

**APPROVED 2/19/2019**

**MINUTES  
ORANGE COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
February 5, 2019  
7:00 p.m.**

The Orange County Board of Commissioners met in regular session on Tuesday, February 5, 2019 at 7:00 p.m. at the Whitted Building in Hillsborough, N.C.

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

**COUNTY COMMISSIONERS ABSENT:** None

**COUNTY ATTORNEYS PRESENT:** None

**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**

- Blue sheet: Proposed Addition to the Agenda (Item 4-c) - A RESOLUTION OPPOSING ALTERNATIVE 4A AS A DESIGN FOR MODIFICATIONS TO EUBANKS ROAD AND NC 86 AS PART OF NCDOT PROJECT I-3306A FOR PROPOSED WIDENING OF I-40 FROM I-85 TO DURHAM COUNTY LINE
- Pink sheet: Item 6a- Orange County Transportation Priority List for SPOT 6.0 / FY 2022-2031 STIP--Date in title corrected (2022-2031)
- PowerPoint for Item 5-a
- PowerPoint for Item 6-a
- Yellow sheet: Updated information for Item 6-b
- PowerPoint for Item 6-b
- Revised Item 6-c

**PUBLIC CHARGE**

Chair Rich acknowledged the public charge.

**Arts Moment**

Doris Friend, Orange County Arts Commission Member introduced Katie Bowler Young. Katie Bowler Young is the author of State Street, a chapbook published by Bull City Press, and a biography of Mexican sculptor Enrique Alférez, forthcoming from The Historic New Orleans Collection. Katie's has published poetry and prose in The Southern Review, Carolina Quarterly, Louisiana Literature, Soundings East, and many other journals. Katie is also director of global relations for UNC Global, working to support Carolina's international activity. She lives in Orange County.

Katie Bowler Young read a poem from a collection of poems about the effect of incarceration on family members, and the poem was called "Lessons on Animal Behavior".

**2. Public Comments**

**a. Matters not on the Printed Agenda**

David Keil read the following comments:

Chair Rich and Members of the County Commission, I'm David Kiel and I have been a resident of the County since 1977.

Tonight I speak on behalf of Affordable Transit For All. We are a coalition of Orange and Durham citizens and civic groups. We advocate for practical transportation solutions. We have many concerns about the proposed Light Rail Project. Tonight, however, I want to focus only the potential negative impact on transportation, schools and other public services in Orange County.

The original capital expense for this project was set at \$2.4 billion. The actual price including interest on borrowing was recently calculated to be \$3.3 billion. We just learned that changes in the plan required by Durham may add as much as \$500 million to the capital cost, a figure which, as I understand it, does not include associated interest charges. As a result, the project is hundreds of millions of dollars short. And here is the essence of the threat we see: Durham and Orange will be expected to make up the difference. The light rail project is currently absorbing almost all our transit funds. We believe these funds could be used to serve more people, more flexibly at a fraction of the cost.

Therefore tonight we ask the Commission to consider four actions:

- 1.) Please honor your commitment to cap the County's share of the capital outlay for the project at \$149.5 million.
- 2.) Please consider a cap on Orange County's borrowing associated with light rail, already at \$150 million—and we will be responsible for the associated interest costs on this amount.
- 3.) Please do not offer other revenue streams to close the funding gaps that we foresee. The county's schools and essential services face their own serious funding challenges. They should not lose funds to Light Rail.

If there are unexpended transit tax funds, please use them to expand bus, bus rapid transit and demand services for seniors and other vulnerable populations.

- 4.) Since GoTriangle must now come back to this body with a new financial plan taking into account the increased costs, please invite Davenport, the County's respected financial consultant, to return and review the new Light Rail financial plan so you can be fully informed as you consider any further commitments to the project.

We believe these simple actions are essential to safeguard our citizens from the likely negative impact of this project on the County's finances, transportation, and other public services. Thank you.

Bonnie Hauser read the following comments:

Good evening Commissioners. I'm Bonnie Hauser and I'm also speaking for Affordable Transit for All. We know you are facing some challenging questions about the light rail project, and we are working to help you become fully informed.

I'm here to share some work that we did with the TOD Guidebook. You see we were really surprised to hear numbers like \$1.4-\$1.9 billion in revenue, even as high as \$2 billion. So we went through the ream of paper and looked for ourselves.

Here's what we learned.

- The \$1.4-\$1.9 billion is cumulative over 40 years and includes revenue for Durham county and Town, Orange County and Chapel Hill.
- If you look at the net annual numbers, it's actually a lot lower. Orange County and Chapel Hill each might generate \$5 million a year or so in new property tax revenue.

As you already know, the estimates in the Guidebook include tax exempt university property and don't consider any of the infrastructure or service costs that come with the new development. It also doesn't include the costs that Chapel Hill has agreed to cover to maintain the light rail infrastructure.

It's conceivable that after you net the costs and the tax exempt properties, there's no economic benefit at all for Orange County or for Chapel Hill.

But please, don't believe us. Here's the analysis we did using the data from TOD the guidebook. The numbers come from Appendix G - that's around page 365. Please ask GoTriangle and their consultants to look at it and see if we're close.

Also- while you're at it, please ask them whether Glen Lennox and other properties that are already under development are counted in the revenue estimates. It's important because Hamilton Road is by far the most economically beneficial station area for Orange County or Chapel Hill. The question is whether that's because of development that's already in the queue.

Thank you for listening.

Craig Carter said he previously asked the Board of County Commissioners (BOCC) about his memorial flag, which he cannot fly due to its size. He said he has heard no response regarding this inquiry. He said he also talked about the lack of EMS services in the northern portion of the County, and the time it takes for EMS to arrive in that part of the County. He said he previously asked the Board about why an ambulance is not being stationed at the new fire department on St. Mary's Road, and has since learned that the Board did vote to station an ambulance there over a year ago, but it has yet to come to fruition. He said he was told that no one can be stationed there due to the lack of sprinkler system; however, a sprinkler system has been installed, yet no one is stationed there. He said the station is on a well, and if the power goes out, the sprinkler system will not work anyway. He said he is frustrated with the lack of resources to his portion of the County.

**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 Greene said on Monday she will attend a meeting on Emerging Issues in Raleigh.

Commissioner McKee asked if Bonnie Hammersley would contact Davenport to get a report, prior to the February 19<sup>th</sup> meeting, regarding the additional cost incurred with the changes to light rail (LRT) and exactly what "backstopping" means for Orange County's finances and credit rating.

Commissioner McKee petitioned Bonnie Hammersley to contact the Chapel Hill Manager prior to February 19<sup>th</sup> to ask Town staff to provide a report on Chapel Hill transit's current and future met and unmet needs.

Commissioner McKee said the Board of County Commissioners put out a statement about a year ago about not committing any more funds to light rail, and he petitioned that the Board re-commit to that statement.

Commissioner Price said the Ag Summit is on Monday, February 11<sup>th</sup>.

Commissioner Price said that she and others attended a Stepping UP Initiative stakeholders' group in Buncombe County. She said she noticed the resources dedicated to diversionary programming, and the comprehensive and cohesive approach that Buncombe County takes. She said the group visited family justice center and the detention center, and it was concluded that prosecution and incarceration cannot solve or remedy any of the pressing social issues.

Commissioner Marcoplos petitioned the Planning Department to do a planning assessment of the detached section of the rural buffer in the southeast corner of the County: east of Old Lystra Road, on the edge of the Chapel Hill transition area. He said discussions about the future of this area are inevitable, and it would be helpful for the Board to know the implications of the land use in that area.

Commissioner Marcoplos respectfully added on to Commissioner McKee comments about LRT, and said it would be money not well spent to pay Davenport to do any economic analysis on the light rail, since the Federal Transportation Authority (FTA) has not returned a report on the risk assessment. He said there are a lot of unknowns at this point, and it would be fruitless to do such an analysis.

Commissioner Dorosin suggested that the County look into creating some Orange County swag.

Commissioner Dorosin said the General Assembly is back in session and there have already been several bills introduced that reflect priority items of the BOCC: expanding Medicaid; repealing the confederate monument protections; raising minimum wage to \$15/hour; red flag laws regarding gun violence.

Commissioner Bedford said she attended the Legislative Breakfast on Mental Health, and it is the time to be loud about the need for the expansion of Medicaid.

Commissioner Bedford said that she would like to engage Davenport, and have them on standby, as Davenport will need to time to be prepared should the County need them. She said she would like Davenport to analyze the proposed LRT cost sharing agreement that will be coming to the Board, as assumptions have changed and the Board needs factual information.

Commissioner Bedford said the Board needs to understand the numbers, and Davenport may just want to be ready. She said the Board needs a comparison – like a truth in lending. She said she is very concerned about the interest rates, and the Board needs an analysis from an independent source so the Board knows exactly to what it is committed.

Chair Rich said Happy Chinese New Year, noting it is the year of the pig.

Chair Rich referred to the rural buffer discussion that happened at the Chapel Hill Council meeting, and agreed that it would be good for the BOCC to get some information about that southeastern corner of the County. She said would also like a bit more history on why this portion of the County is in the rural buffer and information on the sensitive stream buffers and watersheds. She said she heard that the ETJ stays the way it is as it is the open space for southern village, and she does not know if these two areas are related. She said she would also like a bit more information about typography.

Chair Rich said she is glad to work with Commissioner Dorosin on the "One Orange" theme, and possibly kick off something in the spring.

Chair Rich said she attended the Extension Community Association meeting on Saturday morning, and there are 80 women doing wonderful things for those in need in the community: knitting blankets, making pillows, etc.

Chair Rich said she had three take-aways from Assembly of Governments (AOG) meeting: Greene Tract resolution; formation of the climate change committee; and the formation

of the census committee. She said she would like more information on all of these items, and how each will move forward.

Chair Rich reviewed the following information:

At the Board's January 22, 2019 regular business meeting, a petition was brought forward from the public, and a petition from Commissioner McKee.

1. Review and consider request that the BOCC formally act to voice support for opening up to the public the light rail workgroup meetings and other discussions that currently exclude the public

2. Review and consider request by Commissioner McKee that the BOCC receive copies of the January 10 Transit Workgroup Meeting minutes and that minutes from future meetings be provided to Board members within 10 business days

As with all petitions, the BOCC received and referred this to staff and then to agenda review with the Chair/Vice Chair/Manager/Deputy Manager/Greg Wilder/Donna Baker. It was concluded that the Chair would confer with the county attorney for legal advice on how to respond to this petition. It should also be noted that the Chair spoke with the Go Triangle attorney before crafting this response.

There is no workgroup. That is a manufactured assumption. There are no minutes of the 1/10 meeting. GoTriangle staff and GoTriangle board representatives and Board Chairs from Orange and Durham counties, along with the Mayor of Durham gathered to discuss draft assumption numbers. No information had been presented at this meeting from the FTA b/c there was a shutdown and the FTA was not open.

Please note that the topic of open meetings was addressed in a memo from the County Attorney on January 16, 2019.

John Roberts' memo below:

FROM: John Roberts, County Attorney  
DATE: January 16, 2019  
RE: Open Meetings

This memorandum is in response to a request for information on open meetings requirements by Commissioners Rich and Bedford.

The starting point for this discussion is NCGS 143-318.10, which requires official meetings of public bodies be open. So unless there is a statutorily authorized reason to close a meeting, such as discussions of economic development, personnel, or privileged communications with attorneys, etc., meetings of public bodies must be open to the public. Further, if an official meeting of a public body occurs "full and accurate" minutes must also be kept of the meeting and any actions occurring at the meeting.

Thus the first question to analyze is what constitutes a public body? For purposes of local government 143-318.10(b) defines public body as "any elected or appointed authority, board, commission, committee, council, or other body of the State, or of one or more counties, cities, school administrative units, constituent institutions of The University of North Carolina, or other political subdivisions or public corporations in the State that (i) is composed of two or more

members and (ii) exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function.”

With regard to elected bodies there is no question that when there is a quorum present, unless there is a legal reason for excluding the public, the meeting is a meeting of a public body and must be open. The murkier issue is with the question of ad hoc attendees to a meeting. If the ad hoc attendees merely attend a meeting due to their expertise or position in order to discuss or negotiate issues and were not appointed to do so by any particular entity the meeting likely does not constitute a meeting of a public body.

There is existing North Carolina case law that provides some insight into what constitutes a public body with regard to ad hoc membership in a meeting group. In *DTH Pub. Corp. v. Univ. of N. Carolina at Chapel Hill*, 128 N.C. App. 534 (1998) the Court noted that in order to constitute a public body the members of the body must have been appointed by an entity that is authorized to make appointments. So, for example, if the Board of County Commissioners appointed its Chair, Manager, and several other staff to form a committee and hold meetings with the mayor, manager, and staff of a town to discuss a water line and the town likewise took action to appoint those individuals to do so then the meetings could be meetings of a public body. This is not absolute, however, and whether it is a public body would depend on the facts of the individual situation. It's otherwise clear that without that official appointment by an authorized entity the ad hoc group is not a public body.

