

APPROVED 10/20/2020

**MINUTES
BOARD OF COMMISSIONERS
VIRTUAL WORK SESSION
SEPTEMBER 10, 2020
7:00 p.m.**

The Orange County Board of Commissioners met for a Virtual Work Session on Thursday, September 10, 2020 at 7:00 p.m.

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

COUNTY COMMISSIONERS ABSENT: NONE

COUNTY ATTORNEYS PRESENT: John Roberts

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

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

Due to current public health concerns, the Board of Commissioners is conducting a Virtual Work Session on Thursday, September 10, 2020. Members of the Board of Commissioners participated in the meeting remotely. As in prior meetings, members of the public were able to view and listen to the meeting via live streaming video at <http://www.orangecountync.gov/967/Meeting-Videos> and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

1. Additional Discussion on Potential Regulation of the Discharge of Firearms in Areas of the County with High Residential Unit Density

PURPOSE: To discuss options related to the regulation of firearms discharge in limited urbanized areas of the County.

BACKGROUND:

This topic was briefly discussed by the 2016 Firearms Safety Committee at its meetings, but did not result in any substantive recommendations to the Board of Commissioners in that Committee's final recommendation. The proposed recommendations from the Committee included a recommendation that the Code of Ordinances be amended to prohibit the discharge of firearms while an individual is impaired, required discharged projectiles remain on the property on which they are discharged, and individuals discharging firearms maintain adequate backstops. These recommendations were adopted as shown in Attachment E.

The Board of Commissioners revisited this issue in September 2019 and directed the County Attorney to bring back additional information at a 2020 work session including a map showing more roads, a map showing subdivisions, the current Orange County ordinance, maps of the extra-territorial jurisdiction (ETJ) areas including subdivisions, and Geographic Information System enlarged maps of larger subdivisions. North Carolina General Statute 153A-129 specifically authorizes counties to regulate the discharge of firearms (Attachment B). Other statutes limit the extent to which counties may regulate firearms in general and the discharge of firearms, particularly with respect to the discharge of firearms on "sport shooting ranges."

Ordinances of this type are generally prospective only. In response to a question from Commissioner Jamezetta Bedford about retroactive applicability at the September 2019 work session, the County Attorney indicated that an ordinance adopted to promote gun safety in urbanized areas could retroactively apply to shooting ranges. This response was overly broad and did not specify the strict limitations of retroactive enforcement. Retroactive enforcement would only apply to shooting ranges constructed or developed without appropriate approvals since the County's firearms discharge ordinance was adopted in 2016.

To show where such regulations could be imposed, Planning staff developed multiple County maps showing areas of the County with various residential housing densities. These maps are for illustrative purposes only and show where an ordinance of this type could be applicable. According to Planning staff, Map 1 in Attachment A shows a suburban equivalent density – that being one or more dwelling units per 1/3 acre. It is clear from the map that there are very few areas with this residential density within Orange County's jurisdiction. Map 2 shows a density of one or more dwelling units per one acre. Map 3 shows an intermediate rural density of one or more dwelling units per 1.25 acres. Map 4 shows a substantially less dense arrangement of one or more dwelling units per 2 acres. According to the Planning staff, Map 5 shows all subdivisions within the County's jurisdiction that contain 10 lots or more, including such subdivisions within town ETJ areas. Map 6 is an aerial map showing lots and buildings within the Churton Grove subdivision, a subdivision having lots of approximately ½ acre on average. Map 7 is an aerial map showing lots and buildings within the Hunt's Preserve subdivision, a subdivision having lots of approximately 2.4 acres on average with a range of 1.2 to 5.8 acres.

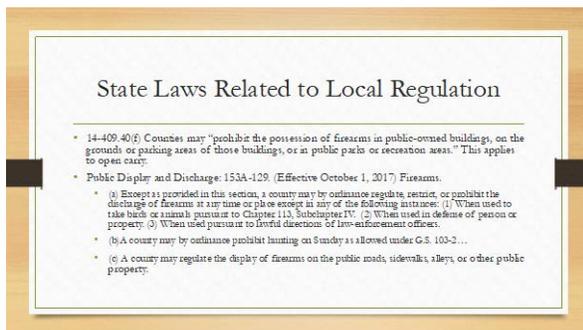
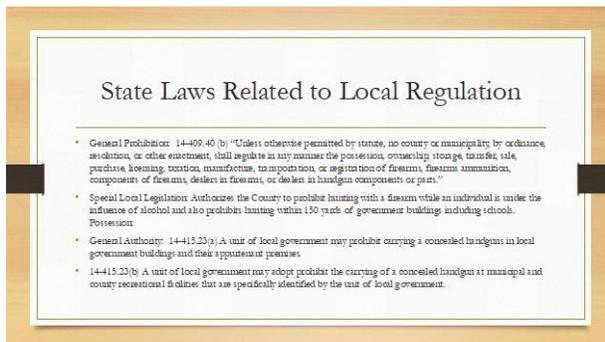
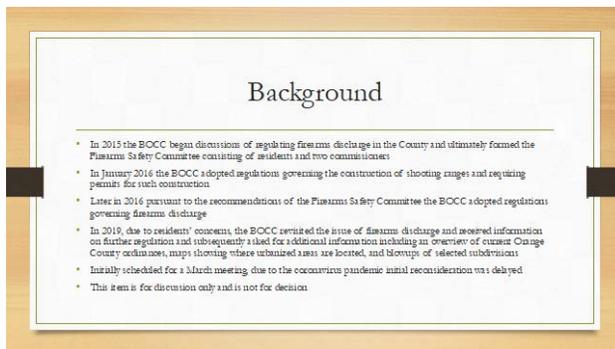
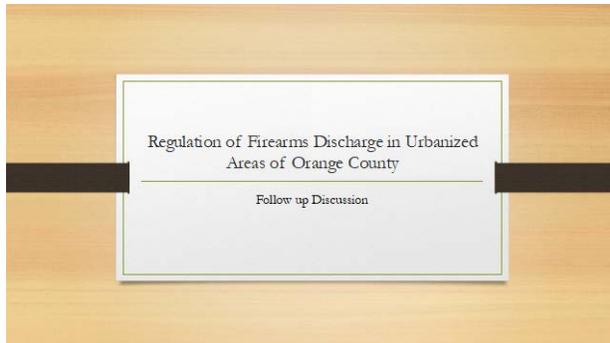
Regulated areas could be established within designated subdivisions with enforcement focused on discharges occurring within the subdivision. As is apparent from the map, focusing only on areas with suburban like density would create small islands of enforcement near municipal boundaries.

Durham County previously had a similar ordinance in which the ordinance only applied to discharge of firearms within 600 feet of a residence within one of many designated high density areas. Durham also had a permit process for shooting ranges that existed in the regulated areas prior to the adoption of the ordinance (Attachment C). According to the Durham County Attorney, enforcement proved exceptionally difficult and in December 2018 Durham County amended its ordinance to remove the references to high density areas and now restricts firearms discharge throughout the county if it occurs within 900 feet of the property lines of properties containing houses, schools, and churches (Attachment D). This level of restriction may not be appropriate for Orange County, which is substantially more rural than Durham.

The County Attorney consulted the Orange County Sheriff's Office on this issue and, as in prior discussions of this topic, and as Durham County experienced with a similar ordinance, the Sheriff's office indicates enforcement of an ordinance similar to Durham's prior or current ordinance would be difficult due to the nature of the regulated activities, that being generally short in duration and, unless visually observed by a deputy, difficult to precisely locate. Pursuant to North Carolina law any regulation such as that discussed would apply to all discharges of firearms in Orange County's jurisdiction including discharges on shooting ranges constructed after any amendment adopted by the Board and on existing ranges as noted above. Any ordinance adopted would not apply to the discharge of firearms for lawful hunting activities, discharges occurring in the defense of person or property, or discharges pursuant to the lawful directions of law enforcement officers.

RECOMMENDATION(S): The Manager recommends the Board discuss this issue and provide direction to staff.

