIP evolves in the future, it anticipates funding for three large projects. The first is a replacement for the emergency responder radio system. The total cost of this project could exceed \$40 million. This project is currently in the Plan for FY2020-21 and is offset by contributions from all of the public safety agencies in the County. The second major project is a new academic building requested by Durham Technical Community College. Current cost estimates suggest a total project cost of over \$26 million. The final significant project consideration is whether the County proposes additional general obligation school bonds. The CIP includes the final allocation of the 2016 bonds in FY2021-22. The Plan does not currently include additional school bond funding.

Travis Myren made the following PowerPoint presentation:

INTRODUCTION OF THE CAPITAL INVESTMENT PLAN FY2019-24

Board of Orange County Commissioners

April 2, 2019

FY2019-24 Investment Themes

- Sustainability and Building Resilience to Climate Change
 - County Facility Remediation and Improvements - \$3.25 million
 - Building and Infrastructure Improvements - \$791,300
 - Sustainability Bank - \$50,000
 - Parks, Recreation and Open Space - \$1.39 million
- Commitment to School Facilities
 - Orange County Schools Bond Projects – \$20 million
 - Deferred Maintenance - \$3 million
- Economic Development
 - Piedmont Food Processing Facility - \$185,000
 - Broadband Expansion Phase II - \$150,000
 - Hillsborough EDD Supplement - \$1.06 million

- Public Safety
 - Sheriff's Office Body Camera Deployment - \$158,380
 - EMS Substations at Waterstone and Efland - \$450,000
 - Communication System Radios for Sherriff's Office - \$273,250
 - Public Safety Vehicle Replacements - \$965,550

Capital Investment Plan by the Numbers

- Total Recommended Capital Expenditures - \$47.4 million
 - County Capital - \$10.1 million
 - Proprietary Funds - \$2.9 million
 - School Capital - \$34.4 million
- Decrease from FY2018-19 - \$19.3 million
 - Affordable Housing Bond – 2.5 million
 - Northern County Campus - \$34.7 million
 - Southern Branch Library - \$5.6 million
 - Building Remediation - \$3.5 million
- Debt Service Increase - \$982,162
 - Tax Rate Equivalent – 0.63 cents

Commissioner Dorosin said the total is \$47.4 million, with a decrease of \$19.3 million, and asked if that is already taken out of the \$47.4 million.

Travis Myren said yes; the amended 2018-19 CIP was \$67 million.

Commissioner Dorosin asked if the projects that are on the decrease, are being pushed forward.

Travis Myren said the bullets under the decrease are just the big projects that were in the amended 2018-19 CIP.

Commissioner Greene referred to the Southern Branch Library, and asked if the County's expense of \$5.6 million could be clarified.

Travis Myren said this is the County library space, in which the County will own a condominium interest.

Commissioner Price referred to page 2 and the sustainability bank, and said the packet notes that a technology initiatives project has not been used for several years with a balance of \$200,000. She asked if more clarification could be provided.

Travis Myren said there is a board initiatives category in information technologies budget account, which has been funded at \$50,000/year but gone unused for 4 years, so staff is recommending taking \$50,000 out of IT board initiatives (leaving \$200,000) and adding it to the sustainability bank.

FY2019-24 Recommended Capital Investment Plan (pie charts)

- FY2018-19 Expenditures – 80% County Capital
- FY2019-20 Expenditures – 73% School Related Projects

FY 2019-24 Recommended CIP Expenditures (table)

FY 2019-24 Recommended CIP Financing Sources (table)

Ten-year Debt Service (graph)

Five year Debt Service Schedule with Potential Revenue (graph)

Debt Service to Revenue Policy (graph)

Schedule for Consideration

- Introduction of the Capital Investment Plan – April 2
- Work Session on Capital Investment Plan – April 9
- Further Consideration through Budget Work Sessions
- Approval of the Operating and Capital Budget – June 18

Commissioner Marcoplos referred to the Piedmont Food and Agriculture Processing Facility (PFAP) improvements, and the purchase of a \$125,000 emergency generator. He said it would be useful to know the output of the generator, and the cost of a similar size solar array/battery and if it would even be feasible.

5. Public Hearings NONE

6. Regular Agenda

a. Efland-Buckhorn-Mebane Access Management Plan Adoption

The Board will consider adopting the 2019 Efland-Buckhorn-Mebane Access Management Plan (E-B-M AMP).