What constitutes an official meeting? 143-318.10(d) defines official meeting as a “meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body. However, a social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of this Article.” This would cover most meetings of elected or officially appointed groups.

I will utilize three examples to describe what is and what is not an official meeting of a public body.

The first example of what are certainly official meetings of public bodies would include any scheduled meeting of the Board of County Commissioners (elected), the Orange County Planning Board (appointed by the Commissioners), the Orange County Board of Equalization and Review (appointed by the Commissioners), etc. Each of these is a scheduled meeting of a body comprised of either elected or appointed officials at which the public body will engage in either “legislative, policy-making, quasi-judicial, administrative, or advisory functions.” These meetings must be open to the public unless the subject matter qualifies for an exception to the open meetings law.

The second example is of a meeting that is absolutely not a meeting of a public body. In this example the Planning Director, County Manager, Health Director, and several other staff members meet to discuss an issue on an upcoming Board of County Commissioners' regular meeting agenda. The product of the meeting is an advisory memo to the Board of County Commissioners in which the staff members recommend specific action. This meeting does not involve elected or appointed officials and is not a regularly scheduled meeting, and further

NCGS 143-318.10(c) specifically excludes staff only meetings from the definition of what constitutes public body.

For the final example I will use a hybrid meeting that is not an official meeting of a public body. In this example several department directors and multiple staff of several local governments attend a meeting to discuss details of an intergovernmental agreement. In addition to the staff, several elected officials from various local governments also attend the meeting, although no quorum of any one elected body is present. The purpose of the meeting is to discuss changes to the intergovernmental agreement. Assuming this is an ad hoc group that met to discuss the changes and will then present the results of the discussion to the various governmental boards for action this would not be an official meeting required to be opened to the public. Some of the reasons include; the attendees were not appointed by any governmental entity to attend and the group itself was not created by any governmental entity. If the attendees were appointed by the various governmental entities to attend then it could rise to the level of a public body and the meeting would then rise to the level of an official meeting but those are not the facts of this example. Even though this was not an official meeting of a public body the public could be invited, but this is not required and whether or not to do so would be up to the host entity.

This final example is analogous to the recent meeting at GoTriangle that consisted primarily of staff but also involved some elected officials. That meeting, similar to others in the past, did not involve a quorum of any governmental entity and did not result in any official action taking place at the meeting. Also, to the best of my knowledge, the attendees were not appointed to participate by any of the involved governmental entities. This meeting would not constitute a meeting of a public body. Since it was not an official meeting of a public body it was not required to be open to the public and the decision of whether to do so rests entirely with the host of the meeting. Certainly some members of the public could want access to the meeting to see the proverbial sausage being made, however, the open meetings law does not require that access and it was entirely lawful to exclude the public from the meeting if the host entity elected to do so.

Chair Rich read the following:

**Response:** I will note this response addresses only Orange County hosted meetings. Meetings hosted by other governmental organizations are the responsibility of those organizations.

In formulating this response I consulted with the County Attorney to determine what is required by law to be open to the public. The County Attorney's response was that most meetings of elected officials are required by law to be open to the public, meetings comprised entirely of staff are not required to be open to the public, and meetings of informal groups comprised of staff and elected officials are also usually not required to be open to the public so long as there is no quorum of an elected body present.

Small groups of elected officials meet often to discuss items that may come up for discussion on their respective governing boards. These small groups such as the Mayors of the towns, the Chair, and some number of staff should be able to meet regularly or as needed to discuss important business without having to schedule those meetings and provide for public attendance. This freedom to meet and exchange ideas is crucial to a thorough understanding of issues. These types of informal meetings do not involve final decisions on any issue. Final decisions are the sole purview of the governing boards of each jurisdiction.

Opening all meetings, whether those meetings are comprised exclusively of staff or are comprised of a group that may include staff and a limited numbers of elected officials, would not be productive and would likely have a disquieting effect on what would be discussed at those staff or predominantly staff meetings. Also, opening staff or predominantly staff meetings for all transit or light rail meetings would likely lead to opening staff meetings on other topics as well. Meetings of the Orange County Board of Commissioners regarding transit issues and particularly the light rail have been open and have had high levels of public engagement for a number of years. Quarterly transit and light rail reports are provided at regular Board of County Commissioners meetings, which are always open to the public. Similarly, decisions on transit and light rail issues are only made at regular board meetings. This is a level of openness and transparency that is in excess of state open meetings laws, thoroughly engages the public, and will not change. (We have had 17 meetings from 1-1-17 – 1-30-19 where we discussed or took action on the LRT.)

In conclusion, the BOCC does not have the legal authority to direct GoTriangle to open their meetings to the public.

Commissioner McKee said the meeting on January 10<sup>th</sup> was not a meeting of friends over coffee for discussion. He said this group has a name and the lack of minutes is irrelevant, as there was a PowerPoint presentation at that meeting. He said the only way he got this presentation was through a public records request to GoTriangle. He said the night he made these petitions, he distinctly agreed that the open meeting law did not apply to this meeting, but morally, and because this is a divisive issue in this community, no one should be excluded from sitting in the back of a meeting and quietly listening.

Commissioner Marcoplos said to Commissioner Bedford that she is welcome to contact him at any time to find out what happens at any GoTriangle meetings.

Commissioner Marcoplos said one cannot say that any particular issue is deserving of changing the basic way of governing to make all meetings open. He referred to other items (detention center, ag center, etc.) and said meetings occurred in recent weeks that discussed preliminary numbers, which are no longer accurate. He said things change from day to day, and this is the type of meeting that was held at GoTriangle on January 10<sup>th</sup>, and so much was discussed that is not reflected in the basic PowerPoint, and so many things have changed since that meeting. He questions if it is good governance to make every single work session between staff and elected officials open. He said the numbers at the January 10<sup>th</sup> meeting, were not actual factual numbers, and there has to be a happy medium. He said Orange County government has always been transparent, and he finds it interesting that this concern is only being raised about LRT. He said there has to be a balance between transparency, and getting day to day work done in order to present current, factual information to the public for discussion and vote.

Commissioner Marcoplos said he appreciates the passion of those opposed to light rail, but this is a tactic to slow the project down and it is not entirely about the open meetings law. He said no numbers have been hidden.

Commissioner McKee said if Orange County is going to define itself as transparent, then this should apply to any meeting, not just light rail. He said he does not advocate for people to be allowed to speak at all meetings, but just for the right to attend meetings. He said any discussions, preliminary or not, should be open to the public. He said to him this is a moral issue.

Commissioner Bedford suggested that the Commissioners have a facilitated meeting about their roles on different boards, and how they report back to each other, staff and the public. She said this can help to develop norms, and allow the BOCC to operate at a higher level on all issues. She said the onus should not be on her, or any Commissioner, to track

everyone's meetings to find out what is going on, and it is not good governance to shut out other Commissioners from information that all need to hear. She said those BOCC representatives attending board and commission meetings have more time to digest and consider information, as opposed to their fellow commissioners who receive an abstract a few days before a BOCC meeting, at which a decision must be made. She said she was able to read the PowerPoint from the GoTriangle meeting, and decipher what was relevant, and what may have changed, which was very straightforward and helpful. She said another suggestion may be to have only staff attend meetings, such as a GoTriangle meeting, and keep elected officials out of the deliberation.

Commissioner Dorosin said the BOCC does a good job with transparency, and rather than more of them attending other meetings, he would promote having more open discussion in the BOCC meetings, like tonight. He said these meetings are televised and recorded and the Board can have longer discussions. He said the focus of transparency lies in their BOCC regular and work session meetings.

Commissioner Dorosin petitioned to get a response about the ambulance issue that Mr. Carter brought forward.

Chair Rich said Dinah Jeffries, EMS Director, did send out a response to Mr. Carter about this issue, which can be forwarded to Commissioner Dorosin. She said a response from the Planning Department about the flag is forthcoming.

Commissioner Price said the issue is not about the light rail, but rather about all of the noise she heard surrounding the January 10<sup>th</sup> GoTriangle meeting. She said it was unclear what the meeting was for, and what occurred at the meeting. She said it was touted as an unimportant meeting, but then a PowerPoint appeared. She said she would like more transparency and collegiality. She said everyone does not need to be at every meeting, and if a meeting is announced, it is fair to expect that people may want to attend.

Commissioner Marcoplos said if the Board is going to have a mediated meeting, he would like the Board of County Commissioners members to have a list of the controversial topics in the past, so that the discussion can be comprehensive.

Chair Rich said the GoTriangle representative and the Chair of the Board of Commissioners have been meeting at GoTriangle for over two years now, and nothing different occurred at the meeting on January 10<sup>th</sup>, than has occurred at any meeting in the past 2 years. She said sometimes it was Commissioner Dorosin and Commissioner Jacobs who attended, and then it was Commissioner Dorosin and Commissioner Marcoplos.

Chair Rich called for no more discussion and ended the conversation.

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

##### **a. Proclamation Recognizing the Orange High School Future Farmers of America (FFA) Senior Livestock Judging Team for Winning State Competition**

The Board recognized the Orange County High School Future Farmers of America Senior Livestock Judging Team for winning the State competition.

Travis Myren introduced this item and Cole Watkins, the Ag Teacher, introduced the team.

Commissioner Price read the proclamation:

**ORANGE COUNTY BOARD OF COMMISSIONERS  
PROCLAMATION OF RECOGNITION  
ORANGE HIGH SCHOOL FUTURE FARMERS OF AMERICA SENIOR LIVESTOCK  
JUDGING TEAM WINNING 2018 STATE COMPETITION**

**WHEREAS**, on November 27, 2018, Orange High School entered a Senior Livestock Judging Team in the 2018 N.C. Future Farmers of America (FFA) Association's annual Livestock Evaluation Career Development Event; and

**WHEREAS**, the competitive event is for agricultural education students, emphasizing skills in livestock evaluation, selection and management as taught through the agricultural education curriculum; and

**WHEREAS**, under the leadership of Cole Watkins, an instructor in the Career and Technical Education Department at Orange High School, the team placed 1st in the state out of 89 high school teams; and

**WHEREAS**, through hard work, dedication and commitment, the team brought honor upon themselves, Orange High School, the Orange County Schools District and Orange County;

**NOW, THEREFORE**, be it proclaimed that the Orange County Board of Commissioners expresses its sincere appreciation and respect for the Orange High School Senior Livestock Judging Team and Cole Watkins for this outstanding achievement, and wishes them great success when they represent the school and county at the national event in October 2019.

This the 5<sup>th</sup> day of February 2019.

A motion was made by Commissioner Price, seconded by Commissioner McKee, for the to authorize the Chair to sign the proclamation recognizing the students and faculty advisor for winning the competition, representing the community and school and wishing them great success in the nationwide competition this fall.

**VOTE: UNANIMOUS**

**b. NC Association of Assessing Officers Distinguished Jurisdiction Award**

The Board recognized the Orange County Tax Office for its selection as a distinguished assessment jurisdiction by the North Carolina Association of Assessing Officers.

Dwane Brinson, Tax Administrator, reviewed the background information below:

**BACKGROUND:** Each year the North Carolina Association of Assessing Officers (NCAAO) recognizes up to three (3) counties for the Joseph E. Hunt Distinguished Jurisdiction Award. For the third year in a row, Orange County has been selected for this prestigious award. Per the NCAAO announcement, the award is presented each year in recognition of a county's achievement in areas of property tax assessment and/or collection, the implementation of a project, or endeavors to enhance the overall effectiveness of a county tax department. The recipient receives prestigious recognition and an award at the annual NCAAO Fall Conference held in November.

The Board recognized the Orange County Tax Office for its award selection, including acknowledgement of the plaque received from NCAAO highlighting the recognition.

**c: ITEM ADDED (no abstract)**

The Board considered a Resolution Opposing Alternative 4a as a Design for Modifications to Eubanks Road and NC 86 as Part of NCDOT Project I-3306A for Proposed Widening of I-40 from I-85 to Durham County Line.

**PUBLIC COMMENT:**

John Hollingsworth from the Northwood community said he is grateful that the Board of County Commissioners has been supportive to the Northwood neighborhood. He asked that the Board endorse this resolution tonight. He said while they have fended off one crisis, they still face grave threats from the design of this road and the amount of traffic that will use their neighborhood as a cut-through. He said they are going to continue to advocate for their neighborhood and ask for the Board's continued support.

