

APPROVED 3/7/2019

**MINUTES
BOARD OF COMMISSIONERS
REGULAR MEETING
February 19, 2019
7:00 p.m.**

The Orange County Board of Commissioners met in regular session on Tuesday, February 19, 2019 at 7:00 p.m. at the Southern Human Services Center in Chapel Hill, N.C.

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

COUNTY COMMISSIONERS ABSENT: Commissioner Price

COUNTY ATTORNEYS PRESENT: John Roberts

COUNTY STAFF PRESENT: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren, and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

Chair Rich called the meeting to order at 7:01 p.m.

Chair Rich said Commissioner Price is out of town.

1. Additions or Changes to the Agenda

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

- PowerPoint for item 4-a
- PowerPoint for item 6-b
- Additional information for item 6-c

*** Arts Commission Appointment (11b) – Clerk to the Board Donna Baker asked if this item could be moved up to 4-c, since Katie Murray, Arts Commission Director, is in attendance for the Arts Moment.

The Board agreed by consensus.

PUBLIC CHARGE

Chair Rich acknowledged the public charge.

Arts Moment

Katie Murray, Arts Commission Coordinator, introduced the artist:

Agnieszka Stachura is a first generation American Yankee expat living in the South. If she's not writing, she's most likely baking, knitting, spinning wool, or watching very, very bad TV. Her work has appeared in *Fifth Wednesday Journal*, *Damselfly Press*, *The Broken Plate*, *Funny Times*, and *The Sun*, among other publications. She read a short piece called "Heritage," which discussed the effects of a flood on a family's life and home.

2. Public Comments

a. Matters not on the Printed Agenda

Karen Dunn, Club Nova Executive Director, introduced Rosemary Waldorf, and said they are here on behalf of Club Nova.

Rosemary Waldorf reviewed the following comments:

Thank you for allowing us to make this progress report on Club Nova. I'm Rosemary Waldorf, co-chair of the Club Nova Capital Campaign, and with me are Board President Gretchen Davis and Executive Karen Dunn. We are deeply appreciative of the critical support that our local governments provide, through annual support of our programs, strong partnerships with our law enforcement and courts, and of course your moral support.

A Quick Overview

Club Nova operates as an accredited Clubhouse Model of Psychiatric Rehabilitation. We work with individuals living with severe and persistent mental illness (SMI), predominantly schizophrenia, depression, and bipolar disorder. Serious mental illness often strikes a young person, affecting school, work, family and social life. Mental illness can cause isolation, suicide risk, loss of income, poor health, hospitalizations, homelessness, incarceration, crisis and poverty.

One in 25 adults lives with SMI. With a population of approximately 140,000 citizens in Orange County, we estimate that as many as 5,000 are living with mental illness. We see this need daily in the UNC Health Care's Emergency Department; often half the beds are occupied by persons experiencing a mental health crisis.

Research demonstrates that the Clubhouse Model, along with quality psychiatric care, is a cost effective, comprehensive program. We help our members return to employment and education, maintain homes, obtain health care, avert crises and build meaningful relationships.

We have numbers that testify to Club Nova's effectiveness:

Re-Hospitalization:

- 40% of those living with mental illness in the US are re-hospitalized within a year;
- 12% is Club Nova's rate of re-hospitalization

Homelessness:

- 24% of the nation's homeless people live with mental illness; less than 2% of Club Nova members are homeless (one member is now in Community House)

Incarceration:

- 64% of those in local jails throughout the US live with mental illness;
- 0% of Club Nova members have been incarcerated in the last 5 years
- A recent study of NC prison inmates found that 70% have mental health problems. Our jails have become warehouses for people living with severe and persistent mental illness

Employment:

- 80% of those living with mental illness in the US are unemployed
- 32% of our members are able to secure employment.

Cost Effectiveness:

We can demonstrate that we save the community \$2 million/ year by keeping people out of jails and psychiatric hospitals and homeless shelters, yet we operate on an annual budget

of around \$950,000. **We can serve a member for an entire year for less than the cost of one week of psychiatric hospitalizations, which is around \$7,000.**

We also support families of members and relieve our court system.

Our Future

We intend to construct a 12,000 square foot facility to replace our crowded and inadequate 100-year-old clubhouse. This new facility will enable us to:

- Serve 150 members per day, rather than 45
- Serve 300 members per year, rather than 120
- Serve 900 family members per year, rather than 360
- Serve 300+ students per year, rather than 50-100

We are working with the UNC Emergency Department to reduce chronic use of the ER by people living with severe mental illness. Our goal is to divert appropriate individuals to Club Nova after they are discharged.