John Roberts made the following PowerPoint presentation:



State Laws Related to Local Regulation

- Sport Shooting Range Protection Act
- Sport shooting range defined as "An area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting"
- Owners of sport shooting ranges not subject to private nuisance cases
- Owners of sport shooting ranges not subject to civil or criminal liability if shooting range is in compliance with existing law at the time a new ordinance is passed
- Local governments cannot regulate firearms discharge at sport shooting ranges that predate the regulating ordinance so long as they were in compliance with existing law
 - No subsequently adopted noise or nuisance regulation
 - No subsequently adopted land use regulation

Orange County Ordinances

General Code

- Firearms discharge excluded from noise ordinance
- Prohibits most discharge except into water or constructed backdrop
- Prohibits negligent discharge
- Prohibits discharge in which the projectile leaves the property on which the firearm is discharged
- Prohibits the discharge of firearms while the shooter is impaired and also prohibits hunting within 150 yards of government buildings
- Doesn't apply to hunting (except while impaired), self-defense, etc.
- Also prohibits possession of firearms in county buildings and on certain county properties
- Adopted December 2016

UDO

- Regulates the construction of shooting ranges and requires permits for same
- Not allowed within 300 feet of property lines or 1000 feet of occupied dwelling units
- 15 foot high 30 foot deep backdrop required
- Shooting only allowed 10 a.m. to 6 p.m. daily
- Maintain a buffer around the range
- Also regulates indoor shooting ranges
- Adopted January 2016

Durham County Ordinances

Old

- Prohibited discharge within 600 feet of a residence located in a predominantly residential area
- Prohibited discharge of an airgun by a minor within 600 feet of a residence located in a predominantly residential area
- Prohibited negligent discharge in all other unincorporated areas of the County
- Didn't apply to hunting, self-defense, etc.

New

- Prohibits discharge on all county property and in all unincorporated areas of the County
 - Within 900 feet of structure located on the property line of a dwelling, school, church, occupied building, park, or any public gathering place
- Prohibits discharge over roads, sidewalks, or public vehicular areas
- Prohibits the discharge of weapons by minors under 12
- Doesn't apply to hunting, self-defense, etc.

DISCUSSION

- See Agenda Packet for various density maps and subdivision images
- Questions
- Board Discussion

John Roberts referred to attachment A, map 1, and said the Planning Department classifies this housing density as suburban in nature within all of Orange County that is not within an incorporated area. He said the only large area is Churton Grove, northeast of Hillsborough. He said suburban density is one dwelling unit per 1/3 acre. He said the next map is one more housing unit per one acre, using 10-acre grids. He said these are mostly around Hillsborough and Efland/Mebane, with a few in other areas of the County.

John Roberts referred to map 3, which has one or more units per 1.25 acres, and a final map shows one or more dwelling units per 2 acres.

John Roberts said the next map is every subdivision in the County and extraterritorial jurisdiction (ETJ) areas with at least 10 lots in the subdivision. He said staff also looked at 3-lot subdivisions, which lead to most areas of the County being covered in yellow.

John Roberts said map 6 is the Churton Grove area in Hillsborough, which shows the largest suburban type density. He said there are several hundred houses; with the north side of the development surrounded by farms, any of which could potentially host hunting.

John Roberts said map 7 is the Hunts Preserve subdivision south of Chapel Hill, which is not considered suburban density.

Commissioner Price asked if the information about Durham pertained to Durham City, County, or both.

John Roberts said that was Durham County's ordinance.

Commissioner Price asked if the ordinance has any jurisdiction in the City of Durham.

John Roberts said no.

Chair Rich said one cannot fire a gun in the city of Durham.

John Roberts said cities have additional legislative authority that counties do not.

Commissioner Dorosin asked if municipalities have the same authority in their ETJs.

John Roberts said no. He said the municipalities can enforce land ordinances in the ETJ, but any police power would have to come from the County.

Commissioner Dorosin referred to map number 2 and compared it to map number 5, and asked if the difference between the two could be clarified.

John Roberts said the subdivision map has lots that are not developed, and many of them will have lots that are larger than the 1/3-1 acre. He said map 2 has more densely packed subdivisions, but also may be roads along a street and not an actual subdivision.

Commissioner Dorosin said the yellow subdivisions have 10 or more lots, and the lots per acre are between zero and 1. He asked if this is different than one house per acre.

John Roberts said some of the lots will not be developed.

Commissioner Marcoplos referred to one of the subdivisions, which is where he lives. He said they are 10.01-acre lots, and a lot of the yellow ones are one house per 10 acres like where he lives.

John Roberts said that suggests the key is not accurate.

Commissioner Dorosin said the map says if it is yellow, there is zero to one lot per acre.

Commissioner Marcoplos said zero lots per acre would mean there are no lots at all, and with 10-acre lots, there are 0.1 lots per acre. He said the key is accurate, but a bit obtuse.

Commissioner Dorosin asked if the County was able to regulate firearms in public parks.

John Roberts said no, that right was taken away about 5 or 6 years ago. He said people can carry firearms onto playgrounds.

Commissioner Dorosin asked if cities could regulate firearms in their parks.

Commissioner Greene said no county or municipality can regulate firearms.

Commissioner Marcoplos said he thinks the Durham ordinance may work well in Orange County. He said even on a 10-acre lot, if people are shooting it is really loud and if one is not aware of who it is, it can be a problem. He asked if there is a reason why the Board is tiptoeing around this distancing. He said 450 feet of no hunting from public buildings is still very close. He said it does not make a lot of sense. He said it just seems there is a lot of room to put some serious distances in, and still not violate people's rights.

Chair Rich asked if the Board of County Commissioners (BOCC) takes Commissioner Marcoplos' recommendation to impose a 900 foot boundary, would shooting ranges built prior to 2016 be exempt?

John Roberts said anything in existence today would not be subject to this amendment.

Commissioner McKee asked if the Commissioners can create something that is not burdensome to the Sheriff's Office. He said he served on the shooting committee.

John Roberts said he does not know. He said the Sheriff would be responsible for enforcing any laws passed by the BOCC. He said the Sheriff advised it would be extremely hard to monitor 900-foot distance, unless a deputy is present at the time of shooting.

Commissioner McKee said that almost never happens.

John Roberts said yes. He said the Sheriff is not in favor of the distance ordinance, due to the difficulty of enforcement.

Commissioner Marcoplos said it may still be helpful.

John Roberts said the Board has the authority to make this amendment. He said the State says the County can regulate firearms, and it does come down to whether it is enforceable.

John Roberts asked for direction, or if additional exploration is needed.

Commissioner Price referred to the noise, and asked if the BOCC can regulate noise if it is not a shooting range.

John Roberts said the County currently regulates the negligent and dangerous discharge of firearms. He said putting it into the noise ordinance as well would not apply to proper shooting ranges, but could apply to people shooting off dangerously in their backyard.

Commissioner Dorosin said he supported Commissioner Marcoplos' recommendation. He referred to Churton Grove, and asked if there are any restrictions to one shooting in such a densely populated area.

John Roberts said there is, and the current ordinance says one cannot recklessly or negligently discharge a firearm. He said discharging a firearm in a neighborhood like Churton Grove is inherently dangerous.

Commissioner Dorosin said the current ordinance does not apply specifically to that neighborhood, but to everyone.

John Roberts said correct. He said the Board cannot regulate professional sporting ranges, but none currently exist in the County.

Commissioner Dorosin asked if there is a formal permitting process to establish a shooting range.

John Roberts said there are no professional quality ranges in the County, and all are privately owned for private use, so the total number is not known. He said it can be a naturally occurring barrier, but if it is a barrier that was constructed prior to the County's standards, it probably satisfies the statutory definition.

Commissioner Dorosin asked if one was constructed after the 2016 regulation change, would the berm be inspected to determine its adequacy.

John Roberts said if it was constructed after 2016, it is subject to regulation, and Planning Staff could go out to inspect. He said the resident is supposed to go through staff, but may not always do so. He said the Planning Department operates on a complaint driven system, and investigate concerns if complaints are raised.

Commissioner Dorosin said if there was a regulatory system, and one built a range without going through the proper process, the complaint would be not that it was built, but that it did not follow protocol.

John Roberts said staff would have to be able to prove that the structure was built after the ordinance was changed.

Commissioner McKee said the firearms committee spent a lot of time trying to define noise, but was unable to do so other than by decibel levels. He referred to Churton Grove, and whether regulations apply to Churton Grove, and said it does apply to any and all tight subdivisions because one cannot discharge a firearm and keep the projectile on the property. He said there is not enough room on the lots to build berms.

Commissioner Greene said she is more concerned about the land neighboring these types of subdivisions, and she is unsure what she thinks about all of this. She said just because a regulation is difficult to enforce does not mean it should not be on the books. She said she thinks most people want to follow the law, and having laws on the books can be a deterrent.

Chair Rich said she is hearing some support for the 900 feet distance requirement.

Commissioner McKee said he needed to be convinced that a 900-foot requirement would not eliminate 70 percent of homes in Orange County. He said he does not know how it would work. He said he knows there are difficult situations, and he has a neighbor that shoots excessively, in his opinion. He agrees with Commissioner Greene that most residents are able to cease, when asked, but those are not the residents who are causing problems. He said those who are causing problems are not going to be accommodating to neighbors.

Chair Rich said she is having a hard time picturing 900 feet.