Chair Rich asked John Hollingsworth (Northwood resident) to read this item:

**A RESOLUTION OPPOSING ALTERNATIVE 4A AS A DESIGN FOR MODIFICATIONS TO EUBANKS ROAD AND NC 86 AS PART OF NCDOT PROJECT I-3306A FOR PROPOSED WIDENING OF I-40 FROM I-85 TO DURHAM COUNTY LINE**

**WHEREAS**, the North Carolina Department of Transportation (NCDOT) has initiated a project for widening I-40 in Orange County, which includes proposed modifications to Eubanks Road as part of reconstruction of the I-40 / NC 86 interchange; and

**WHEREAS**, NCDOT has developed alternative designs for modifications to Eubanks Road and has shared them with the public for feedback in January of 2019; and

**WHEREAS**, alternative 4A and precursor designs depicted a realignment of Eubanks Road through the Northwood neighborhood that would necessitate the demolition of multiple homes and would create substantial negative impacts to the neighborhood fabric; and

**WHEREAS**, residents of the Northwood neighborhood submitted a petition to Orange County urging a design solution that does not endanger homes, property values, well and septic infrastructure, or neighborhood character; and

**WHEREAS**, NCDOT has been exploring additional alternatives such as the one shown on Map 4B which align Eubanks Road in a way that reduces impacts to the Northwood neighborhood.

**NOW, THEREFORE, BE IT RESOLVED** by the Orange County Board of Commissioners that the Board hereby states its opposition to the alternative 4A realignment of Eubanks Road, as depicted on NCDOT Public Meeting Map 4A, for this portion of the design for NCDOT Project I-3306A.

**BE IT FURTHER RESOLVED** that the Board supports a design that does not significantly alter the alignment of Eubanks Road, and strongly encourages NCDOT to continue refining design options in order to meet the following criteria:

- Minimize and mitigate adverse impacts on neighborhoods surrounding the project
- Support alternative modes of travel, specifically bicycle and pedestrian
- Contribute positively to the character of Chapel Hill
- Stagger construction of improvements on Old NC 86 and NC 86 so that construction occurs on each road at different times, thereby optimizing vehicular access to I-40
- Protect the feasibility of future improvements to Eubanks Road and NC 86 for the North South BRT project, as planned by Chapel Hill Transit
- Ensure design that allows for sufficient emergency response
- Maintain left turn movements from Eubanks Rd onto northbound NC 86 as

much as possible, potentially as a short-term measure until traffic levels exceed certain thresholds

- Widen the eastbound I-40 exit ramp to create an additional lane of traffic exiting onto NC 86. This would be in addition to the proposed slip lane from the exit ramp onto Eubanks Road

**BE IT FURTHER RESOLVED** that the Board of Orange County Commissioners requests that this resolution be transmitted to the Orange County Legislative Delegation.

This the 5th day of February 2019.

A motion was made by Commissioner McKee, seconded by Commissioner Price to approve the resolution and transmit it to the Legislative Delegation.

Commissioner Dorosin said adoption of this resolution does not mean that the BOCC does not support the widening of I-40, because the BOCC does support that. He said this is about opposing the construction/design of the interchange.

Commissioner McKee said he met with the neighbors on a raw, cold day, and the number of neighbors involved impressed him, and the amount of time, energy, and focus the neighbors put into researching the impacts of this proposal. He said this indicated a level of thoughtfulness and cooperation on all fronts.

#### **VOTE: UNANIMOUS**

Commissioner McKee said this might be a good discussion item at the next Department of Transportation (DOT) quarterly meetings.

Chair Rich said it was discussed at the last meeting, and will be so again at future meetings.

#### **5. Public Hearings**

##### **a. Efland-Buckhorn-Mebane Access Management Plan Update**

The Board received an overview of the Draft Efland-Buckhorn-Mebane Access Management Plan (E-B-M AMP), continue the public hearing, and provide comments before the Plan is scheduled on an upcoming agenda for Board action.

Nishith Trivedi, Transportation Planner II, introduced this item.

#### **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 and Orange Unified Transportation Board (OUTBoard). Planning staff also presented the draft plan to the Economic Development Advisory Board (EDAB) and its staff for input.

There is no voting tonight only public comment.

The E-B-M AMP is:

- A combination of the original adopted 2011 E-B-M AMP, 2017 Transportation Study, County
- Planning, City of Mebane, and public comments.

- A long-range transportation vision for the area illustrating roadway alignment and corridor
- width necessary to serve future land uses and address traffic impact as development occurs.
- A plan that assists the County in promoting economic development through its development review process by encouraging developers to dedicate right-of-way necessary for future roads.

The E-B-M AMP is not:

- A proposal for, nor does it seek authorization for, funding right-of-way acquisition.
- However, an AMP would be a necessary prerequisite to guide the investment to improve access, where necessary.
- A collection of future road design and construction projects, nor does it include a schedule.
- A guarantee that future development will occur or that roads will be built.

#### Summary and key highlights from the E-B-M AMP

**Chapter 1 - Introduction** – federal, state, and local regulations authorizing such plans including the process used in updating this plan.

- 2030 Orange County Comprehensive Plan Goals and Objectives.
- Traffic trend details in addition to the 2017 Transportation Study results.

**Chapter 2 – Access Management Planning** – Introduction of 2017 Transportation Study and recommendations for the planning area. This should be a focus area for review.

- Includes Volkert, Inc., County staff and the recently adopted Mebane 2040
- Comprehensive Transportation Plan (June 2018).

**Chapter 3 – Enforcement (aka Implementation)** – lists the various resources, roles and responsibilities of state and local officials as well as property owners.

- Includes process to amend the plan through developer initiated Traffic Impact Analysis

**Chapter 4 – Appendix** – 2011 E-B-M AMP, 2017 Transportation Study and remarks collected throughout the planning process.

- Contains survey results and specific comments provided by the public.

A summary of key planning areas and responses to public comments are provided below. Also see Attachment 1, Public Questions & Comments.

- West of West Ten Road and east of Mebane city limits.
  - Plan updated to avoid multiple stream crossings.
  - Intersection locations updated and requiring additional study.
- Railroad crossings in Efland – Efland-Cedar Grove Road to Mt. Willing Road.
  - Plan not changed; carry forward from original adopted 2011 E-B-M AMP.
  - Key crossing identified by staff requiring additional study.
  - NCDOT requests Orange County conduct feasibility study through MPO.
- Turner Street Extension through Center Street residential area.
  - Plan not changed; carry forward from original adopted 2011 E-B-M AMP.
  - Property zoned Local Commercial; UDO Section 3.4.10 requires property “have direct access to a street classified either as an arterial or collector”.
  - Provide access to land locked parcels west of residential neighborhood.

- US-70 and Preston Loop Subdivision
  - Plan not changed; carry forward from original adopted 2011 E-B-M AMP.
  - No recommendations on US-70 or through Preston Loop Subdivision.

Appendix C of the plan provides comprehensive documentation of all public involvement activities throughout the planning process.

#### Planning Board Review - September 5, 2018

Planning Board began reviewing the Draft E-B-M AMP. Following are key highlights from its initial review:

- What is planned for the area, where will development occur, and will County take property for roads?
  - The AMP is similar to the Future Land Use Map; it expresses a vision, has no financial component, and is achieved over an indefinite time period.
  - The plan gives the County legal standing to request right-of-way dedication during the development review process. If development does not occur, neither do new roads.
- Who contracted the study (2017 Transportation Study)?
  - The County funded the study and contracted it out to Volkert, Inc.
- Does it include alternative transportation such as cyclists and pedestrians?
  - Yes, the 2017 Transportation Study recommended 3 of NCDOT's standard street cross sections. Each includes either a 5-foot sidewalk or wide paved shoulder or both.

#### OUTBoard Review - September 19, 2018

The OUTBoard received the Draft E-B-M AMP for review. Following are key highlights from its initial review.

- What about multimodal travel?
  - The recommended NCDOT approved standard street cross sections include either a sidewalk or wide paved shoulders. Some include both.
- Bicycle safety needs to be included in the scope of the project.
  - The street cross sections address Bicycle and Pedestrian safety by including 5-foot sidewalks and/or wide paved shoulders. The plan does not include specific road design/engineering but does accommodate sufficient right-of-way in several cases for future bicycle and pedestrian improvements.

#### Public Notice of Planning Board and OUTBoard meetings

On September 20, 2018, approximately 1,000 notices were mailed to property owners in and within 1,000 feet of the planning area informing them of the October Planning Board and OUTBoard meetings.

#### Planning Board Recommendation - October 3, 2018

The Planning Board recommended the BOCC approve the E-B-M AMP with the Planning Director's recommended revisions and the following additions:

- Provide more clarity on what the plan is and is not.
  - Information added to Draft E-B-M AMP
- Provide more information on how the plan meets Economic Development Objective 2.2 and 2.3 (Page 5 of Draft E-B-M AMP).
  - Included a street cross section with a bicyclist and cite NCDOT guidelines
  - Information added to the Draft E-B-M AMP

#### OUTBoard Recommendation - October 17, 2018

The OUTBoard members who were present – in the absence of a quorum - provided the following comments:

- Include roundabouts as potential intersection improvements for both 2017 Transportation Study and staff recommended intersections.
- Limit lane widths in the planning area to 11 feet and provide more shoulder.
- Incorporate recent advancements in Intelligent Transportation System (ITS) technologies at intersections.
- Incorporate public transit into the plan.
- BOCC proceed with its decision provided all comments are addressed.

#### Public Notice of BOCC Public Hearing

On October 19, 2018, approximately 1,000 notices were mailed to property owners in and within 1,000 feet of the planning area informing them of the BOCC Public Hearing.

- On November 1, 2018, the BOCC opened the Public Hearing for the E-B-M AMP but continued it to February 5, 2019 so that planning staff could address any impacts the plan may have on the economic development district. The primary concern raised by the Economic Development Department is the future marketability of relatively large properties (e.g. where new connector roads bisect the area) that have been targeted for economic development purposes.

#### Economic Development Advisory Board - January 8, 2019

The Planning Department originally provided the Draft E-B-M AMP to the Economic Development Department for their review on August 31, 2018. The EDAB provided the following comments on January 8, 2019:

- Improve communication and coordination between the two departments.
- Provide an option in the plan with no internal road connectivity.
- A Draft Reduced Connectivity option has been provided for the BOCC's consideration (Attachment 2).
  - EDAB provided a letter (Attachment 3) recommending BOCC approve the Reduced Connectivity option as part of the plan.

#### Planning Director Recommendation

Based on the input staff has received from the public, EDAB, and staff, another option for consideration is in the Reduced Connectivity Option (Attachment 2). This option removes the vast majority of new connectivity roadways through undeveloped properties. Although, there is a strong merit in our AMP that supports all 4 elements (i.e. right-of-way width, intersection placement, Frontage/Service Joint Road Access, and Master Plan Road Connections), the perception that the connectivity aspect may encumber and/or eliminate the property from a "short list" potential may outweigh the benefits of having the road documented on an AMP.

Without the connectivity element, staff cannot ask for these connections with "by right" approvals, only with agreement to include them during a conditional zoning process. The developer may find it advantageous to add the connections upon their own reflection, so the comprehensive transportation solution may still be achieved. In any event, the "Reduced Connectivity" option is viable and may balance the interests and unencumber development potential.

Craig Benedict, Planning Director, said there is a PowerPoint presentation at the Commissioners' places, and he will be going through only a few of the slides:

**Efland-Buckhorn-Mebane**  
**Access Management Plan Update**  
**February 5, 2019**  
**Board of County Commissioners**  
**Item 5.a**

**Purpose of Item**

To provide an overview of the Draft Efland-Buckhorn-Mebane Access Management Plan (E-B-M AMP), to continue the public hearing, and collect Board comments before placing the draft on an upcoming agenda for decision.

**Presentation Outline**

**Background**

- What the plan is and is not
- Adopted 2011 plan and 2017 Transportation Study
- Process and Public Involvement

**E-B-M AMP**

- The plan – *annotated*
- Recommended Road Network
  - Reduced Connectivity Option
- Recommended Cross-Sections
- Community Input
- 2011 vs 2019 update

**Next Step**

- Requested Action

**Background – Plan Purpose**

- Improve overall transportation system
- Minimize congestion and crashes
- Efficient traffic flow, safety and access to properties

**Background – What the plan is**

- A long-range vision for the area
- Dedication of right-of-way through a development application
- Ensure future development addresses transportation through approval process

What the plan is not:

- Funded new roads or improvements
- Acquisition/purchase of right-of-way
- Construction of future roads
- Permanent/guarantees area develops

**Background – How the plan works (table)**

**Background – Plan History (table)**

**Background – Future Land Use Map (map)**

**Background– 2011 Adopted E-B-M AMP (map)**

**Background – 2017 Transportation Study (map)****Background – 2017 Transportation Study (map)****Background – 2017 Transportation Study (map)****Background – Process & Public Involvement****Background – Public Questions & Comments****Questions**

- What the plan is and is not
- Will existing roads be improved?
- Will government take property for the roads?
- When will the development occur or the future roads?
- What about multimodal, bike, ped, transit, etc.?
- No four way stops, roundabouts!