Craig Benedict, Planning Director, presented the information below:

BACKGROUND:

On April 3, 2018 the BOCC authorized the Planning Department to update the adopted 2011 E-B-M AMP in accordance with an approved public and advisory board review.

This update has been conducted through a comprehensive public involvement process which included community input and recommendations from the Planning Board, Orange Unified Transportation Board (OUTBoard) and Economic Development Advisory Board (EDAB).

Community Meeting - August 28, 2018

The Planning staff conducted a community meeting at Gravelly Hill Middle School in the planning area. All public comments are contained in Appendix C of the E-B-M AMP.

Planning Board - October 3, 2018 & Orange Unified Transportation Board - October 17, 2018. The two Boards recommended the BOCC approve the Plan with additional context.

Economic Development Advisory Board - January 8, 2019

The EDAB recommended the BOCC approve the Plan with the reduced connective option.

February 5, 2019 BOCC Public Hearing - No members of the public spoke on the proposed Plan. The BOCC directed staff to place the item on a subsequent meeting agenda for consideration.

March 7, 2019 BOCC Meeting - Members of the Mt. Moriah Baptist Church attended and offered comments on the portion of the plan that reflects a possible rail crossing relocation and grade separation near Buckhorn Road. The BOCC directed staff to meet with members of the church to review the plan, respond to questions, and place the item on a subsequent BOCC meeting for future consideration.

March 12, 2019 Mt. Moriah Baptist Church Meeting - Staff met with members of the church and approximately over 40 people attended. The Orange County Planning Director provided an overview of the plan and some specifics about a possible rail crossing relocation and grade separation in a 5-10 years horizon. The public notification process for the Buckhorn (and other areas) Traffic Separation Study (TSS) began in 2016 and was initiated by the North Carolina Department of Transportation (NCDOT) and the North Carolina Railroad (NCRR). The TSS includes environmental and cultural impact survey. Residents were shown all three proposed alignments as recommended in the TSS (Attachment 1) and asked to work with staff to find the alternative with the least impact. They were also reminded of the two public meetings, public hearing and public review processes NCDOT and Mebane conducted when drafting and adopting the TSS. The City of Mebane notified the County of this project and we offered comments about what alignment option has the least impact (i.e. No impact) to the church and cemetery and the best alignment for a future intersection to US-70.

The Church has provided a letter to Orange County (Attachment 2) requesting:

- The Mebane TSS for Buckhorn Road be removed from plans and that closing the train crossing at Buckhorn Road not to be an option.
- A resolution assuring that the E-B-M AMP will not be part of any long rang plans for the Efland-Buckhorn community's residents and economic future.

Planning Director's Recommendation - The Planning Director recommends that the draft 2019 E-B-M AMP be revised to exclude the elements of the Traffic Separation Study TSS between the Industrial Drive/Buckhorn Road intersection and US-70 Frazier Road intersection (Attachment 3). The concerns of the residents will be forwarded to NCDOT and NCRR. The Planning Director also recommends the BOCC adopt the E-B-M AMP (Attachment 4). Adoption of the plan will lead to more orderly growth, which promotes the public health, safety, and general welfare and helps to achieve the purposes of the adopted Comprehensive Plan.

Commissioner Price thanked Craig Benedict and staff for holding the community meeting.

Commissioner Dorosin asked if there is a plan moving forward.

Craig Benedict said the overall access management plan is a document that goes beyond the deletion of this, and this plan becomes part of the Unified Development Ordinance (UDO). He said when development comes forward in the area, staff can refer back to this plan and take the details into account in the review of any projects.

Commissioner Dorosin said DOT is still looking at rail crossings, and asked if the Board may need to revisit this again in the future.

Craig Benedict said yes, and the traffic separation study was focused on about 5 other crossings, back towards Mebane. He said some work has been done with private crossings from here almost to Durham. He said in the process for getting funding for these types of projects, there has to be feasibility plans that look at the cultural aspects. He said he would expect SPOT processes would be involved prior to projects being submitted. He said staff has to stay on top of things to provide community and Commission input. He said staff will submit priority lists for projects to be submitted for SPOT 6.0.