Commissioner McKee said it is a long distance.

Commissioner Greene said 900 feet is three football fields.

John Roberts said Planning Staff can map every residence, in the non-incorporated areas, and put a 900 foot circle around each one. He said it would cover a substantial portion of the County.

Commissioner McKee said he would like to see that map.

John Roberts said staff would work on it.

Commissioner Marcoplos said the Board has to decide what is important: saying one must be able to shoot on one's own property no matter what, or does one go to another friend's land to shoot. He said he has given people permission to shoot on his land, and this new recommendation does not take away anyone's rights. He said the noise will still be loud even at 900 feet.

Commissioner Greene asked if 900 feet blankets the County, would it be wise to consider 600 feet. She said it may be helpful to have both options mapped out.

Chair Rich said the BOCC is considering having a regulation, and Commissioner Dorosin indicated a desire to have a process to regulate the building of berms.

John Roberts asked if the BOCC would like this back at a regular work session or a business meeting.

Chair Rich said the public will need to be able to weigh in.

Commissioner McKee agreed, and thinks this item would need to be done when the BOCC is meeting in public, not virtually.

Commissioner Bedford said she agrees with the aforementioned comments, and said she would like to know how far bullets can travel for certain types of guns, and the potential for bodily harm.

Commissioner McKee said a small caliber gun (like a 22 rifle) will travel less than a mile, but a large caliber gun (AR-15, etc.) can travel several miles, unless one is shooting into a stop.

Commissioner Bedford said the permitting idea has more value to her.

Commissioner Rich said the Sheriff indicated the last time a stray bullet hit a person in Orange County was in 1967.

Commissioner Bedford said it has happened more recently in the municipalities.

Commissioner Dorosin said a woman was killed in Durham from a stray bullet.

Chair Rich said it sounds like this item would need to come before a work session before coming before a public hearing.

2. Follow-up Discussion on County Capital Investment Plan (CIP) Years 2 through 5

PURPOSE: To facilitate a discussion on the outstanding amendments to the Capital Investment Plan following the Intent to Adopt work session on June 9, 2020.

BACKGROUND: During the Intent to Adopt Budget work session on June 9, 2020, the Board approved amendments to the Capital Investment Plan that advanced the expansion of the Durham Technical Community College and amended several projects in Year 1 intended to offset the cost of advancing that project. The approved amendments are in **bold** in *Attachment A – Updated List of CIP Amendments*. An excerpt of the draft minutes from the work session is also included as *Attachment B – Draft Minutes from June 9, 2020 Work Session*.

The Board chose to postpone making decisions on proposed project deferrals in Years 2 through 5 that are intended to more fully offset the cost of advancing the Durham Tech Expansion project into Years 1 – 3. The remaining proposed amendments are also included in Attachment A, and the CIP project pages that would be amended by the proposal are attached in *Attachment C – Relevant CIP Project Pages*.

Finally, the impact of the proposed amendments on the County's debt affordability metrics is also modeled in *Attachment D – Debt Metric Models*. The goal of the work session is to provide sufficient direction to staff to finalize the FY2021-2025 Capital Investment Plan for final adoption.

Travis Myren made the following PowerPoint Presentation:

Review of Outstanding Proposed Amendments to the FY2020-25 Capital Investment Plan September 10, 2020 Work Session

**Capital Investment Plan Amendments
Amendments Adopted 6/9 – page 2**

Project	Amendment	Total Expenditure Amount	Adopted Amendments
Durham Tech Expansion Project	Move the Durham Tech Expansion Project Planning up to Year 1	\$ 1,000,000	\$ 1,000,000
Durham Tech Expansion Project	Move the Durham Tech Expansion Project Phase 2 up to Year 2	\$ 14,000,000	\$ 14,000,000
Durham Tech Expansion Project	Move the Durham Tech Expansion Project Phase 3 up to Year 3	\$ 11,547,911	\$ 11,547,911
	Total	\$ 26,547,911	\$ 26,547,911

**Capital Investment Plan Amendments
Amendments Adopted 6/9 – page 3**

Amendment	Total Expenditure Amount	Adopted Amendments	Notes
Delay the following CIP projects from Year 1 (FY 20-21) to Years 6-10			
Roofing Projects - Library Design	\$ (25,000)	\$ (25,000)	<i>Project Withdrawn by Staff</i>
EMS Substation - Morgue Project	\$ (675,000)	\$ (675,000)	<i>Project Budget Reduced to \$525,000</i>
Blackwood Farm Park	\$ (350,000)	\$ (350,000)	<i>Remediate and Rehabilitate Farm House</i>
IT - Infrastructure, Laptop/Desktop Replacement, Cyber Security	\$ (900,000)	\$ (500,000)	<i>\$934,500 Total Budget</i>
Vehicle Replacements	\$ (250,000)	\$ (250,000)	<i>\$1,106,400 Total County Financed Replacements</i>
Total	\$ (2,200,000)	\$ (1,800,000)	

Purpose of Future Years – page 4

- Board approves Year 1 as the Capital Budget for that fiscal year
 - Future years remain flexible to adapt to changing needs, circumstances, and Board priorities
- Why are the future years important?
 - Long Range Financial Planning
 - Debt to General Fund Revenue Policy
 - Implications for Debt Service requirements and the overall expenditure and revenue plan
 - Project Management
 - Resolve project contingencies prior to appropriation
 - Create staffing plan to manage future projects

Capital Investment Plan Amendments – page 5

Debt Service to General Fund Revenue Analysis			
15% Policy Target			
Year	Recommended CIP	6/9 Approved Amendments	All Proposed Amendments
2021	14.12%	14.12%	14.12%
2022	16.43%	16.40%	16.41%
2023	16.19%	16.25%	16.15%
2024	16.22%	16.69%	16.29%
2025	15.18%	15.90%	15.20%
2026	14.44%	15.13%	14.31%

Capital Investment Plan Amendments – page 6

Tax Equivalent Debt Service Analysis			
in Cents per \$100 Valuation			
Year	Recommended CIP	Approved 6/9 Amendments	All Proposed Amendments
2021	1.37 Delayed with Emergency Measures	1.37 Delayed with Emergency Measures	1.37 Delayed with Emergency Measures
2022	3.48	3.44	3.44
2023	-	0.11	-
2024	0.36	1.01	0.48
2025	-	-	-
TOTAL	5.21	5.93	5.29

Capital Investment Plan Amendments – page 7

Amendment	Total Expenditure Amount	Proposed Amendment	Amendment Impact
Delay the following CIP project from Year 2 (FY 21-22) to Years 6-10			
Soccer.com	\$ (4,589,000)	\$ (4,589,000)	<ul style="list-style-type: none"> • Delays field expansion, parking improvements, and restrooms • Reduces ability to attract large scale tournaments • Due to schedule, project would be delayed to year 3
Some IT Infrastructure - Infrastructure, County Fiber	\$ (1,500,000)	\$ (1,500,000)	<ul style="list-style-type: none"> • \$1.16 million proposed to extend County owned fiber to Southern OC Facilities • Remaining \$340,000 from Laptop/Desktop Replacements • Aging Report indicates 279 devices (25%) 7-9 years old; 370 devices (33%) 5-6 years old. • Devices age out of warranty at year 4.

Capital Investment Plan Amendments – page 8

Amendment	Total Expenditure Amount	Proposed Amendment	Amendment Impact
Delay the following CIP project from Year 2 (FY 21-22) to Years 6-10			
Lands Legacy	\$ (500,000)	\$ (250,000)	<ul style="list-style-type: none"> • County financing \$250,000 • \$1.83 million project balance • \$1.5 million expected to be used in FY2020-21 as matching funds for Clean Water Trust Fund Grant • Board consideration of property acquisition expected in 2021
Lake Orange Dam	\$ (50,526)	\$ (50,526)	<ul style="list-style-type: none"> • \$120,000 budgeted for Intake Tower Painting
Little River Park, Phase II	\$ (500,000)	\$ (250,000)	<ul style="list-style-type: none"> • \$50,000 needed for roadway repairs in Year 2 • Durham County staff understands delaying the balance of the project
Roofing Projects - Library	\$ (250,000)	\$ (250,000)	<ul style="list-style-type: none"> • Project withdrawn by staff; Not needed at this time