We are in the third year of a capital campaign to raise \$4.5 million needed to design, build and equip our new building.

To date we have raised \$2 million in cash and pledges. We have a pledge for a \$500,000 capital grant from our MCP, Cardinal Innovations Health are, IF we raise 80% of our goal but the end of this year. This is a stiff challenge, but we are working hard to meet this goal.

We are asking all our local government partners to support our capital campaign by granting us money to cover \$260,000 of our estimated \$300,000 in transition costs. We are asking Orange County for \$125,000, Chapel Hill for \$75,000, Carrboro for \$50,000, and Hillsborough for \$10,000. This is a unique, one-time request in Club Nova's history. We are asking for the amounts above to be allocated across two fiscal years. We anticipate that our transition period (construction) will stretch across 2 years. Transition assistance would not be a capital grant but would county towards the Cardinal challenge grant.

Attached is a budget for transition costs from demolition to moving into the new building.

As you weigh your decision, we ask you to consider that every year we provide a lifeline to around 120 people that our society has neglected, and in doing so we save the community \$2 million a year.

Thanks you again for your time, your consideration, and your unwavering support in the past.

Sincerely,
 Rosemary Waldorf and Eleanor Kinnaird, Campaign Co-Chairs
 Gretchen Davis, for the entire Club Nova Board of Directors
 Karen Dunn, for all Club Nova Members and Staff

Commissioner Marcoplos arrived at 7:14 p.m.

b. Matters on the Printed Agenda

(These matters will be considered when the Board addresses that item on the agenda below.)

3. Announcements, Petitions and Comments by Board Members

Commissioner Dorosin said at last week's Board of County Commissioners' (BOCC) meeting, with the Fire Chiefs, there was a discussion about a training facility at Durham Tech. He said this location seemed to be the first choice, and it needs to be fast tracked. He asked if staff could be directed to make this a high priority, and as the Board representative to the Chiefs Council, he will be glad to be part of any discussions with Durham Tech.

Chair Rich said to also include Commissioner Marcoplos in these conversations, since he is the Board's Durham Tech representative.

Commissioner McKee said he had no comments, but heartily endorsed Commissioner Dorosin's comments about the training center and expediting this process.

Commissioner Greene said she sent a memo to the Board today about the Emerging Issues Conference she attended last week, specifically on connecting urban and rural issues. She said two particularly interesting topics were the presentation of the "One Minnesota" concept, and "Project 40" which is a vision of regional food planning, based in Wake County. She said the Orange County Food Council's coordinator is on the steering committee, and the desire is to have 40% of our food to be locally sourced by 2040. She said this project gives excellent context for what the Orange County Food Council is, and aspires to do.

Chair Rich said Commissioner Greene's memo also had something about DHIC taking over the naturally occurring affordable housing. She said she would like to learn more about this, and thanked her for the overall report.

Commissioner Marcoplos said he attended the Agricultural Summit, and one thing that stuck with him was the idea of having Spanish classes at the Breeze Farm. He petitioned the staff to looking into making this a reality.

Commissioner Bedford said she had no comments.

Chair Rich proposed a resolution honoring UNC Professor Bill Ferris who won two Grammys last week.

Chair Rich congratulated the 6th Advance Corps class at the School of Government (SOG). She encouraged all to take this program, and said it requires a week of living on campus.

Chair Rich said she and Commissioner Dorosin are moving forward with the "One Orange" concept, and she talked with the Mayors about having a social event for all departments: "One Orange Inaugural Games" to occur in the fall, including the school boards.

Chair Rich met with Don Saylor, Chair of the Yolo County California County Commissioners, whose area is right outside of Sacramento in a university environment. He visited Orange County and toured several different parts of the County, and was particularly impressed by Piedmont Food and Agricultural Processing Center (PFAP).

Chair Rich wished Sheriff Blackwood a happy birthday.

Chair Rich said PFAP has requested for a BOCC Member to serve as a liaison to the PFAP Board of Directors, now that Commissioner Jacobs has retired. She said the PFAP Board meets from 4 to 6 times a year, typically mornings from 9 to 11 am (but this could change).

Chair Rich said 3 commissioners were interested, but she suggested nominating Commissioner Bedford.