A motion was made by Commissioner Dorosin seconded by Commissioner Price for the Board to adopt the 2019 Efland- Buckhorn-Mebane Access Management Plan (Attachment 4) with attachment 3 (after situation).

VOTE: UNANIMOUS

b. Approval to Acquire Property at 509 Central Avenue, Hillsborough

The Board considered voting to approve the exercise of the County's Right of First Refusal and the acquisition of property at 509 Central Avenue, Hillsborough, NC 27278 at a purchase price to be negotiated but not to exceed \$171,000 plus other associated closing costs, including the cost of any ad valorem taxes due on the property following closing for the year, in order to maintain the said property for affordable housing purposes. If the acquisition is approved, the funds for purchase will be paid out of the Affordable Housing Land Banking Fund.

Sherrill Hampton presented the information below:

BACKGROUND:

On February 20, Delores Bailey, Executive Director of EmPOWERment, Inc., contacted Orange County's Housing and Community Development Department (H&CD) about the proposed sale of 509 Central Avenue, Hillsborough, NC and the required pay-off of a \$5,000 second mortgage and satisfaction of the associated Deed of Trust for Shannon Brown, the owner of the property. H&CD staff notified the County Attorney's Office and began the process of review.

The unit at the 509 Central Avenue property is a 1,077 square foot, 3-bedroom and 2-bath Ranch-style home. The total acreage of the property is .29 acres. The home was built in 1994. Adam M. Hooks of Tate-Mosher Appraisal Group, Inc. conducted the private appraisal, and the home was appraised for \$175,000. Attachment 1 provides pictures of the unit and the Property Map from the Orange County GIS Records.

See below for additional background information:

- In FY 2000, Orange County designated \$30,250 and \$69,750 in FY 2001 HOME funds to EmPOWERment, Inc., for the purpose of providing second mortgage assistance for up to eight (8) low and moderate income families who were assisted in their housing search by EmPOWERment.
- On June 27, 2003, EmPOWERment provided second mortgage assistance utilizing HOME funds identified in the preceding Bullet and implemented a Promissory Note, Deed of Trust and Declaration of Restrictive Covenant with Shannon J. Brown for the property at 509 Central Avenue, Hillsborough, NC.
- The loan to Ms. Brown did not require any monthly principal or interest payments. However, if the property was sold or transferred by the Borrower, whether voluntarily or involuntarily or by operation of law, other than to a qualified buyer or assumer, and also given any date within 99 years after the date of recording, then all unpaid principal amount of the loan shall be due and payable.
- Section 4 of the Declaration of Restrictive Covenant sets out the procedure for enforcement of the affordable housing requirements. See below for the procedure:
 - Orange County and EmPOWERment, Inc. are each granted a right of first refusal to purchase the property.
 - No sale assignment, sale, transfer, conveyance or other disposition of the property or any part thereof whether voluntarily or involuntarily or by operation of law shall be effective unless and until the prescribed procedure has been followed.
 - Notice of Intent to Sell, not less than 90 days prior to the contemplated closing of transfer, shall be provided to Orange County and EmPOWERment, Inc. Note that the County did not receive notice until February 20, 2019 and the Closing was scheduled for February 22, 2019. The County received notice from EmPOWERment, Inc., and not the seller.
 - If the County elects to exercise its right of first refusal then it must notify the seller within 30 days and purchase the property within 90 days of receiving the Notice

of Intent to Sell. If both EmPOWERment and the County wish to purchase and elects to exercise the right of first refusal, EmPOWERment, Inc., shall have priority.