**Responses**

- Existing road will not be removed
- No, government is not taking or buying land
- This is a vision, plan has no horizon year
- Cross sections takes multimodal into consideration

**Background – Process & Public Involvement****The Plan – Outline**

1. **Introduction**
  - a) State and Local Regulations; b) Background and Planning Area; c) Goals and Objectives; and d) Planned Projects
2. **Access Management Plan**
  - a) Community Meeting; b) 2017 Transportation Study; c) Recommendations - Future Roadway Network, Cross-Section and Intersection Improvements; and d) AMP Update and Implementation
3. **Implementation**
  - a) Roles and Responsibilities; b) Amendments; and c) Resources
4. **Appendix**
  - a. 2011 E-B-M EDD AMP; b) 2017 E-B-M Transportation Study; and
  - b. Community meeting

**The Plan – 2019 Draft E-B-M AMP (map)****The Plan – Reduced Connectivity Option (map)****The Plan – Includes Road Cross-Section Recommendations****The Plan – Includes Road Cross-Section Recommendations****The Plan – Includes Road Cross-Section Recommendations****The Plan – Includes Road Cross-Section Recommendations**

**Community Input Documented**▪ **Appendix C**

- Sign in sheets from Community Meeting, Planning Board and OUTBoard
- Surveys submitted by public
- Emails and letters submitted by public including responses
- Questions and Answers

**Plan Comparisons – Adopted & Update****Implementation Over Time****Planning Board Recommendation (October 3, 2018)**

- Provide more information on how the plan meets:
  - Objective ED-2.2: Encourage mixed use projects that support walkable communities. (Text drafted, in Goals and Objectives)
  - Objective ED-2.3: Promote public transportation, alternative modes of transportation, and encourage carpooling and park-and-ride participation. (Text drafted, in Goals and Objectives)

What AMP elements are employed?

1. *Right of Way Width*
2. *Intersection Placement*
3. *Frontage/Service Joint Road Access*
4. *Master Plan Road Connections*

**Background – Elements of the Plan****Right-of-Way**

- a.) Existing Buckhorn and West Ten Road are 60' wide, AMP says both roads to be 100'.
- b.) Ask developer along Buckhorn Road and West Ten Road to dedicate 20' on east side.

**Intersection**

- a.) Existing AMP notes a NCDOT “pre-approved” location for a full flow intersection with possible traffic light.
- b.) Ask developer to plan project to above AMP intersection location, limit other access points, and make improvements according to TIA needs at this point in time.

**Frontage/Service Roads**

- a.) Existing AMP promotes Frontage/Service Roads.
- b.) Ask developer to include frontage/service road easement so large area and smaller projects can be redirected to future traffic signal intersection (after NCDOT warrants are met)

**Through Connectivity**

- a.) Existing AMP shows approximate alignment
- b.) Ask developer to plan project with a future public road through the property to the east to distribute (and create internal capture) traffic to infrastructure focus areas.

**Background – Elements of the Plan****Background – How the plan works**

**Background – How the plan works****Background – How the plan works****Background – How the plan works****Not having a plan****Transportation/traffic efficiency and effectiveness/Connectivity**

- Businesses must rely on an already very limited road system, including multimodal opportunities
- New development would not be responsible for the impact they cause, including:
  - Preventing adjacent property owners from accessing their property
  - Increasing traffic in the area without mitigating it

**Safety**

- Current transportation network will:
  - Become more congested
  - Crash rates will increase
  - Traffic flow will continue to deteriorate
  - Degrade and become unsafe for all users

**Economic Development**

- County receives no funding for new roads
- State does not build new roads unless there are “lines on a map”
- “Perceived impacts of access management on adjacent commercial businesses and landowners are often major impediments to projects moving forward...perceptions are often worse than reality. (*#9 Economic Impact of Access Management, 2011 adopted E-B-M AMP*)

**Not having a plan**

- **Funding Opportunities**
  - County weakens its partnership with the MPO/RPO and NCDOT, making it difficult for the public, staff, and County to advocate for its transportation needs.
  - Without a strong public-private partnership to address the transportation network, County – including its residents – relies totally on the State to fix the transportation problems brought on development, even without development.
  - Future businesses seeking to develop in the County may not want to take responsibility for the traffic impacts they will cause to existing roads nor be accountable for future traffic patterns they create due to their development.

**The Plan – Right-of-Way****The Plan – Intersections****The Plan – Intersections****The Plan – Intersections**

**The Plan – Intersections****The Plan – Road Connections****The Plan – Service Roads****The Plan – Roadway Connectivity****PUBLIC COMMENT:**

NONE

A motion was made by Commissioner Bedford, seconded by Commissioner McKee for the Board to close the public hearing.

**VOTE: UNANIMOUS**

Commissioner Dorosin referred to the reduced access plan, and the recommendation in the packet to go with the reduced connectivity plan, and clarified that this is recommended because the other plan may hinder economic development due to the burden of the requirement to build roads.

Craig Benedict said that is correct, and a line on the map may inhibit a potential development. He said with economic development being so competitive, it is wise to keep things as visible and understandable as possible.

Commissioner Dorosin said by not having the more extensive plan, when the properties get developed the County does not have the same leverage to require that these connections be made. He asked if it is more dependent on the developer and its desires.

Craig Benedict said yes, if a project is permitted by right, there are standards within the code to ask for a lot of things, but since this would not be in there, a road cannot be required. He said if it is conditional zoning, or a master plan development conditional zoning, it may be possible to bring this requirement back in via negotiation. He said other elements of the plan are still alive: dedicate more roads for widening, bring development to a certain predetermined intersection point, and use frontage and service road concepts that would help support the overall transportation plan.

Commissioner Dorosin said at the BOCC retreat, the Board discussed the impediments to developing some of these properties: that there is a lack of infrastructure, piecing together multiple parcels, etc. He clarified that the reduced connectivity option still envisions building more major arteries that will address some of the concerns the Board has heard.

Craig Benedict said yes. He said Industrial Drive and providing access to one of the largest rail sites have still been preserved. He said there are also discussions between Mebane, DOT and the railroad to build a flyover at Buckhorn Road over towards Frasier Road. He said this even reflects a plan brought forward by the rail authority to limit the rail crossings. He said the elements of this plan can help lead to investments.

Commissioner Greene asked if the determinate between development by right and development by conditional zoning could be identified.

Craig Benedict said the areas have certain zoning designations. He said if it is Economic Development-Buckhorn District 1, it is assigned to the property already. He said a use listed in that zoning category can be approved by staff. He said some uses may be Special Use, and Class A special use would end up in front of the BOCC. He all standards within the Unified Development Ordinance (UDO) would still need to be met, but the access management plan would not be included.

Commissioner Greene said she understands that by right is a good thing to attract potential developers, and she will not argue with the deletion of the proposed roads, but she finds reducing connectivity to be concerning.

Commissioner Marcoplos referred to page 3, where it says alternative transportation is included (cycle and pedestrian) as well as a 5-foot sidewalk or a wide paved shoulder. He asked if the shoulder would also be 5 feet wide.

Craig Benedict said it is 4-5 feet for an on road bike lane; and if bikes are going to ride on a sidewalk it has to be 8 feet wide. He said in the County there are cross-sections of roads, but the sidewalks would likely not go in unless Mebane, etc. annexed it. He said DOT will not maintain sidewalks.

Commissioner Price referred to the purple sections, where it says "further analysis," and asked if this could be defined.

Craig Benedict said that is, for example, a possible traffic separation study that the rail authority and DOT has been working on to say whether Buckhorn Road should be widened in this area or a bridge be built over the road. He said further analysis is required. He said roundabouts and full intersections have also been considered.

Commissioner Price asked if the ones to the east could be clarified, near Efland-Cedar Grove.

Craig Benedict referred to the map, pointing out Mt. Willing Road, which is presently 2 lanes, but is recommended to be 80 feet wide in the future (15-20 feet wider on either side of the existing roadway corridor). He said if a development comes in, with over 800 trips/day, the developer must complete a traffic impact study, and if this study says more than one access point is required, then the developer must comply, per the UDO.

Commissioner Price said she encourages roundabouts.

The Board agreed by consensus to schedule the Plan on the March 7<sup>th</sup> meeting for Board action.

## 6. Regular Agenda

### a. Orange County Transportation Priority List for SPOT 6.0 / FY 2022-2031 STIP

The Board considered voting to approve a resolution endorsing lists of Orange County transportation projects to the Burlington-Graham Metropolitan Planning Organization (BGMPO), Triangle Area Rural Planning Organization (TARPO) and Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) for Strategic Prioritization of Transportation (SPOT)/Strategic Transportation Improvement Program (STIP).

Nishith Trivedi said a copy of the SPOT 6.0 presentation is at the Commissioners' places, and in an effort to save time, he will review the key points presented in the abstract.

The main points are:

- NCDOT and MPO/RPO are about to start the next round of SPOT process and we must identify potential projects for submission to MPO/RPO by March. That is why this is time sensitive.
- Each MPO/RPO has unique processes for selecting limited number of projects they can submit to NCDOT and they must complete their work by this summer.
- You have three attachments with maps, one for each MPO/RPO with a list of potential projects, with staff and OUTBoard recommendations.
- All previous County Priorities for SPOT 5.0 are being carried forward as highway projects rather than bike/ped projects and 6 new potential projects have been identified:
  - US-70 widening due to high crash incidents, increasing traffic, and strategic freight corridor
  - NC-86 widening from north of Hillsborough to Caswell County

- Old NC-86 modernization with wide paved shoulder from Hillsborough to Eubanks Road,
- Lebanon Road, just intersection improvements for safety, no widening
- Mebane Oaks Road, a project we would coordinate with Mebane
- Manager recommends the Board approve the list of transportation projects for submission to MPO/RPO

He said he is happy to go over the presentation if the Board would like and answer any questions or concerns they may have.

**BACKGROUND:** Biennially, the North Carolina Board of Transportation (BOT) adopts a ten year STIP that funds and schedules transportation projects throughout the state for all modes of transportation. The STIP implements Metropolitan and Rural Planning Organization's (MPO/RPO) adopted Comprehensive Transportation Plan (CTP) and Metropolitan Transportation Plan (MTP). The CTPs and MTPs are used by MPO/RPOs to determine which projects are submitted for considered in the STIP using the SPOT process.

#### *SPOT 5.0/STIP FY 2020-2029*

Orange County has thirty-nine (39) projects in SPOT 5.0. This includes its member jurisdictions - Hillsborough, Mebane, Chapel Hill, and Carrboro. Eight of them have been funded, and those projects are:

- TIP - I-3306A: I-40 Widening from I-85 to US 15/501
- TIP - I-5984: I-85 at NC-86 Interchange upgrade
- TIP - I-0305: I-85 Widening from Orange Grove Road to Durham County
- TIP - U-5304A, B, D, E, F: US 15/501 improvements from NC-86 to I-40 (Chapel Hill)

#### *SPOT 6.0 Schedule and Process – FY 2022-2031*

Between July 1, 2019 – September 30, 2019, MPO/RPOs across the state will submit their limited number of projects – based on their population and total centerline miles – to the North Carolina Department of Transportation (NCDOT) for inclusion in SPOT 6.0. These projects must be approved by their respective Boards prior to submission. Orange County's process requires that the Board of County Commissioners (BPCC) approve the list of County transportation priorities prior to submission to the respective MPO/RPO. Each MPO/RPO has its own unique process for determining which limited number of projects it submits to NCDOT.

- DCHC MPO will only submit projects listed in the adopted MTP
- TARPO will establish a subcommittee to determine which projects to submit
- BG MPO uses a multi-criteria process to determine which projects to submit

Before MPO/RPO Boards approve the projects for submission, they will conduct a 30 day public comment period and public hearing.

#### *SPOT 6.0 Project List – Staff and OUTBoard Recommendations*

Based on changes to MPO/RPO SPOT project selection processes, staff is recommending Orange County transportation priorities also change so that projects may compete better. Staff has also met with member jurisdictions in Orange County to identify specific corridors they would like addressed through SPOT/STIP or other funding opportunities. These changes and potential corridors are provided as staff recommendations for Orange County Transportation Priorities (Attachments 1 - 3). Many Orange County 2017 transportation priorities are carried forward and highlighted in **Green**. Possible new priorities are provided in **Orange**.

- Staff is recommending removal of independent bike/pedestrian projects based on Strategic Transportation Investment (STI) Law § 136-189.11 (d).(3).c.
  - The Department shall not provide financial support for independent bicycle and pedestrian improvement projects.
  - Independent bike/ pedestrian projects can be pursued through “Federal Surface Transportation Block Grant Direct Allocation”.
  - They require 20% local match and local administration.
- Staff recommends converting paved shoulder projects and independent bike/pedestrian projects to highway modernization projects with bike lanes.
  - First 5 feet of sidewalk width is subject to NCDOT’s Sidewalk Cost Share Policy – 50% for Orange County – and any additional width must be 100% locally funded.
- Staff recommends adding Old NC-86, NC-86, US-70 and NC-54 as County Priorities for SPOT and other funding opportunities.
  - OUTBoard recommendations are provided in Attachments 1 – 3. Below is a summary of its recommendations:
  - Carry forward previous County Priorities and recommend they be highway projects with 11’ travel lane and 5’ paved shoulder, no curb and gutter or sidewalk.
  - Projects in town jurisdictions should be coordinated with the town with the understanding towns may submit them to MPO.
- US-70 widening not recommended as possible project
  - Opposes more cars on road and find better ways to keep trucks on interstate so they do not avoid the weigh station.
- Table NC-86 and NC-54 till MPO/RPO complete update to CTP
  - Recommend BOCC request TARPO request NCDOT study NC-86 and update CTP before proceeding with possible project.
  - Await DCHC MPO action on NC-54 Corridor Study before proceeding with possible project.