A motion was made by Commissioner Dorosin, seconded by Commissioner Greene to appoint Commissioner Bedford for the PFAP Board for 2019.

VOTE: UNANIMOUS**4. Proclamations/ Resolutions/ Special Presentations****a. OWASA Annual Update Presentation**

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

BACKGROUND:

At the beginning of each calendar year over the last decade, OWASA representatives have appeared before the Board of Commissioners to make a presentation on recent OWASA activities. Ray DuBose and Jody Eimers, Orange County appointees to the OWASA Board, will provide an overview on several initiatives from OWASA's annual report.

Ray Dubose made the following PowerPoint presentation:

**OWASA's Annual Update for Board of County Commissioner
Jody Eimers and Raymond DuBose
February 19, 2019**

- OWASA orientation for new County Commissioners, Jamezetta Bedford and Sally Greene, on February 7, 2019
- First Quarterly Meeting of Members of the BOCC and Appointees to OWASA Board on January 30, 2019

Water System Resiliency

- ✓ Plan to invest ~\$33 million to replace ~16 miles of water pipe over next 5 years
- ✓ Added resources for staff to improve valve exercise/maintenance program and capital improvements program execution
- ✓ Developing new water main assessment and replacement prioritization model
- ✓ Working closely with community partners and stakeholders on resiliency solutions

Sewers for the Historic Rogers Road Area

- 84% of pipe installed (approx. 3.5 of miles new sewer when complete)
- Due to rock, completion now projected by the end of April 2019
- Revised construction costs is \$4,963,119.44

Public Meetings related to Rock:

- March 1, 2018
- March 13, 2018 with only Tallyho Trail residents
- April 3, 2018 statement sent to residents about rock removal
- April 5, 2018
- November 27, 2018

**OWASA's Affordability Outreach Program Update:
Strategies for Addressing Affordability**

- Rates and Billing
- Information and Outreach
- Bill Assistance

- Water Efficiency Retrofits
- Leak Identification
- Community Partnership

Care to Share Contributions - graph

Leak Notification and Mobilization with Aqua Vista Web Portal

Aqua Vista

- Pick Your Due Date
 - Customers can select the billing due date that best aligns with their financial situation and income stream
- Proactive Notifications

OWASA's Key Goals for Diversity and Inclusion

1. The diversity of OWASA's workforce reflects the communities we serve.
2. Inclusive work environment for everyone that encourages and supports each Team member to contribute to their full ability towards OWASA's Mission.

Formed Employee Support Groups

- **Leadership**
 - Make D&I a priority for OWASA
 - Provide resources for D&I (time, training, and funds)
 - Sustain program momentum
 - Role models, champions, and cheerleaders for D&I
 - Accountability for D&I
- **Recruitment**
 - Review and improve recruitment and selection processes
 - Ensure consistency in fairness and equity throughout OWASA
 - Discuss measurable progress indicators
 - Promote awareness of OWASA's D&I initiative
 - Promote awareness of opportunities for development and growth at OWASA
- **Resource**
 - Safe space for everyone to provide views and experiences concerning D&I from top down and bottom up
 - Empower and encourage employees to reach out
 - Be role models and ambassadors for D&I
 - Liaison with leadership

Mandatory Training for Supervisors and Voluntary Training for Employees

OWASA Board of Directors

- 5 training/work sessions with consultant
- Provide staff resources and support for Diversity and Inclusion program
- Receive routine reports from staff on accomplishments and action plans

PUBLIC COMMENT:

Myra Dotson said she is here to address OWASA's role in greenhouse gas emissions, and she has lived in the Orange Grove community, where OWASA has dumped sewage sludge in her neighborhood for a long time. She said Orange County is the 5th most sludge county in the state, out of 100 counties. She said dumping sludge on land contaminates water, soil, food,

plants, wildlife, etc. She said many of the toxins are bio accumulated, meaning the quantity of toxins add up. She said sludge gives off gases and dust, which is carried by the wind near and far, and this is where sewage sludge and climate change intersect. She said it is hypocritical to have OWASA play a role in climate change when it is contributing so greatly to pollution. She said OWASA also has 2 uncovered industrial storage tanks off of highway 54 that hold millions of gallons, which are also releasing untold amount of dangerous gases. She said the first gas that sludge emits is mercury gas, which she and her neighbors have been routinely exposed to for the past 40 years, not to mention the workers handling the sludge. She said many other dangerous gases are also given off, and she has much scientific data to show these dangers.