- If neither Orange County nor EmPOWERment advises the seller in a timely fashion of its intent to purchase the property, then the seller shall be free to transfer the property.
- If the County does not exercise its right of first refusal, and the sale of the property during the affordability period is to a “nonqualified” buyer, the rule regarding the recapture of fifty percent (50%) of the net proceeds will apply. The rule calculation for determining the amount of net proceeds owed the County is as follows: *Sales price less (1) selling cost, (2) unpaid principal of original first mortgage (USDA lien), and (3) the unpaid principal of the County and any other government lien secured by deferred Deed of Trust and Note.*
- Using the formula above, the calculation for this matter is \$171,000 - \$105,569.64 (this is the total selling costs taken from the ALTA and is inclusive of the estimated USDA lien pay-off and County second mortgage balance).
- The net sales proceeds are \$65,430.36 and of this amount, **\$32,715.18** is owed to Orange County.
- On March 5, 2019, H&CD staff inspected the property at 509 Central Avenue, Hillsborough, NC and found that approximately \$14,000 in repairs is needed.
- On March 18, 2019, H&CD staff met with Ms. Brown and had an exploratory conversation to not only share the County’s goal of expanding affordable housing opportunities and why it is important for the County to take steps to maintain the affordability of units supported with the federal, as well as local funds but to also express potential interest on purchasing the property pursuant to its Right of First Refusal, contingent upon Board of County Commissioners’ approval.
- Should the Board approve the exercise of the County’s Right of First Refusal and acquisition of this property, the County will make a formal Offer to Purchase and Contract, the form of which is provided in Attachment 2. A draft addendum to the NC Bar Form Offer to Purchase and Contract is also provided in Attachment 2 and will be used, if needed. Housing will contract with Attorney Brian Ferrell of Kennon Craver to handle title work and closing on the property and will also contract with a realtor to handle the Offer to Purchase. Housing staff is in the process of selecting the realtor.

FINANCIAL IMPACT: A financial impact is anticipated. The conditional approval includes an acquisition expense of no more than \$171,000 to be paid out of the Affordable Housing Land Banking Fund, plus other associated closing costs, including the amount of ad valorem taxes due on the property for this year following closing. The present balance of the Affordable Housing Land Banking Fund is \$1,471,628. The rehabilitation cost will be paid out of County HOME or other applicable housing rehabilitation funds.

PUBLIC COMMENT:

Delores Bailey said she is the Executive Director of EmPOWERment, Inc., who has benefited greatly from the County, and thanked the Board of County Commissioners for its support. She said EmPOWERment has grown its housing program since 1998, and it is a combination of home ownership and affordable rental properties. She said the housing program is a HUD certified program, which means it is available to provide counseling throughout the state of North Carolina. She said her team has counseled over 2000 people toward pre-purchase, away from foreclosure, and towards affordable rentals. She said her team works

extensively within the community to provide housing education, and safe, affordable housing is very difficult to find in Orange County. She said if the Board passes the motion this evening, it will keep an existing affordable property as just that.

Kathleen Ferguson said she is a resident of this neighborhood, and this home is important for affordable housing and it is a working class neighborhood. She said other houses on this street will be moving from affordable rentals to market value, and keep this property affordable is crucial. She asked if the Board would please support this motion.

LaTanya Davis said she works for Empowerment, and they would like to have this house in its inventory. She said all the affordable rental units are currently occupied, with 30 people on the waiting list and a yearlong waiting period.

Valencia Thompson said she works for Empowerment, and echoed the previous comments.

Commissioner Dorosin said he read the abstract and it lays out what would happen if this house were sold at market value, and asked if the Board approves the purchase of the house, would the County still get the \$32,000.

Sherrill Hampton said staff is negotiating a lower price since the house will need some rehabilitation. She said the owner has agreed to sell the house for \$157,000. She said the County would not recapture as it would keep it affordable, and would exercise its right so she would not have to give up half of the net proceeds, but it is at a reduced rate.

Commissioner Price said this is important in this neighborhood, and in this area. She said affordable homes need to be maintained, and this area could get gentrified very quickly if proactive steps are not taken. She supported the motion.

Chair Rich said she remembers comments in the past that Hillsborough does not have an affordable housing problem, but this is no longer true. She said all should be concerned about this, and be proactive.

Commissioner McKee asked if the normal protocol is to capture half of the net profit on the sale of any house.

Sherrill Hampton said that is a non-qualified buyer is purchasing true if that property, i.e.: they are not low income.

Commissioner McKee asked if the house will be sold back to a low-income person.

Sherrill Hampton said it will become an affordable rental.

A motion was made by Commissioner Greene, seconded by Commissioner Price for the Board to adopt a resolution:

- 1) Approving the exercise of the County's Right of First Refusal and the acquisition of property at 509 Central Avenue, Hillsborough, NC 27278 at a purchase price to be negotiated but not to exceed \$171,000 plus other associated closing costs, including the cost of any ad valorem taxes due on the property following closing for the year, in order to maintain the said property for affordable housing purposes. If the acquisition is approved, the funds for purchase will be paid out of the Affordable Housing Land Banking Fund; and
- 2) Authorizing the County Manager, after consultation with the County Attorney and/or the closing attorney retained by the County, to execute the necessary sale documents with the seller, Shannon Brown; and
- 3) Authorizing the County Manager, after consultation with the County Attorney, to execute the necessary documents to transfer purchased property at 509 Central Avenue, Hillsborough, NC 27278 to EmPOWERment, Inc. for use as an affordable rental unit. The unit will be rehabbed before the transfer to EmPOWERment, Inc. takes place. The rehabilitation cost will be paid out of County HOME or other applicable housing rehabilitation funds.