Nishith Trivedi made the following PowerPoint presentation:

**Orange County Transportation Priority List for SPOT 6.0 / FY 2022-2031 STIP February 5, 2019**

**Purpose of Item**

To consider a resolution endorsing transportation projects to the BGMPO, TARPO and DCHC MPO for SPOT 6.0/STIP 2022-2031.

- Burlington Graham Metropolitan Planning Organization (BG MPO)
- Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO)
- Triangle Area Rural Planning Organization (TARPO)
- Strategic Prioritization of Transportation (SPOT)
- State Transportation Improvement Program (STIP)

**Presentation – Outline**

- SPOT 6.0 Processes
  - NCDOT
  - DCHC MPO, BG MPO, & TARPO
  - Orange County
- Orange County Priorities
  - TARPO

- DCHC MPO
- BG MPO
- Requested Action

### **SPOT 6.0 Process – NCDOT (chart)**

#### **SPOT 6.0 Process – NCDOT**

##### **Highway**

- Statewide – Interstates, Highways, Toll Facilities, etc.
- Regional – any US and NC routes
- Division – any SR and Local roads
- Bike/Ped

##### **Bike/Ped**

- Statewide – None
- Regional – None
- Division - \$0 state funds (Federal STBDGA or NCDOT local cost share)

##### **Public Transit**

- Statewide – None
- Regional – 10% cap on services spanning 2 or more counties
- Division – All other services including terminal & stations

##### **Aviation, Ferry, & Rail**

#### **SPOT 6.0 Process – MPO/RPO**

Orange County submits SPOT projects are to:

- DCHC MPO
- TARPO
- BG MPO

MPO/RPO submits limited # of projects to NCDOT for inclusion in SPOT and consideration in STIP, limit is based on:

- Total population in MPO/RPO
- Total Centerline miles in MPO/RPO

#### **SPOT 6.0 Process – MPO/RPOs**

##### **SPOT 6.0 Process – Orange County**

- Staff reviewed previous adopted plans
  - NCDOT FY 2018-2027 and 2020-2029 STIP
  - DCHC MPO, TARPO, BG MPO CTP & MTP
  - Locally adopted plans (AMP, Comprehensive, etc.)
- Staff reviewed previous BOCC adopted priority list
  - May 5, 2017
- Coordinate and Collaborate with local jurisdictions
  - Mebane, Carrboro, Chapel Hill, and Hillsborough
- Obtain recommendations from OUTBoard
  - See Attachments 1-3

##### **Orange County Priority List – TARPO**

- TARPO (Attachment 1)
- DCHC MPO (Attachment 2)

- BG MPO (Attachment 3)

**Orange County Priority List – TARPO**

**Orange County Priority List – TARPO**

**Orange County Priority List – DCHC MPO**

**Orange County Priority List – DCHC MPO**

**Orange County Priority List – DCHC MPO**

**Orange County Priority List – BG MPO**

**Orange County Priority List – New Projects**

- ❑ NC-54 - OUTBoard recommends delay till MPO action
  - Staff recommends project due to
    - ❖ Traffic exceeds road capacity – worsening over time
    - ❖ Increasing accidents, including severity & fatalities
- ❑ US-70 - OUTBoard does not recommend project
  - Staff recommends project due to
    - ❖ Traffic exceeds road capacity – worsening over time
    - ❖ Increasing accidents, including severity & fatalities
    - ❖ Strategic Freight Corridor
- ❑ NC-86 - OUTBoard recommends delay
  - Staff recommends project due to
    - ❖ Traffic exceeds road capacity – worsening over time
    - ❖ Increasing accidents, including severity & fatalities

**Requested Action**

- The Manager recommends that the Board approve/endorse the resolution ([Attachment 4](#)) to submit transportation projects to the BGMPO, TARPO and DCHC MPO for SPOT 6.0/STIP 2022-2031.

**Transportation Framework-**

**Example Life Cycle**

**Highway Projects - Multimodal Aspects**

- ❑ Surface Transportation Block Grant Direct Allocation (STBGDA)
  - Federal funds incorporated into NCDOT STIP
  - Requires **20% local match plus local administration**
    - Commitment Letter from local jurisdiction to provide funds
  - Follow all Federal regulations & NCDOT oversight
    - Violation could result in 100% local costs
    - Choreographed with County's budget process

Highway Projects-Strategic Transportation Investment (STI) Law § 136-189.11 (d).(3).c.– The Department shall not provide financial support for independent bicycle and pedestrian improvement projects

OUTBoard Recommendation – Table

Road Improvements: OUTBoard recommends - NCDOT standard street cross section 2B (60' row, 11' travel lane, with 5' paved shoulder) with intersection improvements, no C&G or sidewalk

OUTBoard Recommendation- Widening: OUTBoard recommends

- Table till MPO/RPO updates CTP/MTP
- BOCC request TARPO request NCDOT study NC-86 for possible update

### **Orange County Priority List – TARPO (table)**

### **Orange County Priority List – DCHC MPO (table)**

Commissioner Greene asked if the difference between SPOT 5 and SPOT 6, as pertains to bicycle projects, could be clarified.

Nishith Trivedi said bicycle projects become highway projects. He said bicycle and pedestrian projects require the County to invest into such projects in order to be submitted. He said there are two different funding sources used for bike/ped projects. He said the County has a hard time getting these projects, and, as such, staff has converted them into highway projects, which would have paved shoulders wide enough for a bike lane.

Chair Rich said the OUTBoard presents this concern all the time, as NCDOT does not recognize bike/pedestrian projects as a priority. She said this is a way around the issue, getting the road that is wide enough to add the bike lane.

Commissioner Price asked if there is an update with Hwy 54.

Nishith Trivedi said the corridor study is recommending widening, but there is an issue between Carrboro and the MPO on additional work to be done on this study.

Commissioner Price asked if widening means additional lanes.

Nishith Trivedi said yes, one lane on both sides.

Commissioner Marcoplos said the elusive bike path from Carrboro to Hillsborough could be created if the County was able to pick which project gets completed.

Nishith Trivedi said Old Highway 86 is the highway project connecting Hillsborough to Eubanks Road with a larger lane with a shoulder.

Commissioner Marcoplos said most include the component of widening the road enough to include bike travel. He said maybe this will happen some day.

## **ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS (revised)**

### **A RESOLUTION ENDORSING ORANGE COUNTY'S LIST OF TRANSPORTATION PROJECTS FOR THE BURLINGTON-GRAHAM AND DURHAM-CHAPEL HILL-CARRBORO METROPOLITAN PLANNING ORGANIZATIONS (BGMPO AND DCHC MPO) AND THE TRIANGLE AREA RURAL PLANNING ORGANIZATION FOR CONSIDERATION OF INCLUSION IN THE 2022 – 2031 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM**

**WHEREAS**, the North Carolina Board of Transportation (BOT), every two years, prepares a Statewide Transportation Improvement Program (STIP) that identifies transportation projects to be implemented over the next ten years with State and Federal funding; and

**WHEREAS**, the North Carolina BOT solicits input for identifying transportation projects of local and regional importance to be included in the FY 2022-2031 STIP; and

**WHEREAS**, the BGMPO and TARPO Transportation Advisory Committees and the DCHC MPO Board are charged with the development of a Metropolitan Transportation Improvement Program (MTIP) or regional priority list; and

**WHEREAS**, Orange County is a member jurisdiction of the BGMPO, TARPO and DCHC MPO; and

**WHEREAS**, Orange County gives priority to identified safety needs on existing roads and bridges, to transportation projects that encourage alternatives to automobile travel, to projects that minimize adverse impacts on the natural environment and cultural sites, and to those projects that foster economic development in the County's designated Economic Development Districts; and

**WHEREAS**, Orange County strongly encourages the North Carolina Department of Transportation (NCDOT) to design all highway projects, where appropriate, to accommodate bicycle and pedestrian traffic to provide alternative means of transportation that may result in reduced automobile traffic and related air and water impacts; and

**WHEREAS**, Orange County encourages the NCDOT to design all new or replacement bridges with sufficient clearance to allow wildlife to cross safely under them, and to allow pedestrian passage along any existing or planned trail-system connectors; and

**WHEREAS**, Orange County encourages the NCDOT to design all roads, bridges, and rights-of-way so as to protect ecosystems and non-renewable resources; and

**WHEREAS**, Orange County has outlined its transportation needs within the BGMPO, TARPO and DCHC MPO planning areas in attachments to this resolution; and

**NOW, THEREFORE, BE IT RESOLVED** by the Orange County Board of Commissioners that the Board endorses the following list of transportation projects to be submitted for scoring by the State and to ultimately be considered for inclusion in the FY 2022-2031 STIP.

Burlington-Graham MPO:

- 1) US-70 Improvements: Widen US-70 and improve intersections from Buckhorn Road (SR-1114) to Durham County with NCDOT standard street cross-section 4G (110' row, 17.5' median, 11' travel lanes, 5' bike lane, c&g, and sidewalk), add turn lanes and safety improvements at NC-86, St. Mary's Road (SR-1002), Efland Cedar Grove Road (SR-1004), Frazier Road (SR-1310), Richmond Road (SR-1312), Brookhollow Road (SR-1324), Faucette Mill Road (SR-1328), Miller Road (SR-1555), Lawrence Road (SR-1561), Palmers Grove Church Road (SR-1562), Pleasant Green Road (SR-1567), Orange High School Road (SR-1588), and N Scotswood Boulevard (SR-2300).
- 2) Mattress Factory Road Interchange: Construct a new interchange at the existing grade-separated crossing of Mattress Factory Road and I-85/I-40.
- 3) Mattress Factory Road Extension to U.S. 70: Extend Mattress Factory Road northward across East Washington Street and the NCRR/Norfolk Southern railroad right-of-way to intersect U.S. 70 and close the existing railroad crossover road connecting East Washington Street and U.S. 70 approximately 240 feet to the east of the intersection of Mattress Factory Road and East Washington Street.
- 4) Buckhorn Road (SR 1114) Widening: Widen Buckhorn Road from U.S. 70 to West Ten Road (SR1144) to multiple lanes with bicycle and pedestrian facilities with grade separation connection at US-70.
- 5) Lebanon Road Improvements: Intersection and safety improvements along Lebanon Road (SR-1306) from Mill Creek Road (SR-1345) to Efland-Cedar Grove Road (SR-1004).
- 6) Mebane Oaks Road Improvements: Modernize Mebane Oaks Road (SR 1007) from NC 54 to I-85 with NCDOT standard street cross-section 2B (60' row, 11' travel lanes, with 5' paved shoulder), add turn lanes and safety improvements at Old Hillsborough Road (SR-2126), Hebron Church Road (SR-1139), Yarborough Road (SR-1138), Oak Grove Church Road (SR-1117), Jones Road (SR-1123), S Jim Minor Road (SR-2135), Nicks Road (SR-1119), Bradshaw Quarry Road (SR-1100), and NC-54.