Commissioner Dorosin said referred to the Rogers Road area, and requested an update once the mains are in the ground and the process of what happens from April, with the mains getting in the ground, up to actual homes being connected.

Chair Rich asked if this was a request for information, or a petition.

Commissioner Dorosin said this could be an information item to begin with.

Chair Rich said all governmental partners should be included as well.

Commissioner Dorosin said there was an ad hoc committee at one time.

Bonnie Hammersley said she would provide that information to the Board.

b. Resolution Supporting Local Control of School Calendars

The Board considered voting to approve a resolution expressing support for local boards of education and the restoration of local control of school calendars.

BACKGROUND:

Until 2003, local boards of education in North Carolina established calendars for their respective school years. In 2004 the North Carolina General Assembly seized control of setting school calendars and imposed a one-size-fits-all mandate on how school calendars are to be set. It was stated at the time that the goal was to provide uniformity across the state as well as enhance North Carolina's tourism business.

The current one-size-fits-all school calendar start date is no earlier than the Monday closest to August 26 and the end date is no later than the Friday closest to June 11. This means high schools do not complete the first semester until mid to late January, and requires high school students to take first semester exams after the winter break, which negatively impacts test scores.

The parameters of the calendar also makes it nearly impossible for high school students or recent winter graduates to take courses at a nearby community college or university during the second semester, with the second semester for high schools starting two to three weeks later than community colleges and universities.

The current calendar structure also results in longer summers, contributing to more "summer learning loss" for students, which has a disproportionate impact on low-income children, and negatively impact child nutrition, as low-income children who have access to regular meals at school through the free and reduced priced meal program may not have access to regular meals at home.

The Orange County Schools Board of Education adopted the resolution provided at Attachment 1 requesting that the Board of Commissioners adopt a resolution in support of the restoration of local control of school calendars. The Chapel Hill Carrboro City Schools Board of Education adopted the resolution provided at Attachment 2 requesting that the

Board of Commissioners adopt a resolution in support of the restoration of local control of school calendars.

Commissioner Dorosin said he had a suggested addition to discuss after the resolution is read.

Commissioner Bedford read the draft resolution and the revised resolution is below:

**ORANGE COUNTY BOARD OF COMMISSIONERS
RESOLUTION SUPPORTING LOCAL CONTROL OF SCHOOL CALENDARS**

WHEREAS, the North Carolina General Statutes give local boards of education powers of supervision and control of local school systems; and

WHEREAS, local control over establishing school calendars is an integral component of school system supervision and administrative powers with which local boards of education have been vested; and

WHEREAS, in 2004 the North Carolina General Assembly seized control of setting school calendars and imposed a one-size-fits-all mandate on how school calendars are to be set; and

WHEREAS, the current one-size-fits-all school calendar start date is no earlier than the Monday closest to August 26 and the end date is no later than the Friday closest to June 11; and

WHEREAS, the State mandated late August start date means high schools do not complete the first semester until mid to late January; and

WHEREAS, the current law essentially requires high school students to take first semester exams after the winter break, which negatively impacts test scores, according to students and educators; and

WHEREAS, the second semester for high schools starts two to three weeks later than community colleges and universities; and

WHEREAS, superintendents report that the calendar misalignment makes it nearly impossible for high school students or recent winter graduates to take courses at a nearby community college or university during the second semester; and

WHEREAS, exams for Advanced Placement and International Baccalaureate classes are given on the same day nationwide, and the current calendar law shortens the amount of time North Carolina's students have to learn the material before test day; and

WHEREAS, it is well-documented through multiple studies that children will experience a phenomenon known as summer learning loss, which has a disproportionate impact on low-income children; and

WHEREAS, long summer breaks can also negatively impact child nutrition, as low-income children who have access to regular meals at school through the free and reduced priced meal program may not have access to regular meals at home; and

WHEREAS, the Orange County Board of Commissioners encourages the school districts to develop and continue to expand their year round educational programs; and

WHEREAS, with little flexibility built in to the calendar, scheduling make-up days is extremely challenging; and

WHEREAS, major hurricanes and severe winter snow storms have caused Orange County Schools to miss 17 school days over the past three years; and

WHEREAS, major hurricanes and severe winter snow storms have caused Chapel Hill Carrboro City Schools to miss 16 school days over the past three years; and

WHEREAS, fall sports and band begin August 1, schedules for extracurriculars have not changed to coincide with the State-mandated school calendar; and

WHEREAS, local boards of education are best equipped to understand the balancing act of meeting the community's needs and maximizing student success; and

WHEREAS, restoring local control of school calendars will allow local boards of education to best meet the calendar preferences of the families, educators, and businesses in our community while allowing for innovative experimental approaches to improve student achievement.