Capital Investment Plan Amendments – page 9

Amendment	Total Expenditure Amount	Proposed Amendment	Amendment Impact
Delay the following CIP project from Year 2 (FY 21-22) to Years 6-10			
Twin Creeks Park	\$ (220,000)	\$ (220,000)	<ul style="list-style-type: none"> • <i>Engineering and pre-construction drawings</i> • <i>Southern roadway may be advancing but no current timeline</i>
Old Courthouse Square - Exterior Restoration	\$ (220,000)	\$ (200,000)	<ul style="list-style-type: none"> • <i>Amendment preserves \$20,000 for Architect/Structural Engineer</i> • <i>Delays removal of plantings, brick restoration, drainage improvements, portico brick restoration, roof system work on SE corner</i> • <i>Restoration work has no impact on building integrity; \$50,000 roof correction would be prioritized</i>
Vehicle Replacements	\$ (250,000)	\$ (250,000)	<ul style="list-style-type: none"> • <i>\$1.1 million total budget</i> • <i>23% reduction in Sheriff vehicles and Emergency Services vehicles</i>
Total	\$ (8,079,526)	\$ (7,559,526)	

Capital Investment Plan Amendments – page 10

Amendment	Total Expenditure Amount	Proposed Amendment	Amendment Impact
Delay the following CIP projects from Year 3 (FY 22-23) to Years 6-10:			
Millhouse Road Park	\$ (6,400,000)	\$ (3,200,000)	<ul style="list-style-type: none"> • <i>Joint project with Town of Chapel Hill</i> • <i>No current Master Plan</i> • <i>Chapel Hill staff has acknowledged the proposed project delay</i>
Twin Creeks Park	\$ (3,780,000)	\$ (3,780,000)	<ul style="list-style-type: none"> • <i>Project has been delayed several times over 13 years</i>
Conservation Easements	\$ (1,000,000)	\$ (500,000)	<ul style="list-style-type: none"> • <i>\$500,000 County Portion</i>
Blackwood Farm Park	\$ (300,000)	\$ (300,000)	<ul style="list-style-type: none"> • <i>Delay the Nature Center construction</i> • <i>Working on partner funding commitments</i>

Commissioner McKee asked if clarification could be provided regarding the wording of “Chapel Hill staff has acknowledged”.

Travis Myren said the County chose those words carefully. He said staff does not know what the Town Council may think, but this project is included in year 3 of the Town's CIP. He said the County has informed the Town that this may be a possibility, but that is all he can say about that.

Commissioner Price referred to the Conversation Easements, and asked if this is just in year one.

Travis Myren said this would be the year 3 amount.

Commissioner Price said it would not be in year 1 or 2, even though the County gets this money every year.

Bonnie Hammersley said the County has been putting money in every other year.

Travis Myren said, based on that cadence, the next opportunity would be year 5. He resumed the presentation:

Capital Investment Plan Amendments – page 11

Amendment	Total Expenditure Amount	Proposed Amendment	Amendment Impact
Delay the following CIP projects from Year 3 (FY 22-23) to Years 6-10:			
Old Courthouse Square	\$ (390,000)	\$ (390,000)	<ul style="list-style-type: none"> • Delays finish carpentry and storm windows, landscaping and plantings • Stone sidewalk repair/ADA improvements (\$40,000)
IT - Infrastructure, Laptop/Desktop Replacements, Cyber Security	\$ (748,385)	\$ (748,385)	<ul style="list-style-type: none"> • Delays Cybersecurity (\$100,000), infrastructure (\$254,616), Laptop Replacements (\$393,769) • Aging report indicates 12 devices (1%) 10-14 years old, 546 devices (48%) 7-9 years old, 348 devices (31%) 5-6 years old assuming Year 2 funding is reduced.
Vehicle Replacements	\$ (250,000)	\$ (250,000)	<ul style="list-style-type: none"> • \$933,592 total budget • 27% reduction in Sheriff vehicles and Emergency Services vehicles
Total	\$ (12,868,385)	\$ (9,168,385)	

Commissioner Marcoplos asked if there are implications for delaying the cyber security investment.

Travis Myren said that item is a high priority item, and if not funded in the CIP, staff would probably seek to find operating budget funds instead. He resumed the presentation:

Capital Investment Plan Amendments – page 12

Amendment	Total Expenditure Amount	Proposed Amendment	Amendment Impact
Delay the following CIP projects from Year 4 (FY 23-24) to Years 6-10:			
EMS Substation - New Standalone Facility in Northern Corridor	\$ (4,000,000)	\$ (4,000,000)	• <i>No current site identified</i>
Total	\$ (4,000,000)	\$ (4,000,000)	
Delay the following CIP projects from Year 5 (FY 24-25) to Years 6-10:			
Facility Safety and Accessibility Projects - Fire Alarm System Upgrades	\$ (1,095,980)	\$ (1,095,980)	• <i>Delays 16 fire alarm system upgrades in various facilities by one year</i>
Lake Orange Dam - Intake Tower and De-mucking	\$ (1,900,000)	\$ (1,900,000)	• <i>Delays Intake Tower De-mucking one year</i>
HVAC Projects - New Courthouse HVAC Replacement	\$ (124,020)	\$ (124,020)	• <i>Delays HVAC replacement one year</i>
Total	\$ (3,120,000)	\$ (3,120,000)	
Grand Total CIP Projects Delayed	\$ (30,267,911)	\$ (25,647,911)	

Travis Myren said Commissioner Marcoplos asked about the impact of improving response times in the northern corridor, and he said the new EMS substation would improve efficiency by 3 minutes. He resumed the presentation:

Capital Investment Plan Amendments – page 13

Debt Service to General Fund Revenue Analysis			
15% Policy Target			
Year	Recommended CIP	6/9 Approved Amendments	All Proposed Amendments
2021	14.12%	14.12%	14.12%
2022	16.43%	16.40%	16.41%
2023	16.19%	16.25%	16.15%
2024	16.22%	16.69%	16.29%
2025	15.18%	15.90%	15.20%
2026	14.44%	15.13%	14.31%

Capital Investment Plan Amendments – page 14

Tax Equivalent Debt Service Analysis in Cents per \$100 Valuation			
Year	Recommended CIP	Approved 6/9 Amendments	All Proposed Amendments
2021	1.37 Delayed with Emergency Measures	1.37 Delayed with Emergency Measures	1.37 Delayed with Emergency Measures
2022	3.48	3.44	3.44
2023	-	0.11	-
2024	0.36	1.01	0.48
2025	-	-	-
TOTAL	5.21	5.93	5.29

RECOMMENDATION(S): The Manager recommends that the Board continue its discussion of the FY2020-2025 Capital Investment Plan and provide direction to staff to finalize the Plan.

Commissioner Marcoplos asked if a channel repair could be defined.

Travis Myren said he is not a dam expert, but he would assume it improves flow through the channel.

Commissioner Marcoplos said it is his understanding that without the repair there could be flooding and property damage, and he wondered if this is accurate.

Travis Myren said he would get that information.

Commissioner McKee said it is an undermining of the spillway.

Commissioner Greene asked if she could have some clarification on the conservation easements. She clarified that in year 2, \$250,000 can be financed by the County, but she is unclear about year 3.

Travis Myren said the County is currently funding conservation easements every other year, and the next year in the sequence would be year 3. He said the County would fund them this year, not next year, and then again in year 3, etc.

Commissioner Greene said there is \$250,000 specified in year 2.

Bonnie Hammersley said that funding is for Lands Legacy.

Commissioner Dorosin said it might be good to zoom out, and be reminded why this came back. He said at the end of the budget season, the Board voted to move up the Durham Tech project. He said there would be offsetting delays in the CIP to make it revenue neutral, and not raise taxes. He said the year one amount was \$1 million added, and the Board voted to find the savings for year 1. He said the issue before the Board currently is figuring out savings for years 2 and 3. He said the slideshow indicates proposals from him and Commissioner Price, some of which they agreed on and others they did not.

Commissioner Dorosin said the intent of moving forward with Durham Tech is to have no additional costs moving forward. He said the other thing to remember is the Board will have to do this every spring, and all projects will be funded based on actuals revenues and costs. He said he hopes the Board can support this Durham Tech item, which is consistent with the Board's critical mission focus on education in this County.

Commissioner McKee said he would like to hear other comments before he proceeds with making his comments or recommendation to the Board.

Commissioner Price echoed Commissioner Dorosin's comments, and sees this as an investment opportunity. She asked if the impact of delaying the replacement of older vehicles, and if employees will still be safe. She said she is feeling nervous about putting off the technology needs.

Commissioner Marcoplos said a lot of these items would spark public interest, and he asked if the BOCC is able to inform/receive input from the public. He said it is important to engage the public.

Chair Rich said this would have to come back during a regular meeting, and the public would have a chance to weigh in then.

Chair Rich asked if the Board could go back through the slideshow, item by item.

Commissioner Dorosin said the goal is to make things balance, and staff has identified projects that were included erroneously, or projects that can be delayed. He asked if there are items that are not on this list that should be considered.

Bonnie Hammersley said staff went back through the CIP, and this is everything in the CIP.