Triangle Area RPO:

- 1) Old Greensboro Road Paved Shoulders: Modernize Old Greensboro Road (SR-1005) from Jones Ferry Road (SR-1942) to Alamance County with NCDOT standard street

- 2) safety improvements at Jones Ferry Road (SR-1942), Hatch Road (SR-1944), Neville Road (SR-1945), Carl Durham Road (SR-1950), White Cross Road (SR-1951), Wildcat Creek Road (SR-1953), and Orange Chapel Clover Garden Road (SR-1956).
- 3) Efland-Cedar Grove Road Improvements: Widen Efland-Cedar Grove Road (SR 1004) from Highland Farm Road (SR 1332) to Carr Store Road (SR 1352) with NCDOT standard street cross-section 2B (60' row, 11' travel lanes, with 5' paved shoulder), add turn lanes and safety improvements at Carr Street (SR-1357) and highland Farm Road (SR-1332)
- 4) Orange Grove Road Improvements: Modernize Orange Grove Road (SR-1106) from I-85 to Dodson Crossroad (SR-1007) with NCDOT standard street cross-section 2B (60' row, 11' travel lanes, with 5' paved shoulder), add turn lanes and safety improvements at Ode Turner Road (SR-1130), Dimmocks Mill Road (SR-1134), Crossroad Church Cemetery Road (SR-1131), Davis Drive (SR-1129), Kimbro Road (SR-1128) and Dodson Crossroads (SR-1102)
- 5) Dairyland Road Improvements: Modernize Dairyland Road (SR-1177) from Orange Grove Road (SR-1006) to Old NC-86 (SR-1009) with NCDOT standard street cross-section 2B (60' row, 11' travel lanes, with 5' paved shoulder), add turn lanes and safety improvements at Orange Grove Road (SR-1006), Dodson Crossroads (SR-1102), Rocky Ridge Road (SR-1113), Bethel Hickory Grove Church Road (SR-1104) and convert intersection at Old NC-86 (SR-1009) to Roundabout.
- 6) Dodsons Crossroads Improvements: Modernize Dodson Crossroad (SR-1102) from Orange Grove Road (SR-1006) to NC-54 with NCDOT standard street cross-section 2B (60' row, 11' travel lanes, with 5' paved shoulder), add turn lanes and safety improvements at Orange Grove Road (SR-1106), Borland Road (SR-1126), Arthur Minnis Road (SR-1115), and Dairyland Road (SR-1177).
- 7) Mebane Oaks Road Improvements: Modernize Mebane Oaks Road (SR 1007) from NC 54 to I-85 with NCDOT standard street cross-section 2B (60' row, 11' travel lanes, with 5' paved shoulder), add turn lanes and safety improvements at Old Hillsborough Road (SR-2126), Hebron Church Road (SR-1139), Yarborough Road (SR-1138), Oak Grove Church Road (SR-1117), Jones Road (SR-1123), S Jim Minor Road (SR-2135), Nicks Road (SR-1119), Bradshaw Quarry Road (SR-1100), and NC-54.
- 8) Old NC-86 Improvements: Modernize Old NC-86 (SR-1009) from 1-40 to Eubanks Road (SR-1727) with NCDOT standard street cross-section 2B (60' row, 11' travel lanes, with 5' paved shoulder), add turn lanes at Davis Road (SR-1129), and New Hope Church Road (SR-1723).
- 9) NC-54 Improvements: Widen NC-54 from Mebane Oaks Road (SR-1007) to Orange Grove Road (SR-1006) and Orange Grove Rd (SR 1006) to Butler Rd (SR 1951) / Dodsons Cross Rd (SR 1102) and from Butler Rd (SR 1951) / Dodsons Cross Rd (SR 1102) to Old Fayetteville Road (SR-1107) / Inside DCHC with additional lanes and multimodal facilities along the corridor and safety improvements at each intersection.

Durham-Chapel Hill-Carrboro MPO:

- 1) US-70 Improvements: Widen US-70 and improve intersections from Buckhorn Road (SR-1114) to Durham County with NCDOT standard street cross-section 4G (110' row,

17.5' median, 11' travel lanes, 5' bike lane, c&g, and sidewalk), add turn lanes and safety improvements at NC-86, St. Mary's Road (SR-1002), Efland Cedar Grove Road (SR-1004), Frazier Road (SR-1310), Richmond Road (SR-1312), Brookhollow Road (SR-1324), Faucette Mill Road (SR-1328), Miller Road (SR-1555), Lawrence Road (SR-1561), Palmers Grove Church Road (SR-1562), Pleasant Green Road (SR-1567), Orange High School Road (SR-1588), and N Scotswood Boulevard (SR-2300).

- 2) NC 86 Improvements North of Hillsborough: Widen NC 86 from U.S. 70 Bypass to north of NC 57 to four (4) lanes with intersection improvements at U.S. 70 Bypass and NC 57.
- 3) Eno Mountain Road/Mayo Street at Orange Grove Road: Realign the intersection of Eno Mountain Road (SR 1148) and Mayo Street (SR 1192) with Orange Grove Road (SR 1006) and make safety improvements.
- 4) U.S. 70 East/I-85/I-40 Connector: Modify the I-85/I-40 Connector (SR 1239) interchange at U.S. 70 to provide access from all directions.
- 5) Old Greensboro Road Paved Shoulders: Modernize Old Greensboro Road (SR-1005) from Jones Ferry Road (SR-1942) to Alamance County with NCDOT standard street cross-section 2B (60' row, 11' travel lanes, with 5' paved shoulder), add turn lanes and safety improvements at Jones Ferry Road (SR-1942), Hatch Road (SR-1944), Neville Road (SR-1945), Carl Durham Road (SR-1950), White Cross Road (SR-1951), Wildcat Creek Road (SR-1953), and Orange Chapel Clover Garden Road (SR-1956).
- 6) Dairyland Road Improvements: Modernize Dairyland Road (SR-1177) from Orange Grove Road (SR-1006) to Old NC-86 (SR-1009) with NCDOT standard street cross-section 2B (60' row, 11' travel lanes, with 5' paved shoulder), add turn lanes and safety improvements at Orange Grove Road (SR-1006), Dodson Crossroads (SR-1102), Rocky Ridge Road (SR-1113), Bethel Hickory Grove Church Road (SR-1104) and convert intersection at Old NC-86 (SR-1009) to Roundabout.
- 7) Dodson Crossroad Improvements: Modernize Dodson Crossroad (SR-1102) from Orange Grove Road (SR-1006) to NC-54 with NCDOT standard street cross-section 2B (60' row, 11' travel lanes, with 5' paved shoulder), add turn lanes and safety improvements at Orange Grove Road (SR-1106), Borland Road (SR-1126), Arthur Minnis Road (SR-1115), and Dairyland Road (SR-1177).
- 8) Orange Grove Road Improvements: Modernize Orange Grove Road (SR-1106) from I-85 to Dodson Crossroad (SR-1007) with NCDOT standard street cross-section 2B (60' row, 11' travel lanes, with 5' paved shoulder), add turn lanes and safety improvements at Ode Turner Road (SR-1130), Dimmocks Mill Road (SR-1134), Crossroad Church Cemetery Road (SR-1131), Davis Drive (SR-1129), Kimbro Road (SR-1128) and Dodson Crossroads (SR-1102).
- 9) NC-54 Improvements: Widen NC-54 from Orange Grove Rd (SR 1006) to Butler Rd (SR 1951) / Dodsons Cross Rd (SR 1102) and from Butler Rd (SR 1951) / Dodsons Cross Rd (SR 1102) to Old Fayetteville Road (SR-1107) / Inside DCHC with additional lanes and multimodal facilities along the corridor and safety improvements at each intersection.

- 10) Lebanon Road Improvements: Intersection and safety improvements along Lebanon Road (SR-1306) from Mill Creek Road (SR-1345) to Efland-Cedar Grove Road (SR-1004).
- 11) Old NC-86 Improvements: Modernize Old NC-86 (SR-1009) from 1-40 to Eubanks Road (SR-1727) with NCDOT standard street cross-section 2B (60' row, 11' travel lanes, with 5' paved shoulder), add turn lanes at Davis Road (SR-1129), and New Hope Church Road (SR-1723).
- 12) Dimmocks Mill Trestle Improvements: Improve current Dimmocks Mill Rd (#735154S) grade separation and close Bellvue St (#735152D) rail crossing.
- 13) Exchange Park Lane Rail Trestle Improvements: Improve the current trestle at Exchange Park Lane to accommodate Pedestrian traffic to support a pedestrian link from the proposed train station to downtown Hillsborough.
- 14) Orange Grove Rd. Widening with Bicycle and Pedestrian Improvements: Construct one additional lane between Patriot's Pointe Drive and New Grady Brown School Road (SR 1221) to include both pedestrian and bicycle improvements along the roadway. The I-40 bridge would be widened to accommodate both pedestrian and bicycle amenities and one additional travel lane.
- 15) Calvander Roundabout: Construct a roundabout at the intersection of Old NC 86, Dairyland Road (SR 1004/1113/1177), and Homestead Road (SR 1777) in Calvander outside of Carrboro.
- 16) Old NC-86 Bike Lanes: Construct bicycle facilities on Old NC 86 from Farm House Road in Carrboro to Homestead Road (SR 1777).
- 17) Homestead Road Bike Lanes and Sidewalks: Improve Homestead Road (SR 1777) from Old NC 86 (SR 1009) to NC 86 to include bicycle lanes and sidewalks in sections of the corridor where they do not exist.
- 18) Eubanks Road Bike Lanes: Construct bicycle lanes on Eubanks Road (SR 1727) from Old NC 86 (SR 1009) to NC 86.
- 19) Mt. Carmel Church Road Bike/Pedestrian Improvements: Construct bike lanes and sidewalks from US 15-501 to Bennett Road and bike lanes from Bennett Road to the Chatham County line.
- 20) Orange High School Road/Harold Latta Road Sidewalk Improvements: Construct a sidewalk along the west side of Orange High School Road from Harold Latta Road to U.S. 70, construct a sidewalk along the south side of Harold Latta Road from Cloverfield Drive to Orange Grove Road, install high visibility crosswalks and in-road signage at school entrances and exits on Orange Grove Road, and construct a sidewalk along entrance roads to CW Stanford Middle School.

A motion was made by Commissioner Price, seconded by Commissioner Greene for the Board to approve approve/endorse the resolution (Attachment 4) to submit transportation

projects to the BGMPO, TARPO and DCHC MPO for SPOT 6.0/STIP 2022-2031, with the addition of the following language:

**WHEREAS**, Orange County encourages the NCDOT to design all roads, bridges, and rights-of-way so as to protect ecosystems and non-renewable resources;

Nishith Trivedi said staff recommended additional projects, but the OUTBoard did not agree with this recommendation. He asked if the Board wanted to consider new projects in the resolution: US 70, N.C. 54 and Old Highway 86.

Commission Dorosin asked if these projects are included in the presentation.

Nishith Trivedi said yes, and pointed out the projects for the Board. He said the OUTBoard generally opposes these projects due to opposition of widening roads and encroaching on OUTBoard members' property.

Commissioner Dorosin supported adding these three projects to the resolution.

Commissioner McKee agreed. He said these three projects will address a public safety issue, as well as the reality that the traffic is what it is.

Commissioner Marcoplos said Highway 54 is not going to be widened for a substantial portion coming out of Carrboro, which should be a win for the OUTBoard. He said this seems like a good idea, and he definitely supports the Highway 54 project.

Commissioner Price said she would be cautious with Highway 70, as parts of it go through Hillsborough, and she would prefer to work with the Town on its plans for Cornelius Street.

Nishith Trivedi said staff would coordinate with Hillsborough.

Commissioner Price asked if there is a timeline in place.

Nishith Trivedi said this is a two-year process, after which there would be a new Capital Improvement Program that would say when and where things would happen or not.

A motion was made by Commissioner Dorosin, seconded by Commissioner McKee to support adding these three road projects to the resolution: US 70, N.C 54 and Old Hwy 86

Commissioner Price accepted friendly amendment and Commissioner Greene agreed.

## **VOTE: UNANIMOUS**

### **b. Northern Campus Project Update**

The Board reviewed schematic design cost estimates for the County's Northern County Campus, consider voting to approve an option and authorize staff to present budget adjustments to the project at a future meeting.

Travis Myren referred to updated information, on the yellow sheet, at the Commissioners' places. He reviewed the following information:

**BACKGROUND:** The County's FY2018-19 Capital Investment Plan merged three independent projects into the Northern Campus development. This development, located off of Highway 70 in Hillsborough, is intended to include a replacement Detention Center, Environment and Agricultural Center, and Parks Operations Base. The Board of Commissioners appropriated approximately \$28 million for the project.

As currently designed, the new Detention Center would consist of one hundred forty-four (144) beds in approximately 48,900 square feet. The new facility would replace the existing 40,227 square foot detention facility located in downtown Hillsborough that was originally constructed in 1925 with additions and modifications occurring in the early 1980's and mid-1990's. The new 17,200 square foot Environment and Agricultural facility would replace the 19,087 square foot

office building currently located on Revere Road that houses the Department of Environment, Agriculture, Parks and Recreation, Cooperative Extension, Farm Service Agency, and Soil and Water Conservation. Finally, the 8,500 square foot Parks Operations Base would replace scattered facilities at Millhouse Road Park used for office and equipment storage.

The County has recently completed the schematic design phase of the project and updated cost estimates based on the building dimensions described above and programming needs of the future building occupants. Based on those estimates, the current authorized budget amount is not sufficient to complete the entire scope of the project.

With no changes to the current project scope or value engineering, the project is projected to exceed the budgeted appropriation by approximately \$13 million. *Attachment 1* details the schematic design cost estimates and budgeted appropriations for each element of the project.

At least three factors have contributed to this difference. First, these projects have been included in the Capital Investment Plan for several years without budget escalation to recognize inflationary cost pressures. The Detention Center has been in the CIP since 2012. The Environment and Agricultural Center was originally included in the CIP in 2014, and the Parks Operations Base was included in 2013. In recent years, construction costs have escalated by five to seven percent annually. Second, the current construction environment is highly competitive, so an inflationary adjustment of seven percent (7%) is added to the projected costs. Finally, the original budget did not assume site acquisition costs or the associated increase in site preparation for a larger site compared to the original detention center site owned by the State. Several strategies can be used to reduce the cost of the Northern Campus Project.