VOTE: UNANIMOUS**c. Consideration to Discontinue the Durham-Orange Light Rail Project**

The Board considered voting to discontinue the Durham-Orange Light Rail Project as recommended by the Go Triangle Board of Trustees. This action will satisfy the requirements of the *Interlocal Cost Sharing Agreement for the Durham-Orange Light Rail Transit Project* by formally discontinuing the project and beginning a process to reallocate funds that had been allocated to the light rail project through an amended Orange County Transit Plan.

Travis Myren presented the information below:

BACKGROUND:

On March 27, 2019, the GoTriangle Board of Trustees voted unanimously to recommend that the cost-sharing partners in Durham and Orange counties and the Durham - Chapel Hill - Carrboro Metropolitan Planning Organization discontinue the light-rail project.

According to a statement issued by GoTriangle (Attachment 2), the Federal Transit Administration informed GoTriangle leadership that due the continued uncertainty with Duke University, the North Carolina Railroad, and additional environmental assessment needed for the downtown Durham changes, it is no longer practical to anticipate that the Durham-Orange Light Rail Project will receive a Full Funding Grant Agreement by November 2019. This means the project would not be able to meet the November 30 deadline set by the North Carolina General Assembly and therefore would no longer be eligible for any State funding.

The *Interlocal Cost Sharing Agreement for the Durham-Orange Light Rail Transit Project* (Attachment 1) prescribes a decision making process when funding becomes unavailable. It requires the parties to the agreement to meet within fifteen (15) business days to determine how to address the situation. One of the options available to the cost share partners is to discontinue the project. If this option is chosen, the Agreement stipulates that the Staff Working Group comprised of representatives from each County, GoTriangle, and the Durham – Chapel Hill - Carrboro Metropolitan Planning Organization shall convene within twenty (20) business days to begin the process of developing new Transit Plans that reallocate the dedicated transit revenue that had been allocated to the light rail project.

The legal counsels for each of the parties to the Interlocal Cost Share Agreement have agreed that a vote by the full Board of County Commissioners will satisfy the requirements of the Cost Sharing Agreement. This action will formally discontinue the project and begin the process of amending the Orange County Transit Plan.

FINANCIAL IMPACT: Orange County's contribution to the light rail project was \$149.5 million. These funds will be reallocated through proposed amendments to the Orange County Transit Plan.

Travis Myren made the following PowerPoint presentation:

Consideration of Discontinuing the Durham-Orange Light Rail Project
Board of Orange County Commissioners
April 2, 2019

Purpose

- Board Approval to Discontinue the Durham-Orange Light Rail Project

- Authorization for Staff to Define a Process to Amend the Orange County Transit Plan through the Staff Working Group

Cost Share Agreement Requirements

- Significant Cost Overrun or Unmitigated Funding Shortfalls Trigger Two Requirements:
 - Requires the Representatives of the Parties to Meet within Fifteen (15) Business Days
 - Requirement Satisfied on April 1, 2019
 - Agreement to Have Board Votes in Durham and Orange County to Discontinue the Project
 - Orange County Vote April 2, 2019
 - Durham County Vote April 8, 2019
 - If Discontinuation is Approved, Staff Working Group is Required to Meet within Twenty (20) Business Days to Begin the Process of Developing New Transit Plans and Reallocating Funds
 - Staff Working Group
 - Voting Members from Orange County, GoTriangle, and the DCHC MPO
 - Durham County included on Regional Project(s)
 - Municipal Partners Involved in Plan Development
 - Light Rail Discontinuation Plan
 - Process Started
 - Staff Team Meeting to Discuss Operational Details - April 5
 - Go Triangle Board of Trustees Meeting – April 24
 - Eventual Termination of the Cost Share Agreement

Manager's Recommendation

- Board Approval to Discontinue the Durham-Orange Light Rail Project
- Authorization for Staff to Define a Process to Amend the Orange County Transit Plan through the Staff Working Group

Public Comment:

Linda Brown said she lives in Chapel Hill, and as Orange County goes forward she requested that Board of County Commissioners build in tax protection for residents of Orange County, and fund new routes and new and a carbon free transportation system.