Soccer.com

Commissioner McKee asked if the Board votes to delay this, the project will be moved from year 2 to the out years in order to accommodate the Durham Tech project.

Bonnie Hammersley said yes.

Commissioner Dorosin said soccer.com is already being delayed to year 3.

Commissioner McKee said he has no issue with moving this project out.

Commissioner Marcoplos said he would like more information. He said this is a wildly popular resource and delaying it could have economic and recreational impact. He said he is 60% in favor of delaying soccer.com.

Commissioner Bedford said she is still not convinced that Durham Tech should be moved up to years 1, 2 and 3, and she will vote no. She said the County is beginning a facilities study and does not know what resources will come available, and higher education is in flux, due to Covid, and it would be wise to just wait. She said the Durham Tech project is not worth putting the County in a financial bind. She said the prior Board set aside \$2 million for land banking for mobile home residents, with \$300,000 having been used. She said she would be open to identifying some of the remaining \$1.7 million to move forward with Durham Tech.

Commissioner Price asked if staff has an understanding from soccer.com as to the impact of delaying this project.

Bonnie Hammersley said the County will not be able to attract the larger soccer tournaments. She said soccer.com has naming rights to the facility, but the County does all the day-to-day management, and does not go through soccer.com for anything.

David Stancil, Environment, Agriculture, Parks and Recreation (DEAPR) Director, said the current soccer fields are very active, and maxed out in every way. He said the expansion would allow the facility to go to the next level. He said the delay would move the expansion out to year 6 to 10.

Chair Rich asked if a public private partnership would be possible.

David Stancil said it is a possible on a limited scale. He said the amount of funding would not be large.

IT Infrastructure

Commissioner McKee said the Board should not delay the infrastructure project. He said this directly affects the petition he made last week about expanding broadband, and the County does not want to get behind on software.

Commissioner Price said she was concerned about the replacement schedule being delayed, and good equipment is needed for County employees. She said she is willing to delay the fiber, but would want to keep current with aging equipment.

Commissioner Dorosin echoed those comments, and recommending keeping the \$1.6 million cut, and split the computer replacements between two years.

Commissioner Greene said she agreed with Commissioner Dorosin and Commissioner Price.

Lands Legacy

Commissioner Marcoplos said he would not be able to support delaying lands legacy.

Commissioner Greene asked if \$250,000 is restored through County financing.

Bonnie Hammersley said everything in the CIP is financed, and the chart is just saying that of the \$500,000, the County is responsible for \$250,000, which would be financed.

Commissioner Greene said she would oppose the delay.

Commissioner Dorosin said this item has a \$1.8 million balance, and the delay is not tantamount to abandoning the program. He said the County will continue to be committed to this project, and a one-time delay is not significant.

Commissioner Price said there is a balance, but it is her understanding that that balance is going to be used this fiscal year.

Travis Myren said it all depends on the Board moving forward with the property acquisition. He said if the Board does so, then there would be \$300,000 remaining.

Commissioner Price asked if there is an update on this project.

Travis Myren said the grant has been awarded, and now the County would need to follow through with the land acquisition.

Commissioner Price asked if the County has identified properties to acquire.

Travis Myren said yes.

Commissioner Price said she would want to keep this in, as it is directly related to climate change issues.

Commissioner McKee said this project is of high value, and should not be delayed.

Commissioner Greene said she appreciates Commissioner Dorosin's point. She said it is only \$250,000, and she thinks there has to be a work around. She said the members of the public think the BOCC wants to kill the Lands Legacy, which is not accurate.

Chair Rich said she would like to find the \$250,000 somewhere else. She said Lands Legacy was on a bond way back when, and when residents vote on a bond, she feels the BOCC should spend the money as it said it would. She said perhaps the Board can use some of the \$1.7 million referenced by Commissioner Bedford.

Commissioner Dorosin said for the record that this is no longer bond money.

Bonnie Hammersley said that is correct.

Chair Rich apologized, and asked how the County adds money to Lands Legacy.

Travis Myren said this would be the first time the County has added money, and would be a multiyear effort to replenish this fund.

Bonnie Hammersley said when staff brings this back, it will present 2 options for further discussion, based on objections heard tonight.

Commissioner Price clarified that there are not enough BOCC members wanting to take this off.

Chair Rich said yes, and staff will bring back options.

Commissioner Price said she wants to save Lands Legacy.

Bonnie Hammersley said that is what staff is hearing as the majority opinion at this time.

Lake Orange Dam

Travis Myren said this is a painting job and has nothing to do with the structural integrity.

Chair Rich said to move on.

Little River Park – Phase 2

Bonnie Hammersley said this park is in Durham and Orange counties, but Orange County manages all operations. She said staff informed Durham County that Orange County would be delaying this project, and Durham County understood.

Travis Myren said staff would want to move forward with \$50,000 in road repairs.

David Stancil said the actual total is \$100,000 with the costs being split between to the two counties.

Twin Creeks

Commissioner Marcoplos said Twins Creek has been promised for a long, long time, and he has a hard time telling the public it will be delayed even further.

Commissioner Price said she was on the committee for this park way back when, but she does not know where it stands at this point. She expressed she does not have a problem delaying this project, and would suggest staff get an update on this project.

David Stancil said there is an adopted master plan, but it is 10-15 years old. He said there has been conversations with Carrboro about the road at the southern end of the property. He said these particular funds are design and engineering funds for year 3 of the project. He said this project has been delayed, but it also has other obstacles to overcome.

Old Courthouse Square

Travis Myren said this is repair funding, and staff would prioritize the roof.

There were no comments.

Vehicle Replacements

Commissioner Price said she would like to know how old the vehicles that would be replaced.

Travis Myren said he would get more information.

Millhouse Road Park

Chair Rich said this land is owned by the County, and is not within the Town of Chapel Hill City limits.

There were no Board comments.

Twin Creeks

Travis Myren said this is construction money that was tied to engineering cost in the previous slide.

Commissioner Marcoplos said delaying this item would push the start of construction to 20 years after the original plan was thought up. He said this item has been pushed too many times.

Conservation Easements

Commissioner Greene said she is clear on this issue now, but does not want to see them go.

Commissioner Marcoplos agreed.

Commissioner Price asked if there are projects in the queue where this money would be needed.

David Stancil said there are about 12 farms that are interested in pursuing easements, and this project has always moved at the speed of funds available, which has been faster at

some times than others. He said there is \$500,000 approved in the current year, and this would be the next installment in year 3.

Commissioner Price said the County gets a match from the state, and has properties interested in the program. She asked if all those interested can be executed this year, or would they have to carry over.

David Stancil said there is never enough money to meet the interest, and so they carry over from year to year and move forward as funds are available.

Commissioner Greene said the Board has not heard from her recently about her participation in the Upper Neuse River Basin Authority (UNRBA), but she will have an update shortly. She said the County will be faced with a decision on how to go forward with a realistic plan to fulfill the County's obligation of improving the water quality of Falls Lake. She said hopefully the State authority will buy off on it, and allow the County to count the conservation of land as credit towards debt that is owed. She said that is an additional reason why she was not in favor of losing this money in this fiscal year.

Travis Myren said he is hearing a mixed bag of votes.

Commissioner Dorosin said the Board funds this program every other year, and will continue to do so moving forward. He said it is a question of balancing priorities, and making tough decisions.

Chair Rich said she agrees with Commissioner Dorosin, and feels a great deal has been accomplished. She said she would not mind delaying this item, but is hearing mixed opinions from the Board.

Commissioner McKee said this is an example of every \$2 spent costs the County \$1. He said these conservation easements started off very sketchy and slowly, as there was concern about the entire program, but it has increased in popularity over the years, and has conserved as much, if not more, land than Lands Legacy.

Chair Rich echoed Commissioner Dorosin's comments about being able to bring this back in year 3.

Commissioner McKee said he cannot argue with that, but feels the County must be careful about delaying items where full blown partners are picking up half the cost, and a program that has become well respected and trusted.

Commissioner Price said this is a really important program, and a great deal of effort has been put into it. She said losing the momentum now would be a shame. She said Durham Tech would help people, but the County needs to continue helping the farming community.

Commissioner Greene thanked Commissioner McKee for his perspective.

Blackwood Farm Park

David Stancil said the nature center is part of the park master plan, but it is not part of the construction project that has already been approved. He said staff is still working with several organizations to help fund at least 50% of the nature center, but there are no commitments as yet.

Chair Rich said it sounds like a good one to delay.

Old Courthouse

Travis Myren said if staff were to prioritize one part, it would be the stone sidewalk repair.

Commissioner Greene asked if the Old Courthouse is ADA accessible.