**Repurpose Previously Appropriated Funds:** The County had previously borrowed funds for Detention Center Design. Of this amount, approximately \$718,000 is remaining to apply to the current Northern Campus Project.

**Value Engineering:** Value engineering strategies can be used to change architectural and aesthetic features without impacting how the facilities function. The project team has identified \$875,000 in value engineering strategies as detailed in *Attachment 2*.

**Project Scope Reductions:** Elements of the project may be reduced or eliminated to produce savings. The staff team has identified \$438,000 in potential scope reductions as detailed in *Attachment 3*. As part of the scope reduction exercise, the number of Detention Center beds was examined. The Detention Center capacity could be reduced by forty (40) beds which would eliminate any capacity to house federal inmates and would immediately fill the available beds. The elimination of federal inmates would also reduce operating budget revenue by \$1.6 million.

**Project Deferrals:** Projects that are currently programmed in the Capital Investment Plan could be eliminated or deferred to a later date when the County's debt capacity would accommodate them. The Southern Human Services expansion and a portion of the Cedar Grove Park Phase 2 expansion could be postponed for a savings of \$2.6 million. Components of the Northern Campus project could also be postponed. Postponing the Environment and Agricultural Center and the Parks Operations Base would defer \$7.75 million in construction costs. Given the County's current debt profile, debt capacity will begin to increase in FY2023-24. See *Attachment 4*.

Using a combination of these strategies, current project costs may be reduced. The following table outlines different strategy combinations in four (4) different options.

## NORTHERN CAMPUS PROJECT OPTIONS

<b>Current Estimated Costs and</b>	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>	<b>Option 4</b>
Estimated Project Costs – January 2019 Appropriated Budget	\$ 41,155,486 \$ 28,095,831)	\$ 41,155,486 \$ (28,095,831)	\$ 41,155,486 \$ (28,095,831)	\$ 41,155,486 \$ (28,095,831)
<b>DIFFERENCE</b>	<b>\$ (13,059,655)</b>	<b>\$ (13,059,655)</b>	<b>\$ (13,059,655)</b>	<b>\$ (13,059,655)</b>
<b>Cost Reduction Strategies</b>				
Repurpose Funds from Prior Jail Project	\$ 719,700	\$ 719,700	\$ 719,700	\$ 719,700
Value Engineering	\$ 875,000	\$ 875,000	\$ 875,000	\$ 875,000
Strategies Project Scope Reductions Other CIP	\$ 438,000	\$ 438,000	\$ 438,000	\$ -
Deferments Postpone EAC and Parks Ops.	\$ 2,655,500	\$ 2,655,500	\$ 2,655,500	\$ 2,655,500
Construction	\$ 7,751,375	\$ 7,751,375	\$ -	\$ -
Reduce Detention Center Capacity	\$ 2,647,020	\$ -	\$ -	\$ -
<b>TOTAL COST REDUCTION STRATEGIES</b>	<b>\$ 14,366,895</b>	<b>\$ 11,719,875</b>	<b>\$ 3,968,500</b>	<b>\$ 3,530,500</b>
<b>DIFFERENCE</b>	<b>\$ 2,026,940.00</b>	<b>\$</b>	<b>\$</b>	<b>\$ (8,809,455.00)</b>

**Option 1** would fund a smaller Detention Center only. It employs a sufficient number of reduction strategies to create a positive project balance of approximately \$2 million.

**Option 2** funds a 144 bed Detention Center but defers construction of the Environment and Agricultural Center and Parks Operations. This option would require an additional \$620,000 in budget authorization.

**Option 3** completes all of the components of the project but eliminates project scope requested by the stakeholders. This option would require approximately \$8.37 million in additional budget authorization.

**Option 4** completes all of the project components and funds the full project scope as requested by the project stakeholders. Option 4 would require an additional \$8.8 million in authorized funds.

### Northern Campus Options and Five Year Debt to General Fund Revenue Policy- graph

The Board of County Commissioners has established a debt to general fund revenue policy of fifteen percent (15%). Given the amount of debt that the County has issued and plans to issue in the approved Capital Investment Plan, that target is exceeded in FY2022, 2023, and 2024.

Adding budget authorization in Options 2, 3, and 4 will have some impact on this metric. Option 4, for example, adds \$8.8 million to the project budget and increases the debt to revenue measure from 17.79% to 18.13% in 2022, an increase of 0.34%.

Travis Myren said the yellow sheet provides an updated abstract. He made the following PowerPoint presentation:

**Northern County Campus Project Review Schematic Design Cost Estimate**  
**Board of Orange County Commissioners**  
**February 5, 2019**

**Northern Campus Development Plan**

- Purpose
  - To review schematic design cost estimates for the County's Northern County Campus and consider budget adjustments to the project.

**Preconstruction Process and Schedule**

- Schematic Design: January 2019
- Design Development: February 2019
- Construction Drawings: July 2019
- Bid Process: August 2019
- Guaranteed Maximum Price: September 2019
- 

**Northern Campus Development Plan- site plan**

**Schematic Design Cost Estimates - table**

**What Has Changed Since Original Cost Estimates?**

- Acquisition Costs & New Site
  - \$400,000 Acquisition Not Included in Original Budget
  - Larger Site Not Part of Original Budget ~ \$1 million
- Time
  - Detention Center Budgeted in 2012
  - Environment and Agriculture Center Budgeted in 2014
  - Parks Operation Base Budgeted in 2013
- Construction Environment
  - 7% Inflationary Adjustment Included in New Estimates

**Recent History – Cost per Square Foot-graph**

**Cost Reduction Strategies- table**

**Debt Service to General Fund Revenue %- graph**

**Debt Service to General Fund Revenue %- graph**

**Debt to Revenue Policy – Compared to Status Quo- table**

**FY2018-23 Recommended Capital Investment Plan**  
**Debt Service to General Fund Revenue (\$)**

### **Annual Debt Service Analysis – Compared to Status Quo- table**

Commissioner Dorosin clarified that what these graphs show is that, when one looks at the actual comparisons, the differences are more incremental.

Travis Myren said this takes the \$13 million difference and spreads it over the life of the project. He said over the life it is \$840,000 every year, which could be accommodated with a one-time tax impact of approximately 0.5 cents.

Commissioner Dorosin asked if that is why the lines overlap in some of the charts.

Travis Myren said yes. He said, of the four options, only 2 have perceptible differences.

Commissioner McKee referred to Option 2 and the delay of the EAC and Park OPS construction, and asked if staff knows when these items may come back on line.

Travis Myren said the County will start experiencing some relief in 2023, as that is when the debt capacity will start opening up.

Commissioner McKee said so roughly a 4-year delay, effectively.

### **Stakeholder Considerations**

#### Vehicle Sallyport

- Fence vs. Brick
- Aesthetics
- Security
- Savings of \$200,000

### **Stakeholder Considerations**

#### Magistrate's Hearing Room

- Alternative to Courthouse
- Backup to Video
- Wedding Venue
- Savings of \$128,000

### **Comparison of Options**

Option 1	Option 2	Option 3	Option 3A	Option 3B	Option 4
Repurpose Funds from Prior Jail Project	Repurpose Funds from Prior Jail Project	Repurpose Funds from Prior Jail Project	Repurpose Funds from Prior Jail Project	Repurpose Funds from Prior Jail Project	Repurpose Funds from Prior Jail Project
Value Engineering Strategies	Value Engineering Strategies	Value Engineering Strategies	Value Engineering Strategies	Value Engineering Strategies	Value Engineering Strategies
Project Scope Reductions	Project Scope Reductions	Project Scope Reductions	Project Scope Reductions Add Back Sallyport - \$200,000	Project Scope Reductions Add Back Sallyport and Hearing Room - \$328,000	
Other CIP Deferments	Other CIP Deferments	Other CIP Deferments	Other CIP Deferments	Other CIP Deferments	Other CIP Deferments
Postpone EAC and Parks Ops. Construction	Postpone EAC and Parks Ops. Construction				
Reduce Detention Center Capacity by 40 Beds					
<b>26,104,011</b>	<b>28,751, 031</b>	<b>36,502,406</b>	<b>\$36,702,406</b>	<b>\$36 830,406</b>	<b>36,940,406</b>

Commissioner Price referred to option 2, and asked if includes the brick sallyport and the hearing room.

Travis Myren said if those items are included, option 2 would increase by \$328,000.

Commissioner McKee asked if the brick sallyport would have the razor wire around the top.

Travis Myren said the concertina wire at the top could be omitted.

Commissioner McKee said it changes the appearance, and given the location, this is a critical consideration.

Commissioner Dorosin said the presentation said reducing the number of beds would reduce the federal revenue, and he thought that this revenue was a net loss for the County.

Travis Myren said on a per bed daily basis, the County receives \$93, and it costs approximately \$110 per day to house the prisoner. He said the biggest cost of the per-bed day is the staff supervision, and in order to realize the savings, which would be associated with not housing the federal inmates, the County would have to reduce the number of full-time employees supervising the inmates.

Travis Myren said there is some built in expansion capability at 144 beds, and if the local population increases that this would crowd out the federal inmates.

Commissioner McKee said he wondered if reducing the bed capacity would result in people losing jobs. He said he suspects the office needs more officers, not less.

Travis Myren said that would be a policy decision by the Board of County Commissioners, and staff is not proposing this choice. He said the only way to realize the savings is to reduce the personnel costs.

Commissioner McKee clarified that dropping the 40 beds would essentially put the jail at its current population, and he wonders why the County would ever build a facility for the current population.

Travis Myren said that is a judgment call, and today there are 81 inmates in the jail. He said that number fluctuates and, of those 81 inmates, 82% are there on felony charges. He said staff is working to get the pre-trial number as small as possible, but there is still a larger group of inmates there on larger charges.

Commissioner Marcoplos reiterated why he supported the number of beds: he said the last thing he would want is for the County to find itself over capacity 10, 20, 30 years down the line. He reaffirmed his support for 144 beds. He referred to the sallyport, and said it is near the entrance. He too voiced concern about the razor wire, but said it seems the razor wire may not be necessary. He said he spoke with the Sheriff last week, who mentioned that the sallyport is a fallback containment area in the case of an emergency evacuation of the building. He said he wonders what impact it may have if this capability were not an option.

Commissioner Marcoplos asked if the area could be used for evacuation if there was a fence with a roof over it.

Sheriff Blackwood thanked Travis Myren for the work he has done. He referred to the difference of brick versus fence, and said the County made a promise to the community that they would design this facility to look unlike a jail. He said it is important to keep this promise when at all possible. He said the ability to pull into an enclosed brick structure to unload and load inmates is critical, and is one that he can work around. He said he has a team of committed staff that will make whatever work, wherever.

Sheriff Blackwood said ultimately this is a cost issue, and it is a decision to be made by the BOCC. He said the BOCC will either be remembered for doing this really right, or really wrong. He said he and Commissioner Price visited Buncombe County, which is a bigger county. He said he does not necessarily want to be a big county, but does want to be a safe county. He said he will support any type of fence structure, as long as it is done right.

Commissioner Marcoplos asked if landscaping could make the entrance more aesthetically pleasing.

Blair Bordeaux said landscaping could hide it somewhat, but it will still look like a fence. He said a fence is also somewhat of a security issue, as it maintains a line of sight, as opposed to an enclosed structure.

Commissioner Dorosin said his position is to reduce the size the facility, and he sees no reason to house federal inmates at all. He said the smaller facility is manageable and reasonable. He said funds are being put into diversionary programming, and Orange County is not growing that fast. He said given the savings that this change would produce, this is one of the changes the Board should make. He said he would not support postponing the other projects, especially the EAC. He said if these projects are postponed, he doubts they will ever get built. He said if the philosophy is that these buildings can be done later, then he thinks the same philosophy should apply if an expansion is needed on the jail at a later time. He said the EAC is in poor shape, and putting money into it is a waste. He said the current EAC sits on the most valuable piece of property that the County owns, and leaving it as the EAC is the lowest and worst use of this land.

Commissioner Dorosin pushed option 3 with an inclusion of reducing the facility by 40 beds. He said he would still support option 3 if the Board does not want to reduce beds.

Commissioner Bedford said she is concerned about the capital budget in general, but a delay in the build will only cost more later, which is true with every project the Board must fund.

She said the Carrboro library will need funding and the schools need capital investment, etc. She said she supports option 2 and keep the sallyport, but is open to the majority's wishes.

Commissioner Marcoplos said there is no way to know how much construction will cost in 4-6 years, but he feels the BOCC must do the right thing by not paying those costs then. He said he is persuaded that the sallyport should be the entryway, and he supports option 3a. He said the debt service can be helped by a 1/8 or ¼ cent tax increase.

Commissioner Price said she would like to see a bigger push for the diversionary programming, and she agreed with Commissioner Dorosin. She said she is in favor of the brick sallyport and the hearing room.