NOW THEREFORE, BE IT RESOLVED that the Orange County Board of Commissioners expresses its support for local boards of education and the restoration of local control of school calendars and requests that the North Carolina General Assembly and Governor Roy Cooper adopt and ratify legislation returning school calendar responsibility to local school boards of education.

This the 19th day of February 2019.

Commissioner Dorosin suggested adding the following language after the comments about the summer: "WHEREAS, the Orange County Board of Commissioners encourages the school districts to develop and continue to expand their year round educational programs".

Commissioner Marcoplos asked if Commissioner Dorosin wants this as an option.

Commissioner Dorosin said yes, to encourage school districts having the option to establish or expand year-round learning programs.

Commissioner Marcoplos asked if Commissioner Dorosin was encouraging every school to be year round.

Commissioner Dorosin said, personally, he thinks all schools should be year round, but he is not suggesting that for this resolution.

Chair Rich asked if the school system needs approval from the General Assembly to become a year-round school.

Commissioner Dorosin said no, but his suggested addition is keeping in context with the spirit of the resolution, which is that schools should have control over what they do; and not having control around breaks, not only limits flexibility, but has tangible adverse impacts on students, in particular at-risk students.

A motion was made by Commissioner Bedford, seconded by Commissioner Dorosin for the Board to approve the revised Resolution supporting local control of school calendars.

VOTE: UNANIMOUS

MOVED UP 11-b

c. Arts Commission – Appointment

The Board considered making an appointment to the Arts Commission.

A motion was made by Commissioner Greene, seconded by Commissioner McKee to appoint the following to the Arts Commission:

- Justin Haslett to the Arts Commission for the At-Large position #14 for a partial term ending 09/30/2019.

VOTE: UNANIMOUS

5. Public Hearings
NONE

6. Regular Agenda

a. Memorandum of Understanding with the Towns for the Orange County Food Council

The Board considered entering into a Memorandum of Understanding (MOU) with Towns of Carrboro, Chapel Hill, and Hillsborough for mutual support of the Orange County Food Council (OCFC).

BACKGROUND:

OCFC is a coalition of community members committed to building a healthy food system for all Orange County. The OCFC includes representatives from local government, educational food institutions, and food-related agencies, as well as individual citizen-consumers, food producers, providers and entrepreneurs. The mission of OCFC is to grow a community-driven food system that ensures access to nutritious foods for all, promotes sustainable agricultural, increases economic development, and advances social justice.

The OCFC approached Orange County and the Towns of Carrboro, Chapel Hill, and Hillsborough in the spring of 2018 with a proposal for a shared funding arrangement to fund a full-time Coordinator (Attachment 2) and operating expenses. The Towns provided input to Orange County in the development of the MOU, job description, and work plan.

Responsive to all jurisdictions' input, the MOU stipulates the formation of an Executive Committee with representation of elected officials from each jurisdiction to oversee the OCFC. The work plan also included more extensive measurable goals and performance measures.

The proposed MOU covers a 2-year period from the date of execution, which would be in effect for portions of the fiscal years 2018-19, 2019-20, and 2020-21, and could be renewed for up to five additional two-year terms. The MOU requires the OCFC to provide progress reports every six months. The jurisdictions' will have the opportunity to evaluate the renewal of the MOU upon the expiration of each two-year terms.

The Towns of Carrboro and Hillsborough approved the OCFC MOU in December 2018, followed by approval of the Town of Chapel Hill on January 30, 2019 with an amendment that a seat be designated for “food access”. The Towns’ have concurred with the change through the Town Managers. The MOU is before the Orange County Board of Commissioners (BOCC) for final approval as amended.

FINANCIAL IMPACT: The development of the OCFC MOU is modeled after that of the Orange County Partnership to End Homelessness MOU. The proposed budget for a full fiscal year is \$71,000, which includes \$58,774 in salary and benefits for the Coordinator position and \$12,226 in operating costs. The MOU proposes a population-based formula to determine each jurisdiction’s portion of funding. Based on the 2010 Census data, the percentage contributions are as follows:

- Orange County - 39% - \$27,690
- Town of Carrboro - 15% - \$10,650
- Town of Chapel Hill - 41% - \$29,110
- Town of Hillsborough - 5% - \$3,550

Bonnie Hammersley presented this item.