Commissioner McKee asked if GoTriangle will provide the County with shut down costs pretty soon.

Travis Myren said he will find out on Friday, and can send the Board an email with the timeline. He said GoTriangle has already started shutting down.

Commissioner Marcoplos said John Talmadge, GoTriangle, said the consultant contracts are winding down, and if they were to keep spending, as if the plan was going forward, then borrowing would start in August; as such they are shutting down contracts as quick as they can.

Commissioner McKee clarified that there are no termination damages on these contracts.

Travis Myren said that is correct

Commissioner McKee referred to the interlocal agreement and said a lot of it deals with the light rail portion of the plan. He asked if this plan will be extensively re-negotiated to gain greater input from Orange County as a whole.

Travis Myren said the interlocal cost share agreement only applied to the light rail, and once all bills are paid, this agreement will be terminated. He said if there is a subsequent

regional project that comes through the amendments to the Durham and Orange transit plans, then another cost share agreement can be completed. He said they need to start from scratch as to what these local plans will look like. He said there will be extensive public participation as transit plans are developed.

Commissioner Dorosin asked if in the interim, between now and when the new plans are developed, would the current transit plan remain in place.

Travis Myren said yes.

Commissioner Price asked if staff can provide an explanation for why the transit tax (previously assigned to light rail expenses) will stay.

Travis Myren said there is not an automatic sunset on the transit sales tax, and the funds will be reallocated to an amended transit plan. He said he can provide the Board with the process that would need to occur in order to terminate the article 43 sales tax.

Commissioner Price said residents are asking why a tax that was intended for light rail expenses would remain in place when the light rail project is not proceeding.

Commissioner McKee said he assumes there would need to be another referendum to terminate the tax.

Commissioner McKee said there is no limitation on the types of transit options the County can pursue. He said there are any number of combinations, and also sees the need for services to the rural/underserved areas of the County. He said he is excited to see what can be accomplished.

Travis Myren said the only limits are imagination and resources.

Commissioner Marcoplos said the transportation challenge has not gone away. He said there are future unmet needs, and this transit tax money will be utilized for the good.

Chair Rich referred to Pittsboro in Chatham County, where the bus service is a non-profit and the Orange Chatham Work group has been talking about this going public.

Chair Rich said she talked with John Roberts about the original partners of the transit plan, and said all were at the discussion table, which will continue.

Chair Rich said the meeting yesterday with the partners was yesterday afternoon, with some present and some called in; and they talked about having the public involved in every step going forward.

Commissioner Marcoplos ran down the 5 major hurdles that nixed the light rail project:

- Duke University – in 2017 Trask sent a letter of support, but at the last minute they sent a letter that said they never supported the plan. This made Duke a disingenuous partner.
- NC Railroad – they made them jump through hoops (money to be paid to them to be in the ROWs)
- State legislature- did everything they could to knee cap the project-
- Rising costs due to voluntary effort - unexpected FTA contingency requirements
- Federal shutdown

Commissioner Marcoplos said the Board has a lot to think about to fill the void that this project leaves: economic development (developers prefer light rail over BRT); jobs; issues of environment and health; housing and social equity around station areas; less parking, etc.

Commissioner Marcoplos said the most effective rapid transit that can be relied upon to provide fixed duration trips must be located outside the general road traffic. He questioned whether BRT solutions can be designed that minimizes BRT creep. He said the UNC hospital area is busiest transit node on the route, with Duke Hospital being similar. He said fitting in new modes of transit into these already very busy areas will be a challenge. He said connecting the three universities was a key accomplishment of the LRT route design, and the Board must

remain committed to a regional transit plan while continuing to strengthen the local in-County systems. He said the ongoing collaboration between Orange County partners must continue.