Travis Myren said it is compliant, but someone with mobility issues would have a difficult time navigating this portion of the sidewalk.

Commissioner Greene said there are other ways to access the building.

IT – infrastructure

Commissioner McKee said he does not support a delay, and wants to avoid a crisis.

Commissioner Marcoplos said he liked Commissioner Dorosin's comments before about delaying a portion of the amendment. He said some of these funds could be available. He said delaying the cyber security could be a problem, and he would like more details.

Commissioner Dorosin said the numbers on this slide presumed there are no replacements in the earlier years. He said the numbers would change if the Board replaced the oldest ones in year 2.

Commissioner Greene said she is also concerned about the cyber security, and would prefer not to delay that portion.

Commissioner Price said she would not want to delay the cyber security either.

Travis Myren said these issues walk hand in hand. He said if the Board moves forward with cyber security, then the \$254,000 would follow.

Commissioner McKee said he is favor of this.

Chair Rich said it is \$354,000 by keeping the items together.

Commissioner Price said if the County is attacked, it will be far more expensive in the long run. She said the previous attack took weeks to mitigate.

Travis Myren said the last attack led to a few days of total shut down, but took months to fully clean up.

Commissioner McKee said, for better or worse, everyone is wholly dependent on devices, and the County cannot delay. He said it is important to remain on an IT schedule.

Commissioner Marcoplos said he is reticent to delay, but he is open to persuasion. He said he is just scratching the surface on his knowledge level, and he reserves the right to hear more information and possibly be persuaded.

Chair Rich said this looks divided at this time, and staff will bring back more information.

Vehicle Replacement

Travis Myren said he would bring more information back.

EMS Substation

Commissioner McKee said he is fine with delaying this project, and there is a successful colocation movement underfoot, and he is hesitant to build new stand-alone stations. He said the 3-minute savings may not be worth it.

Commissioner Marcoplos said he would like to learn more, and 3 minutes can make a huge difference. He said he would like to see pros and cons.

Commissioner Dorosin echoed Commissioner McKee,

Chair Rich echoed Commissioner McKee.

Commissioner Price said she would like more information before making a decision.

Chair Rich said staff can bring back more information.

Bonnie Hammersley said this is a very uncertain item, as no site has been identified, and there will be a leadership change.

Chair Rich said it seems the Board is leaning towards a delay.

Chair Rich asked if this entire item needs to come back to another work session, or it is ready for a regular Business Meeting.

Travis Myren said staff will look at it and see where it best fits.

Commissioner McKee said the BOCC moved Durham Tech to years 1, 2 and 3, and asked if the original years for this item could be identified.

Travis Myren said years 6-10.

Bonnie Hammersley said her recommendation was years 6-10, because it might have become part of a bond.

Commissioner McKee asked for the Board's indulgence in his comments. He said Durham Tech is an integral part of the education system in Orange County. He said he has supported it for 10 years. He said the County is facing a full-blown crisis, which could affect a generation of students, and despite the very best efforts of the school systems and teachers, the most vulnerable of students are not currently receiving a good education. He said the children with parents who can afford a tutor, or have a parent who can stay home, will be fine; but the students whose parents who are working two jobs, lack the technical ability to help their children, and those children with special needs are going to fall behind drastically. He said the BOCC must address this discrepancy. He recommended returning Durham Tech to years 6-10, and taking the funding associated with it and reallocating it to any necessary infrastructure to ensure that every house has broadband. He said there are students who have to do their work in a car in a school parking lot, which is unforgivable.

Commissioner McKee asked if Durham Tech could be repositioned to its original years of 6-10, and use the funds to ensure broadband availability in Orange County.

Commissioner Bedford said she agreed with Commissioner McKee that broadband for all is a greater need, but does not know if the County can be involved in such activity.

Commissioner McKee said as he understands the County can build towers, can lay fiber, and then present the infrastructure to a carrier, as the County cannot operate it. He asked if the Attorney could verify this information.

John Roberts said he is hearing a recommendation to build infrastructure, at the County's expense, and then to give it a provider to operate. He said he does not think there is legal authority to do this. He said the Fiber Act did not pass, which would have allowed for counties and cities to build infrastructure and lease it to service providers. He said without the authority to do so, the County can only give grants to service providers and hope they will build. He said grants could be an option.

Commissioner Price said Durham Tech was pushed out to year 6, and the Board started looking for another building for the Orange County campus years ago. She said this is not a new project.

Commissioner Dorosin said he is the current commissioner on Durham Tech (DT) Board. He said the new DT president has made a commitment to focus on Orange County, which makes the project all the more urgent.

Commissioner Dorosin referred to Commissioner McKee's proposal, and the troubles with accessing online learning. He agreed with the assessment about students being hurt by the current situation, but he has a lot of concerns with the County building this infrastructure and then giving it away with the hope that companies would provide services to residents. He said there is renewed focus at the Governor's office on expansion of broadband. He said the Durham Tech project is critical. He said he would be interested in learning more about Commissioner McKee's idea, but there is not enough information to push such a project forward without more information.

Chair Rich said she has been working with the Legislature and Jim Northrup, Chief Information Officer, and it continues to get harder and harder to make progress. She said the Governor has put money on the table for immediate Internet access, but there is a bigger issue as Commissioner McKee said. She said the red tape is ridiculous, but she feels uncomfortable building infrastructure and then giving it away. She said broadband should be a utility.

Chair Rich referenced a study that Katie Loois did for a study skills center, which is in need of a building space. She said providing the DT space seems important and timely, and she would like to find a way to work out the budget.

Commissioner McKee said he is well aware that this is a long-term problem. He said he is old enough to remember separate but equal, and regardless of the issue, he never wants to return to that way of practicing education. He said everyone is essentially held hostage to the screens, and it is wrong to prioritize building a building when students are sitting outside trying

to access schoolwork. He said he understands the importance getting Durham Tech up to speed, but students are losing a full year of education because they do not have Internet.

Commissioner Marcoplos said Commissioner McKee made a very ambitious proposal, and raised many questions. He said he would like to let the election happen, and see if there is a Democrat majority in the legislature that will allow municipalities to control the internet. He said that is the end goal, and by next spring there should be more information.

Chair Rich said Durham Tech still has the Boards' support of keeping it in years 1-3.

Commissioner McKee said he just wants to start the discussion. He said his short-term solution is to fund hotspots for students. He said he would like to find \$150,000-\$200,000 to purchase additional hotspots.

Chair Rich said Commissioner McKee's numbers are not matching up with what the schools have reported. She said 400 hot spots have been received, and staff can follow up.

3. Discussion Regarding the Membership Composition of the Planned Committee to Examine the Election Method for Members of the Orange County Board of Commissioners

PURPOSE: To discuss the membership composition of the planned committee to be appointed to make recommendations on the election method for members of the Orange County Board of Commissioners.

BACKGROUND: At the Board of Commissioners' April 7, 2020 Virtual Business meeting, a petition was voiced that the Board discuss and potentially change a portion of the process under which some or all Board members are elected.

The Board subsequently discussed the issue at its May 5, 2020 Virtual Business meeting and voted to:

- 1) Establish a committee to study alternative methods of election;
- 2) Select members for the committee no later than January 31, 2021;
- 3) Have the committee review options and report back by July 31, 2021; and
- 4) For the Board to review the recommendations, and if necessary conduct public hearings and make a decision in time for the March 2022 primary election.

CURRENT CONSIDERATION

This item is presented for the Board to discuss the membership composition of the proposed committee. During the May 5th meeting, there was discussion that the group should consist of experts, residents, nonprofits, etc., but there was not consensus. There was, however, consensus that the Board of Commissioners, as constituted after December 7, 2020 should decide on the ultimate individual appointees to the committee.

Staff seeks direction from the Board on:

- the total number of members the committee should include;
- whether the committee should consist entirely of residents;
- whether election or other experts will be considered/appointed;
- whether there should be representation from nonprofit entities;
- whether there will be a formal application process; and
- any other details regarding the establishment of the committee.

Assuming there is an application process, a formal determination now of the general consistency and number of members of the committee will allow the Clerk's office to begin soliciting membership applications and should allow for a sizeable pool of candidates for the Board to review by December 7, 2020, with appointments made by the January 31, 2021 deadline.

RECOMMENDATION(S): The Manager recommends the Board discuss the nature of the committee to be established based on the considerations noted above and provide direction to staff.

John Roberts said this committee will be appointed by the new Board in December. He said the goal this evening is to determine the number of committee members, the type of qualifications, residency, etc.

Commissioner Dorosin said he would like to see a committee of approximately 12-15 residents, with an application process that strives for demographic and geographic diversity. He would like the committee members to determine the need for experts.

Chair Rich restated the committee dates in the abstract.