Bonnie Hammersley said Commissioner Greene read through the MOU and identified some errors, and, in consultation with County Attorney, staff will make those changes when this item comes back to the BOCC.

Bonnie Hammersley said the Towns of Carrboro and Hillsborough have already approved this, and Chapel Hill has requested another seat of food access. She said all Managers agreed to this additional seat. She said the MOU proposes a population-based formula, based on the 2010 census data. She said those funds will pay for a Food Council Coordinator, as well as some operating expenses. She said Carrboro and Hillsborough approved the MOU in December 2018, and Chapel Hill did so in January 2019. She said the MOU is before the BOCC for final amended approval.

Chair Rich said the acting coordinator is present, as well as the Chair.

Commissioner Dorosin asked if there is a process to determine how the non-elected official council members are chosen, and also asked if it is known what will happen to the existing food council.

Bonnie Hammersley said the Food Council will exist as it does today, and approval of this MOU will allow the recruitment of a Food Council Coordinator. She said the positions will be filled by the Coordinator, per designations. She said the executive committee will be determined every year, as the elected officials choose to serve on it, just as is done with the Partnership to End Homelessness (PTEH).

Commissioner Dorosin said he served on the PTEH, but cannot remember how the providers got assigned to it. He asked if the PTEH coordinator made these selections.

Bonnie Hammersley said the Coordinator brings forward possible names via the committee, and they choose the members.

Commissioner Greene said she believes there are by laws with the PTEH that specify the categories of people to serve on the committee (which can be modified depending on changing needs), and the Food Council will probably do the same. She said, in her experience, the Food Council is very attentive to the needs of the community and seeks balance in all it does.

Commissioner Dorosin clarified that this is not something that is starting from scratch, since the Food Council already exists, and what is being done is framing a new structure to continue to do this work. He asked if the only difference is the MOU, or will new bylaws be needed.

Bonnie Hammersley said this is bringing the towns on board to fund a position that will coordinate the Food Council, as the half time position, funded by the County via outside agency funding, is no longer sustainable. She said the Food Council will go forward as it is now, and the position for the Coordinator will be posted.

Commissioner Dorosin said this is a way of institutionalizing the Council, and creating sustainability, which is an exciting step forward.

Bonnie Hammersley said yes.

Commissioner Greene said she is the liaison to this group, and this request to all jurisdictions is coming as the Food Council started with non-governmental money, which was always intended to be start up funding. She said the question remained as to whether the Food Council would become integrated within the government, or become a permanent 501(c)(3). She said this solution seems to be the best one as it contributes to sustainability.

Chair Rich said she is also very excited about this step forward, and the ability to continue the excellent work of this Council.

A motion was made by Commissioner Greene, seconded by Commissioner Bedford for the Board to approve the revised Memorandum of Understanding (MOU) with the Town of Carrboro, Town of Chapel Hill and the Town of Hillsborough for mutual support of the Orange County Food Council based on a population-based formula.

VOTE: UNANIMOUS

Commissioner Dorosin suggested that even though this does not include Mebane, to at least extend an olive branch asking Mebane to join in.

Bonnie Hammersley said she would contact the City Manager.

b. 2019 Greene Tract Resolution and Conceptual Plan

The Board considered voting to approve the Greene Tract resolution and conceptual plan.

BACKGROUND:

The Greene Tract is a 164 acre parcel of which 104 acres is jointly owned by Orange County/Chapel Hill/Carrboro and 60 acres owned by Orange County (Headwaters Preserve). In 2001/2002, local governments approved a resolution conceptualizing uses of the 104-acre joint owned area. This new resolution will add land use categories in a new configuration and modify acreage as developed by the recent process noted below.

Last year, local governments agreed to have the managers, mayors, and chair (MMC) consider preservation and development options for the Greene Tract. In May 2017, a joint staff work group was requested to examine the development potential of the existing Greene Tract and provide three alternatives illustrating high, medium, and low development alternatives.

The MMCs requested that each alternative include specific elements and goals including, but not limited to, incorporate a future elementary school and park site, preserve valuable environmental features and corridors, protect historical and cultural resources, encourage cost effective infrastructure, and identify areas for future development. These alternatives, vetted through a multijurisdictional staff work group, assisted in the development of the conceptual plan contained in Attachment 1.