Commissioner McKee said, at first blush, he would support option 2. He said he understands the cost of the EAC and such will be higher. He said he would not want any future board to question if this Board overbuilt this facility, but given the influx in the population in the Triangle, he said the natural flow will tend towards Orange County, and he also does not want a future board to question why this Board underbuilt the facility. He said he supports the 144-bed option because it gives room for expansion as needed, reducing the federal population as needed. He said if the Board does not support option 2, then he would support option 3a.

Commissioner Greene said she strongly believes all of these buildings need to be built at once, and she supports option 3b. She said she is the least certain about the bed number, since she was not involved in the original discussion. She asked if the cells are single bed cells, with the capacity for two beds.

Sheriff Blackwood said no beds are scheduled to be double.

Commissioner Greene asked if they could be doubled.

Blair Bordeaux said yes.

Sheriff Blackwood said he would not want to do that.

Blair Bordeaux said the current 144-bed facility includes 8 pods, one of which is single occupancy and could be converted to double, as could the ADA cells.

Commissioner Greene said doubling up where possible could substantially increase the number of beds.

Blair Bordeaux said that would only be possible in one pod, and the majority of the cells are already double occupancy to get to the 144 capacity.

Commissioner Greene said she heard all of the arguments, and can see logic in all. She said she would provisionally go with option 3b, and she does not feel strongly about the 144 beds, but does feel strongly about the EAC.

Chair Rich said she supports option 3b, but would be happy with anything between 3-3b. She said the Board is building a facility for the next 50 years.

Commissioner Dorosin said the Board told the community that it would build a campus, not just a detention center. He said the campus is meant to be vibrant and bring people to the area.

Commissioner Dorosin said he appreciates building for the future, but he does not find the argument persuasive. He said the budget for 144 beds is too much, and the Board should commit to the values of diversionary programming and keeping people out of jail. He said he would rather think of the best-case scenario, as opposed to the worst-case scenario.

Commissioner Greene said she would want to sell the old jail property, but she is not in favor of selling the EAC and would rather keep it for affordable housing.

Commissioner Price said the sale of any currently County-owned properties is not included in the PowerPoint. She said she does want the entire campus built, but supports a reduction in the number of beds. She said she does not ready to equate a growing population to growing crime.

Chair Rich said building a 144-bed jail does not have a negative effect on their diversionary programs.

Commissioner Marcoplos said he is now in support of option 3b.

Commissioner Bedford said it is more cost effective to incorporate it all in the long term.

Travis Myren said, if it so chooses, the Board can include in the motion to direct staff to apply any proceeds from the sale of the current detention center facility to debt service.

### **Board Action**

*Approve a Scope and Budget Option and Authorize Staff to Prepare a Budget Amendment*

A motion was made by Commissioner Dorosin, seconded by Commissioner Price, to approve option 3b with the reduction of the detention center capacity by 40 beds.

**VOTE: Ayes, 2 (Commissioner Dorosin and Commissioner Price); Nays, 5 (Chair Rich, Commissioner McKee, Commissioner Marcoplos, Commissioner Bedford, Commissioner Greene)**

A motion was made by Commissioner McKee, seconded by Commissioner Marcoplos for the Board to approve Northern Campus Option 3b and authorize staff to present a budget amendment at an upcoming meeting to appropriate funds based on the Board-approved Option.

**VOTE: Ayes, 6; Nays, 1 (Commissioner Dorosin)**

### **c. Funding Plan for Orange County Services Impacted by Federal Government Shutdown**

The Board considered approving \$100,000 from the Social Justice Funds to be used for food if the demand is greater than the capacity of the existing food programs.

Bonnie Hammersley reviewed the following information:

**BACKGROUND:** The shutdown of the United States federal government began at midnight on Saturday, December 22, 2018. About 380,000 federal employees were furloughed, and an additional 420,000 employees for the affected agencies were expected to work with their pay delayed until the end of the shutdown, totaling 800,000 workers affected out of 2.1 million civilian non-postal federal employees.

During the shutdown, 95% of federal staff for the USDA's Food and Nutrition Services were furloughed. The Supplemental Nutrition Assistance Program (SNAP), the food-stamp program, was funded through a \$3 billion contingency fund appropriated by Congress in 2018; if the shutdown continued through March 2019, those funds will be exhausted, leaving some 38 million Americans without food stamps and endangering food security.

The Department of Housing and Urban Development (HUD) was one of the federal agencies closed during the partial government shutdown that began on December 22, 2018. HUD indicated there were enough Section 8 Housing Choice Voucher (HCV) funds to keep the program running through the end of February. Although landlords may not get their payments from HUD in March, the Housing Authority (PHA) cannot terminate due to a government shutdown but landlords can terminate if they do not receive payment from either the PHA and/or tenant regardless of a shutdown. HUD requires these conditions in the leases used for both the Section 8 HCV program and properties receiving Section 8 Project-Based Rental Assistance (PBRA).

### **ORANGE COUNTY DEPARTMENT OF SOCIAL SERVICES**

As detailed in Attachment 1, there was an early issuance of Food and Nutrition (SNAP) benefits for February and those households will not receive additional funds until sometime in March, even though the shutdown ended. For some of these families, managing their funds so they do not run out of food before the March issuance will be problematic. Information about this situation has been sent to clients by the state, and the Orange County Department of Social Services (DSS) is answering phone calls from the public about their concerns. The guidance the County is receiving (see Attachment 1) is to encourage families to stretch these resources and that the funds will remain on their cards for the usual twelve months.

Orange County Department of Social Services (DSS) continues to take and process new applications and these can be approved since the shutdown ended. If another shutdown occurs, USDA would again be in the position to run out of funds for new applicants.

For these reasons, DSS anticipates additional requests for food, particularly after February 15th. Although food pantries appear to be stocked fairly well for now, it is unlikely that they would be able to support this higher demand. Although the shutdown ended for three weeks, a food shortage is still possible during the transition. It is difficult to estimate how many of the 5,000 local households would need assistance until the March distribution. If another shutdown occurs, all households would be impacted and there would be a monthly loss of \$1.1 million until such time as USDA can release funds.

It appears there may be some movement to adopt legislation to release Temporary Assistance to Needy Families (TANF) and child care (has passed House and Senate). That passage would assure continuance of Work First checks and staff costs paid by TANF. If not, another shutdown could have significant impacts starting in March. Another impact if this continues past February would be lost revenue to support staff working in Food and Nutrition services or in programs supported by TANF. Orange County could lose approximately \$122,000 in administrative funds for Food and Nutrition and another \$166,000 from TANF each month of the shutdown.

In terms of the County's response, DSS suggests promoting food drives starting in mid-February and continuing until food benefits are issued again. DSS has convened the various organizations with food pantries or other food resources to coordinate efforts to meet this need. There may also be a need for emergency funds to assist families impacted by the early distribution or by another shutdown. Any funds provided by the County for food will not be reimbursed by federal or state agencies.

### **ORANGE COUNTY DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

The government shutdown has negatively impacted the work being undertaken in the Housing and Community Development Department (H&CD) in two (2) ways, including the following:

Funding for FY18-19 HOME projects will be delayed. Therefore, the four (4) entities awarded funding will not be able to start their projects as anticipated in January 2019. The entities and award amounts are as follows:

Community Home Trust – \$60,000

EmPOWERment, Inc. – \$145,000

Habitat for Humanity – \$60,000

Orange County – \$139,613 (includes \$25,000 for the Rapid Re-Housing Program and \$114,613 for the new Local Rent Supplement Program).

H&CD staff will conduct a conference call with the aforementioned entities in early February to ascertain the impact to the projects and what actions may need to be undertaken at that time.

There are approximately 537 to 550 voucher holders in the County Housing Choice (HCV) Voucher Program. HUD allocated 623 general vouchers and 5 Veterans Affairs Supportive Housing (VASH) vouchers to the Orange County Housing Authority (OCHA). The County received payment from HUD for January and anticipates, per HUD, receipt of the February 2019 payment. HUD payments are made the first of each month. The County pays its landlords and applicable HCV participants on the first of each month. The total amount of HUD-Held Reserves is \$235,736. The OCHA will seek HUD permission to utilize its HUD-Held Reserves, as needed. HUD has limited the use of outside sources of funding in the Housing Choice Voucher (HCV) Program. HUD provides guidance for this in a Public and Indian Housing (PIH) Notice 2013-28 (Attachment 2).

**FINANCIAL IMPACT:** The \$100,000 from the Social Justice Fund will be used for non-reimbursable food expenses and will leave a balance of \$128,000 in the Social Justice Fund.

Nancy Coston, Social Services Director (DSS), said because of the way the continuing resolutions were written, there was an opportunity for the USDA to release some of the food and nutrition funds early, which caused a gap for people so their next distribution will not be in March; however, she heard today, that even if the government shuts down again on February 15<sup>th</sup>, the March distribution will occur. She said the \$100,000 was to help the department with the stopgap until the March distribution can be sent out. She said there are 5000 households in Orange County that receive SNAP benefits, and staff is trying to make sure they can support their food pantry at DSS and other food banks.

Sherrill Hampton, Housing and Community Development Director, said it is still very fluid for her department, and staff is waiting on more information from HUD; and if there is another shutdown, her department will need to have additional funding. She said there are roughly 195-200 landlords, and there is a total of \$350,000 per month between landlords and utility assistance.

Commissioner Dorosin clarified that the February payments have been made and, without another shutdown, all will be fine with March.

Sherrill Hampton said yes.

Commissioner Dorosin clarified that there may be a gap in the food benefits, even without an additional government shutdown, but this is not the same with the housing department.

Sherrill Hampton said no, not right now. She said there are about 4-5 HOME program projects that have been interrupted, and all involved have been notified. She said this impact will continue if there is another governmental shut down.

A motion was made by Commissioner Bedford, seconded by Commissioner Price for the Board to approve \$100,000 from the Social Justice Funds to be used for food if the demand is greater than the capacity of the existing food programs.

**VOTE: UNANIMOUS**

7. **Reports**  
NONE

8. **Consent Agenda**

- **Removal of Any Items from Consent Agenda**  
NONE
- **Approval of Remaining Consent Agenda**

A motion was made by Commissioner McKee, seconded by Commissioner Greene 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 January 22, 2019 as submitted by the Clerk to the Board.
  - b. **Property Tax Releases/Refunds**  
The Board adopted a resolution, which is incorporated by reference, to release property tax values for three taxpayers with a total of six bills that will result in a reduction of revenue in accordance with North Carolina General Statute 105-381.
  - c. **Advertisement of Tax Liens on Real Property**  
The Board received a report on the amount of unpaid taxes for the current year that are liens on real property as required by North Carolina General Statute 105-369 and voted to approve March 20, 2019 as the date set by the Board for the tax lien advertisement.
  - d. **Request for Road Addition to the State Maintained Secondary Road System for Stoneybrook Subdivision**  
The Board voted to make a recommendation to the North Carolina Department of Transportation (NCDOT), and the North Carolina Board of Transportation (NC BOT), concerning a petition to add Possum Place in Stoneybrook Subdivision to the State Maintained Secondary Road System.
  - e. **Approval of a Construction Contract and the Repurposing of Funds from Existing Capital Projects and New Financing, and Approval of Budget Amendment #5-A for the Remediation, Repair, and Reconstruction of the Phillip Nick Waters Emergency Services Building**  
The Board voted to approve a construction contract with Bar Construction Company, Inc., in the amount of \$1,412,855 to remediate, repair, and reconstruct the Phillip Nick Waters Emergency Services building as well as the repurposing of available budgeted funds from several existing capital projects and new financing, for the remediation, repair, and reconstruction of the Phillip Nick Waters Emergency Services Building, and to approve Budget Amendment #5-A to finance the project.
9. **County Manager's Report**  
NONE
  10. **County Attorney's Report**  
NONE
  11. **Appointments**  
NONE

**12. Information Items**

- January 22, 2019 BOCC Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis
- Tax Assessor's Report – Releases/Refunds under \$100

**13. Closed Session**

A motion was made by Commissioner Dorosin, seconded by Commissioner Price to adjourn into closed session at 9:58 p.m. for the following purposes:

“To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.” NCGS 143- 318.11(a)(9).

“To discuss the County’s position and to instruct the County Manager and County Attorney on the negotiating position regarding the terms of a contract to purchase real property,” NCGS § 143-318.11(a)(5).

**VOTE: UNANIMOUS**

**RECONVENE INTO REGULAR SESSION**

A motion was made by Commissioner Dorosin, seconded by Commissioner Price to reconvene into regular session at 10:35 p.m.

Commissioner Dorosin requested that going forward that he would prefer having closed session materials sent to him electronically instead of having a deputy to deliver to his home. Commissioner Price agreed.

**14. Adjournment**

A motion was made by Commissioner Price, seconded by Commissioner McKee to adjourn the meeting at 10:35 p.m.

**VOTE: UNANIMOUS**

Penny Rich, Chair

Donna Baker  
Clerk to the Board