Commissioner Greene said she likes Commissioner Dorosin's comments, and likes an application. She said there are a lot of educated people in this community.

Commissioner Bedford said the Board may want to have a member of the County Attorney's Office on the committee. She said a Board of Elections staff member may be a conflict of interest, but it might be wise to suggest resources for appropriate input such as the School of Government.

David Hunt asked if these committee members will be at-large positions, with the BOCC seeking to secure diversity.

Chair Rich said she would not even say at large, but just seek those interested in being on the committee. She said the Commissioners would review applications and make sure the appropriate balance is present. She said the BOCC does need to determine what is included on the application.

Commissioner Price asked if there is a timeline for the application being created.

Chair Rich said the Clerk's Office could pull together an application that solicits basic information.

Commissioner Bedford asked if the basic advisory board application could be tweaked for this use.

Thom Freeman-Stuart, Assistant Deputy Clerk I, asked if the current application could be used.

Chair Rich said she expects so.

Commissioner Marcoplos asked if the BOCC could look back at how prior committees were formed to do this work.

Chair Rich said staff will follow up on this process.

4. Discussion of Travel Policies and Procedures for the Board of County Commissioners

PURPOSE: To discuss appropriate guidelines for travel and transportation required of elected officials conducting business for Orange County.

BACKGROUND: The County has established policy and procedures for the purposes of authorizing and providing funds for County employees to travel for County business. These policy and procedures are approved by the Chief Financial Officer (CFO), administered by the Finance and Administrative Services department, and reviewed regularly. The policy and

procedures apply to all Orange County departments and employees, except departments of elected officials. Elected officials may choose to follow the County's policy and procedures or develop an alternate policy.

The School of Government (SOG) at University of North Carolina at Chapel Hill encourages local governments to establish a County Commissioner/Elected Official travel policy as a best practice and for accountability.

Over the years, the Clerk to the Board's Office has included travel guidelines as part of the new Commissioners' orientation guide and revised those guidelines as appropriate.

Each County Commissioner receives a monthly car allowance of \$200 for in-state travel.

Note: The current annual operating budget does not include funding for travel and/or training items outside of the monthly car allowance.

Chair Rich presented the following County Commissioner Travel Policy:

Draft County Commissioner Travel Policy
(Excerpt from BOCC Orientation Guide)

Purpose: This policy establishes appropriate guidelines for travel and transportation required of elected officials conducting business for Orange County.

All travel and training for the Orange County Board of Commissioners (BOCC) will be budgeted as part of the Clerk to the Board's departmental budget. Please contact the Clerk to the Board and/or the Office Manager by phone or email if you have any questions or need assistance.

All county incurred expenses should be paid for by using your assigned County procurement card (p-card). Please remember, all financial transactions are considered Public Record and are subject to be requested and viewed.

Monthly Car Allowance

Covers the following items in relation to business of Orange County:

- Use of personal vehicle/gas/miles driven within North Carolina

Transportation (Outside of Orange County)

Detailed receipts must be submitted to the Office Manager.

Please indicate on the receipt the date and purpose.

- A County vehicle may be available, and can be reserved upon request utilizing the County's CarShare program:
<https://intranet.orangecountync.gov/Transportation/CarShare.asp>
- Other modes of transportation - travel by airplane, rental vehicle, taxi, etc. will be paid at actual cost using your p-card.
- Other travel related costs such as gas, parking fees and tolls will be paid at actual cost using your p-card.

Meals

Detailed receipts must be submitted to the Office Manager.

Please indicate on the receipt the date(s), meal selection (Breakfast, Lunch, or Dinner), event name, and purpose.

- Outside of Orange County – expenses related to meals and non-alcoholic beverages should be purchased using your County assigned p-card.
- Meals within Orange County - only meals related to serving the public at "official functions" are eligible for reimbursement (Examples of "official functions" may include but not limited to: Mayors and Commissioner Meetings, Peer Elected Official/Staff Meetings}. Meals other than those for "official functions" that are purchased within Orange County solely for the convenience of the traveler are not eligible for reimbursement.
- Tips related to eligible meals as outlined above should be paid for by using your County assigned p-card.
- Tips for hospitality services (maid service, bellhop, etc.) should be paid for by using your County assigned p-card.

Hotel & Lodging (Outside of Orange County)

Detailed receipts must be submitted to the Office Manager.

Please indicate on the receipt the date(s), event name, and purpose.

- Payment will be made for actual costs (including deposits and taxes) using your County assigned p-card.
- Reimbursement will not be made for hotel & lodging within Orange County.

Other Costs

The Clerk's Office will handle transactions related to travel and/or training such as event registrations, conference materials, educational literature, etc. Please contact the Office Manager to coordinate any anticipated travel or training/registration requests. A detailed receipt must be submitted to the Office Manager if you chose to purchase materials, event registrations, etc. on your own.

Travel Advance

- Travel advances and stipends are not permitted. Please use your County assigned p-card for travel related purchases.

Budget

- The Clerk's Office will budget for County Commissioners' travel and training each fiscal year.
- For accountability purposes, a detailed financial report will be provided to the Board of County Commissioners quarterly regarding travel/training expenses incurred by each Commissioner
- Please contact the Clerk to the Board and/or the Assistant Deputy Clerk I – Office Manager to confirm the availability of travel and/or training budgets.

RECOMMENDATION(S): The Manager recommends that the Board review and discuss the proposed County Commissioner Travel Policy and provide direction to staff, as appropriate.

Chair Rich reminded the Board that Donna Baker worked on this draft over the summer, reaching out to other clerks around the state, and seeking to gather best practices.

Commissioner Marcoplos referred to the monthly car allowance, which covers usage in North Carolina, for travel outside of Orange County, and said one of those needs to change. He

said it makes sense for the allowance to go to travel within Orange and immediately surrounding counties.

Chair Rich said the intent behind the monthly allowance is to cover anything within North Carolina, and if one goes out of State, then one can ask to use a County vehicle, or using your procurement card for gas.

Commissioner Marcoplos said it should state outside of North Carolina. He said North Carolina is fairly wide, and not very tall, and a trip to Asheville is quite far. He said \$200 can get used up pretty quickly, and suggested the Board look at this again to insure financial consistency.

Commissioner Price said the Board should establish a radius from one's home, or certain counties for travel. She said distances vary depending from where one starts. She said Virginia is much closer than certain parts of North Carolina, and she would favor a mileage radius from one's home for travel calculations.

Commissioner Greene said she felt Commissioner Price's suggestion might be hard to administer. She said it could be limited to the seven Triangle J counties, as parts of the State are far away. She said it may be more trouble than it is worth for the Clerk's Office to track.

Commissioner Price said the Commissioners would be responsible for keeping track.

Chair Rich said the School of Government did not advise tracking mileage. She said all records are available to the public, and County Commissioners can always use a County car.

Commissioner Dorosin said \$200 a month is generous, and he doubts anyone uses that much every year, and it likely offsets over the 12-month period. He said he has never had a job with such a monthly allowance, and thinks it will all balance out in the end keeping the policy as it is.

Commissioner Bedford said it is a generous policy, and agreed with Commissioner Dorosin. She said it is easy for an auditor to audit, as well as the Finance Department, and the Commissioners themselves.

Commissioner Bedford said there needs to be a budget amendment to cover the cost of the new commissioners training at the School of Government.

Chair Rich said to change the wording under transportation that states "Outside of North Carolina". She said all travel should be organized through the Clerk's Office.

Chair Rich said meals and other costs are the next section, and all purchases must be made through one's procurement card, so that there is a record of all purchases. She said she takes photos of her receipts, notes the purpose on the top, and sends it immediately to the Clerk's Office.

Chair Rich referred to a page 5 change, and said there was a wording error, and travel advances or stipends should not be given to any elected official.

Chair Rich said the new travel policy will be added to the New Commissioner Orientation Guide.

Appointments

The current appointment process would be to move these agreed upon appointments to the next BOCC Business Meeting and they would be listed under the Consent Agenda. The next BOCC Business Meeting is scheduled for Tuesday, October 6, 2020.

Advisory Board members who are to be re-appointed may continue to serve in their same capacity. Individuals who are new appointments may attend meetings, but will officially assume their participation on October 7, 2020.

5. Adult Care Home Community Advisory Committee – Appointment Discussion

A motion was made by Commissioner Dorosin, seconded by Commissioner Bedford to appoint the following people:

- Position #9 – Olivia Fisher
- Position #11 – Marylou Gelblum
- Position #12 – Karen Green-McElveen

The Board agreed by consensus.
John Roberts said an official roll call can be done at the next business meeting.

Commissioner Dorosin said no other applicants were selected for the training, and asked if the BOCC is responsible for selecting people for training.