In addition, the MMCs recommended staff examine the reconfiguration of the joint owned and county owned tracts. The purpose of this request was to determine the feasibility in adopting a revised resolution supporting the reconfiguration of these tracts. The 60 acres, which are county owned, would be established as prime preservation areas. As a result, the staff work group amended the proposed conceptual plan based on the proposed reconfigured joint owned and county owned tracts.

January 30, 2018 Assembly of Governments Meeting

At the January 30, 2018 Assembly of Governments meeting, the proposed modified headwaters preserve area and alternatives were presented to elected officials. At that time, the Orange County Board of Commissioners requested input from the Chapel Hill Town Council and Carrboro Board of Aldermen regarding the possible reconfiguration of the Headwaters Preserve area and input regarding the Greene Tract alternatives.

February 20, 2018 Board of County Commissioners Meeting

The Orange County Board of Commissioners supported modification to the Headwaters Preserve area and the high development alternative in February 2018. In addition, the Board authorized County staff to communicate the Board's preferences to Chapel Hill and Carrboro town staffs and request feedback regarding reconfiguration of the Headwaters Preserve area and the Greene Tract conceptual plan from the towns.

Chapel Hill Town Council and Carrboro Aldermen

The Chapel Hill Town Council considered this item on June 6, 2018 and stated support for the reconfiguration of the Headwaters Preserve Area. The Carrboro Board of Aldermen considered this item on June 12 and stated support for the reconfiguration of the Headwaters Preserve area. Elected officials from the towns stated concern with determine density and affordable housing goals at that time. As a result, the resolution and conceptual plan does not include any reference to density or affordable housing thresholds for the Greene Tract, but primarily the location and acreage of uses including a general description of use categories. Attachment 2 includes additional background information on this item.

Following Board confirmation, the staff work group drafted the resolution contained in Attachment 1 to modify the 104 acres jointly owned by Orange County/Chapel Hill/Carrboro and 60 acres owned by Orange County (Headwaters Preserve). In addition, staff drafted the conceptual plan which includes future land uses, proposed land use definitions, and ownership status/transfers based on comments received from MMCs, elected officials, and staff throughout the process.

January 29, 2019 Assembly of Governments Meeting

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

February 12, 2019 Carrboro Board of Aldermen Meeting

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

February 20, 2019 Chapel Hill Town Council Meeting

The resolution and conceptual plan is scheduled for review and adoption consideration by the Chapel Hill Town Council.

With adoption by all three governing boards, the resulting resolution would supersede the 2002 Resolution, approved December 10, 2002, which outlined the County and Towns' intentions for developing the Greene Tract. The December 10, 2002 BOCC abstract which includes the approved resolution can be found at the following link:

<http://server3.co.orange.nc.us:8088/WebLink8/DocView.aspx?id=8376&dbid=0>

Any amendments to the resolution and conceptual plan by the Town of Chapel Hill and the Town of Carrboro would prompt a return to the BOCC for consideration.

Next Steps (following adoption of the 2019 Greene Tract Resolution and Conceptual Plan by all parties)

A. Commence survey work for recombination - Spring 2019

In order to modify the existing Headwaters Preserve area, a recombination survey will need to be completed illustrating the new parcel lines of the Headwaters Preserve area (County owned) and Joint Owned area. This survey will be reviewed as a recombination plat by the Chapel Hill Planning Department. Once complete, the recombination survey will be presented for approval to the BOCC and the chair's signature for the Headwaters Preserve and all three local governments for the joint area. Funding for this will be requested through an interlocal agreement similar to the Rogers Road community sewer planning.

B. Initiate process to determine development and preservation goals - Summer 2019

Land use, density, and affordable housing options for the Greene Tract were presented and reviewed by the elected officials. Comments were previously received by Board members; however, no final decisions were made by the three individual Boards. As a result, development and preservation options will be further evaluated and discussed in order to determine goals for the Greene Tract in regards to development type, land use, preservation, density, and affordable housing. This phase will include community outreach. Presentation to elected officials Fall of 2019.