Commissioner Greene said, from her perspective, the following has been lost:

- DOLRT was part of a larger vision for the region to shape development and expand mobility
- Connection of the three universities and various hospital systems
- Downtown Durham – employment destination for Orange County residents and vice versa
- Expansion of realistic job opportunities
- Affordable housing strategies around rail stations
- Economic benefits for all of Orange County

Commissioner Greene said she is sorry for the classes that students will not be able to take due to the lack of light rail.

Commissioner Greene said the need still exists, and for right now she is just sad. She said this is a fast growing area, and Orange County needs to share the responsibility for keeping up with the growth.

Commissioner Bedford said she thought that this evening's PowerPoint laid out a good plan, and it would be very helpful for her and others to have an information session on how all of the transportation entities work, and if any changes need to be made. She said she has seen a lot of confusion amongst the public, and some clarity would be helpful regarding the taxes, as well as future transportation plan timelines.

Commissioner McKee said he has been involved with this project for about 9 years, and Duke, the railroads and the federal government did causes problems, but there is a lot of blame to go around on this project, including GoTriangle and the Durham and Orange counties' BOCCs. He said GoTriangle repeatedly provided a rosy picture that was false, and the county boards should have pushed back harder on GoTriangle. He said this project failed under its own weight, and has continued to reduce services and increase costs since 2010. He said he is not concerned about what developers want, but rather is concerned about Orange County residents who do not have a car. He said LRT is an alternative option for those who also have cars, and the County needs transportation for those who have absolutely none.

Commissioner McKee said Chatham County must be part of these discussions going forward, as the area south of Orange County is only going to keep growing.

Commissioner McKee said the challenge for him is to address transportation going forward in a way that gives Orange County control over any plan, not Go Triangle. He said there should no longer be weighted voting, and changes need to occur, not only with the service, but also the governance and decision making processes.

Commissioner Dorosin said going forward it is important to keep in mind that the Board is developing a regional system, which is different from addressing the needs of rural residents of Orange County. He said it must be clear that it is not a one size that fits all plan, but the regional plans are the most critical. He said he takes issue with blaming the counties, and should recognize that the partners in Durham stepped up to the plate financially when Orange County could not. He said Duke made representations that everyone believed, and if Duke had remained supportive, he believes this project would have gone forward. He said a regional system is not going to serve every person in the County, and everyone should go into the next phase with this understanding.

Commissioner Marcoplos said in the spring of 2017, when they created the cost sharing agreement, he saw the communication problems with Go Triangle. He said he saw a positive difference in the communication when John Talmadge became involved.

Commissioner Marcoplos said GoTriangle was asked if it could cut costs, and it said three cars will not be needed until 2040, and could reduce to 2 cars. He said the question of

two lanes was in the area of the New Hope Creek, and the bridge across it was to be one lane, not the entire track. He said the trains could be timed to not need to cross the bridge at the same time. He said these examples of creativity should earn GoTriangle credit, not criticism. He said the weighted voting did not impede the purchase of buses, or the BRT funding. He said the weighted voting was based on population.

Commissioner Price said she will not blame anyone, and it is important to review what happened, but also be ready to move ahead with a regional transportation plan. She said it is also important to take seriously the needs of local Orange County residents. She said she took issue with the LRT plan focusing so greatly on getting to Durham, and lacking focus on Chapel Hill and other Orange County locations.

Commissioner McKee agreed with the need for regional transit planning, and believes there is enough funding to create regional and local service. He said those residents lacking any transportation options cannot be left behind, and the LRT would have done exactly that. He said the Board cannot work with partners to the detriment of Orange County's interests, as the BOCC is responsible to Orange County first, and there must be cooperation.

Commissioner Greene said she does not want to leave the rural residents of Orange County behind, and she is eager to further conversations about on-demand services. She said all these needs are important, but they are different.

Chair Rich said there are 25,000 people that work on the UNC campus, and need to get there every day. She said a regional plan is important, as well as cooperation with partners. She said she is hopeful that commuter rail in Durham and Hillsborough will help, but there are still many people who need to move around the region. She said the younger generation does not want to be in a car, and wants public transportation.

Chair Rich said every vote at the MPOs is weighted, and based on the population of the area. She said accordingly, Durham has more votes on every single vote that takes place. She said usually there is agreement, and the weighting is not noticed.

Chair Rich said she has some concerns about the County's economic development challenges, which will only increase due to a lack of the LRT. She said the gateway station would have provided taxes for affordable housing and schools.