Thom Freeman-Stuart said no, it is done in a separate process.

6. Advisory Board on Aging – Appointment Discussion

A motion was made by Commissioner Greene, seconded by Commissioner Price to appoint the following people:

- Position #1 – Rachel Bearman
- Position #2 – Colin Austin

The Board agreed by consensus.

7. Affordable Housing Advisory Board – Appointment Discussion

A motion was made by Commissioner Bedford, seconded by Commissioner Greene to appoint the following people:

- Position #2 – Andy Hoang
- Position #5 – Mae McLendon
- Position #8 – Allison Mahaley
- Position #13 – Holly Meschko
- Position #14 – Jenn Sykes

The Board agreed by consensus.

8. Agricultural Preservation Board – Appointment Discussion

A motion was made by Commissioner McKee, seconded by Commissioner Bedford to appoint the following people:

- Position #3 – Cecilia Redding

The Board agreed by consensus.

9. Animal Services Advisory Board – Appointment Discussion

A motion was made by Commissioner Bedford, seconded by Commissioner Price to appoint the following people:

Position #1 – Dr. Lee Pickett
Position #10 – Lori Gershon
Position #12 – Allan Polak
Position #13 – Susan Spinks

The Board agreed by consensus.

Commissioner Dorosin asked if the requirement for the animal welfare position could be identified. He said he would move Meggy Romic for either of the remaining positions.

Thom Freeman-Stuart said someone who volunteers, and is in the business of rescue service.

Commissioner Price recommended Kim Odom, who is a Cedar Grove applicant interested in the advocacy slot.

Commissioner Dorosin said she would also meet the non-municipal slot.

Commissioner Marcoplos said Dawn Roberts also meets the animal welfare slot.

Chair Rich asked to get these votes moved forward and reminded the Board of the pending closed session item.

A motion was made by Commissioner Dorosin to recommended Meggy Romic as Animal Advocacy. Position #11.

The Board agreed by consensus.

A motion was made by Commissioner Marcoplos, seconded by Commissioner Bedford to appoint Dawn Roberts to position #8

The Board agreed by consensus.

10. Animal Services Hearing Panel Pool – Appointment Discussion

Position #4 – to be determined by the BOCC

Chair Rich asked for input from Thom Freeman-Stuart.

Thom Freeman Stuart said this was a Town of Chapel Hill jurisdictional vacancy but the Town of Chapel Hill does not make any recommendations regarding this appointment.

Chair Rich asked if there was a candidate available from the Town of Chapel Hill jurisdiction.

Commissioner Price said she would recommend Mark Solomon.

Chair Rich said he was from Hillsborough.

Thom Freeman Stuart said Stacy Shinkle would be Chapel Hill, but not the Town of Chapel Hill.

Commissioner Rich said move this item to the next meeting since they have no applicants.

11. Arts Commission – Appointment Discussion

A motion was made by Commissioner Price, seconded by Commissioner Dorosin to appoint the following people:

Position #3 – Matthew Keith
Position #7 – Sean T. Bailey

The Board agreed by consensus.

12. Board of Health – Appointment Discussion

A motion was made by Commissioner McKee, seconded by Commissioner Dorosin to appoint the following people:

Position #2 – Dr. Brian Crandell

The Board agreed by consensus.

13. Board of Social Services – Appointment Discussion

A motion was made by Commissioner Bedford, seconded by Commissioner Marcoplos to appoint the following people:

Position #4 – Jane Garrett

The Board agreed by consensus.

14. Chapel Hill Orange County Visitors Bureau – Appointment Discussion

A motion was made by Commissioner Bedford, seconded by Commissioner McKee to appoint the following people:

Position #10 – Beverly Payne
Position #14 – Jon Hartman-Brown
Position #15 – Matt Gladdek

The Board agreed by consensus.

15. Economic Development Advisory Board – Appointment Discussion

A motion was made by Commissioner McKee, seconded by Commissioner Bedford to appoint the following people:

Position #4 – Sharon Hill
Position #6 – Paige Zinn
Position #9 – Jonna Hunt
Position #10 – Tom Proctor

Commissioner Price asked if there is a reason why Paige Zinn is being amended for extension.

Thom Freeman-Stuart said Economic Development Director Steve Brantley provided an explanation.

Commissioner McKee said it is important to have members with experience.

Commissioner Price asked if someone could read the addendum.

Commissioner Bedford read the request from Steve Brantley.

The Board agreed by consensus.

16. Hillsborough Board of Adjustment – Appointment Discussion

A motion was made by Commissioner Bedford, seconded by Commissioner McKee to appoint the following people:

Position #1 – Rob Bray

Position #3 – Raul Herrera

The Board agreed by consensus.

17. Hillsborough Planning Board – Appointment Discussion

A motion was made by Commissioner Marcoplos, seconded by Commissioner McKee to appoint the following people:

Position #1 – Chris Johnston

The Board agreed by consensus.

18. Historic Preservation Commission – Appointment Discussion

A motion was made by Commissioner Price, seconded by Commissioner Bedford to appoint the following people:

Position #2 – Thomas Loter

The Board agreed by consensus.

19. Nursing Home Community Advisory Committee – Appointment Discussion

A motion was made by Commissioner Dorosin, seconded by Commissioner McKee to appoint the following people:

Position #4 – Stephanie Boswell

Chair Rich said positions are open but they require training.

Thom Freeman-Stuart said these boards are having a really hard time finding folks to serve in this role.

Commissioner Dorosin said this board has twelve slots, with 5 vacancies, some of which have been vacant for 2-3 years.

Thom Freeman-Stuart said this board cannot do what it was designed to do currently, due to Covid.

Chair Rich asked if this is a state statutory board.

Thom Freeman-Stuart said yes, and there has not yet been success at combining the two aging boards.

Commissioner Dorosin said the Board may want to add this request to its list for the legislature.

John Roberts said it is not up to the legislature to combine these two boards, but rather the County Commissioners can do so.

Chair Rich asked if staff would make this an agenda item.

Commissioner Dorosin said he would be delighted to not go before the legislature.

Commissioner Greene said nursing homes are regulated by the state, and she would like to know what authority these committees have to make any difference. She said these boards raise a lot of concerns, but seem to have no authority to fix anything.

John Roberts said he would have to look at the statute.

Chair Rich said she does not think these boards have much authority.

The Board agreed by consensus.

20. Orange County Board of Adjustment – Appointment Discussion

Position #2 – TBD (BOCC Appointment)

Position #3 – Samantha Cabe

Position #4 – TBD (BOCC Appointment)

Position #6 – TBD (BOCC Appointment)

Position #7 – TBD (BOCC Appointment)

Commissioner Bedford asked if there is a conflict of interest for Judge Cabe.

Commissioner Price said she thinks it is more a question of her having enough time.

Commissioner Dorosin agreed with Commissioner Bedford, and said having the chief district court judge creates undue influence on other board members.

Commissioner Price asked if a resolution was passed stating other elected officials would not be eligible to serve on advisory boards.

A motion was made by Commissioner Price, seconded by Commissioner Bedford to appoint Nathan Boucher (#2), Kent Candle (#4), Jeff Scott (#6) and Scott Taylor (#7)

Commissioner Price asked if there are any age limits for these positions.

Thom Freeman-Stuart said no.

Chair Rich said she does not want to vote to Nathan Boucher because he wants to run for Town Council in Chapel Hill, and she does not want these boards to be used as a spring board.

Commissioner McKee said he served on the planning board as a spring board to the BOCC.

Commissioner Greene said those boards are good training grounds within the same municipality.

Position #2

Votes: Ayes, 3 (Commissioner Bedford, Commissioner Price, and Commissioner McKee);

Nays, 4 (Chair Rich, Commissioner Dorosin, Commissioner Greene, Commissioner

Macroplos)

MOTION FAILS

Positions #4, 6 and 7

The Board agreed by consensus

21. Closed Session

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

“Pursuant to G.S. § 143-318.11(a)(6) “to consider qualifications, competence, performance, character fitness, condition of appointment, or conditions of initial employment of an individual public officer or employer or prospective public officer or employee.”

A motion was made by Commissioner Dorosin, seconded by Commissioner Greene to go into closed session at 10:44 p.m.

VOTE: UNANIMOUS

RECONVENE INTO REGULAR SESSION

A motion was made by Commissioner McKee, seconded by Commissioner Greene to return to open session at 11:12 p.m.

VOTE: UNANIMOUS

Adjournment

A motion was made by Commissioner McKee, seconded by Commissioner Greene to adjourn the meeting at 11:12 p.m.

VOTE: UNANIMOUS

Penny Rich, Chair

Allen Coleman
Assistant Deputy Clerk II

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