Chair Rich agreed that this must be a regional transportation system, as well as satisfying local needs. She said it will take 12-18 months to rebuild the transportation plan, and all those who were working on the LRT will now lose their jobs.

A motion was made by Commissioner Marcoplos, seconded by Commissioner Price for the Board to:

- 1) Discontinue the Durham-Orange Light Rail Transit Project; and
- 2) Authorize staff to begin developing a process to amend the Orange County Transit Plan

VOTE: UNANIMOUS

7. Reports
NONE

8. Consent Agenda

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

A motion was made by Commissioner Dorosin, seconded by Commissioner Bedford for the Board to approve the remaining items on the Consent Agenda.

VOTE: UNANIMOUS

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

a. Minutes

The Board approved the minutes from March 11, 12 and 19, 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 six taxpayers with a total of seven bills that will result in a reduction of revenue in accordance with the NCGS.

c. Property Tax Releases/Refunds

The Board adopted a resolution, which is incorporated by reference, to release property tax values for nine taxpayers with a total of eleven bills that will result in a reduction of revenue in accordance with North Carolina General Statute 105-381.

d. Reappointment of Tax Administrator-DONE ABOVE

The Board approved a resolution reappointing Timothy Dwane Brinson as Orange County Tax Administrator to a four-year term effective July 1, 2019.

e. Appointment of Five (5) Deputy Tax Collectors-DONE ABOVE

The Board reappointed Valerie Curry, Bernice Gwynn, and Bobbie Underwood as Deputy Tax Collectors for a four-year term, effective July 1, 2019, and appointed for the first time Rebecca Lee and Tonya Smith as Deputy Tax Collectors for a four-year term, effective July 1, 2019.

f. Proclamation Recognizing the 110th Anniversary of the NAACP-DONE ABOVE

The Board approved a proclamation recognizing the 110th Anniversary of the National Association for the Advancement of Colored People (NAACP) in 2019.

g. Application for North Carolina Education Lottery Proceeds for Chapel Hill – Carrboro City Schools (CHCCS) and Contingent Approval of Budget Amendment #7-B Related to CHCCS Capital Project Ordinances

The Board approved an application to the North Carolina Department of Public Instruction (NCDPI) to release proceeds from the NC Education Lottery account related to FY 2018-19 debt service payments for Chapel Hill – Carrboro City Schools (CHCCS), and to approve Budget Amendment #7-B (amended School Capital Project Ordinances), contingent on the NCDPI's approval of the application and authorize the Chair to sign.

h. Approval of a Contract and Budget Amendment #7-C for Repair and Reconstruction of the Government Services Annex Building

The Board approved a construction contract with Sasser Companies for the repair and reconstruction of the Government Services Annex Building and to approve Budget Amendment #7-C to finance the project.

i. Approval of Budget Amendment #7-D for Initiation of the Repairs/Reconstruction of the John Link Jr. Government Services Building

The Board approved an initial project budget for the initiation of the repair and reconstruction of the John Link Jr. Government Services Building and to approve Budget Amendment #7-D to finance design services and ancillary costs related to the containment of affected areas. An additional budget amendment will be required to finance the remediation, repair, and construction work.

j. Designation of Four Sheriff's Office Personnel as Deputy Treasury Officers

The Board approved designating Sheriff's Office personnel as listed on Attachment 1 as deputy treasury officers duly authorized and appointed pursuant to North Carolina General Statutes § 159-28(d1) for the sole purpose of signing refund checks payable to County inmates. The scope

of this bank signature authorization is for the Jail Inmate Trust county bank account, also known as the Commissary account.

9. County Manager's Report

- April 4th Work Session
- Projected April 9, 2019 Budget/CIP Work Session Items
- Discussion of 2019-24 Capital Investment Plan (CIP)

10. County Attorney's Report

NONE

11. *Appointments

NONE

12. Information Items

- March 19, 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 Regarding Analysis of Rezoning for Economic Development and Additional Marketable Sites
- Memorandum Regarding Flexible Zoning District Proposal in the Town of Carrboro's Transition Area

13. Closed Session

NONE

14. Adjournment

A motion was made by Commissioner McKee, seconded by Commissioner Bedford to adjourn the meeting at 10:19 p.m.

VOTE: UNANIMOUS

Penny Rich, Chair

Donna Baker
Clerk to the Board