C. Commence Implementation Strategy - Fall 2019

Craig Benedict, Planning Director, made the following PowerPoint presentation:

Greene Tract Resolution and Conceptual Plan

Orange County Board of Commissioners

February 19, 2019

Item 6-b

Greene Tract Flow Chart

Greene Tract (Jurisdictional Context) – map

Greene Tract

Ownership Status/Possible Transfers Map

Greene Tract Resolution and Conceptual Plan (Proposed future land use)

Greene Tract Resolution and Conceptual Plan

- Elements of the Resolution

- Modify Headwaters Preserve and Joint Owned areas
- Approve Conceptual Plan and land use definitions
 - Designate acreage and land uses (Less than 15% future deviation)
 - Does not include any reference to density or affordable housing thresholds
- Allow staff to proceed with recombination
- Ownership transfers - Joint ownership to County and County ownership to Joint ownership
- Recommend additional actions
 - Pursue a conservation easement protecting the reconfigured "Headwaters Preserve" (60 acres)
 - Pursue a conservation easement protecting the Joint Owned Preserve (22 acres)
 - Solicit input from the public, stakeholders, and elected officials regarding land use and affordable housing needs and development principles/goals
- With adoption by all three governing boards, the resulting resolution would supersede the 2002 Resolution

Greene Tract Flow Chart

Recommendation

The Manager recommends the Board:

1. Receive the resolution and conceptual plan;
2. Discuss as appropriate;
3. Approve the Greene Tract resolution and conceptual plan (Attachment 1) including definitions as noted in Exhibit 1; and
4. Recommend that the timeline noted herein related to Next Steps A, B, and C be pursued with all due diligence

Commissioner Greene asked if any thought has been given to the conservation easements, such as who would hold them, as well as the timing. She asked if Orange County could take the lead in getting this process going.

Craig Benedict said after staff finds out exactly what the 60-acre shape will be, staff can work with another entity. He said staff has approached the Triangle Land Conservancy in the past, who was not interested, but this is now better environmental lands than it was before, and shows the connectivity to the preserve. He said a third party may be more interested at this time.

Commissioner Greene said the North Carolina Botanical Garden Foundation might be worth contacting as well.

Commissioner Marcoplos clarified that the serious work on the preservation goals will happen during the summer.

Craig Benedict said yes, and staff will talk more about this next Wednesday. He said details will need to be ironed out, such as typical development and preservation goals; how many units can be there; which portion will be affordable housing; will it be a mixed income community as previously desired, etc.

Commissioner Marcoplos said he foresees some serious discussions about this that may take some time. He said the Mayors and Chairs will do this work, and he suggested it would be helpful to have a connection to the rest of the Board during the summer.

Craig Benedict said staff can bring back briefings, and plans to have community meetings.

Craig Benedict said staff has moved with more speed recently by updating boards, having community meetings, getting feedback, and then repeating the process.

Commissioner Dorosin said Chair Rich can update the Board as needed.

Commissioner Marcoplos said this is a huge opportunity, and the Board needs to get this right.

Commissioner Greene said as the policymakers, it is not ideal to settle this during the summer.

Chair Rich said it is ambitious to think this will be settled over the summer, but she will keep the Board informed.

Commissioner Dorosin said the key is to keep the momentum going, and use the summer to go forward with the process.

Chair Rich said she was greatly encouraged about the Greene Tract at the most recent Mayors' meeting, and all seem to realize that now is the time to move forward. She said bringing the conversation back to some of the boards is the challenge.

Commissioner Dorosin said he is available to help in any way since this is tangible, and can be used to make a real difference in the community.

A RESOLUTION APPROVING MODIFICATIONS TO THE 60 ACRE PORTION OF THE GREENE TRACT IN COUNTY OWNERSHIP AND CONCEPTUAL PLAN FOR THE 104 ACRE PORTION IN JOINT OWNERSHIP

WHEREAS, Orange County and the Towns of Carrboro and Chapel Hill jointly acquired the property (104 acres) known as the Greene Tract in 1984 which was purchased from the joint solid waste management system; and

WHEREAS, title to 60 acres (also known as Headwaters Preserve) of this property was deeded exclusively to the Orange County Solid Waste Enterprise Fund in 2000 under provisions of the 1999 Interlocal Agreement for Solid Waste Management and was purchased by Orange County via reimbursement to the Solid Waste Enterprise Fund in 2016; and

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

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

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

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

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

- Preserve valuable environmental features and corridors
- Protect historical and cultural resources
- Promote cost effective infrastructure
- Incorporate school and recreation site
- Earmark development areas for mixed income housing and mixed use potential

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

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

1. Approve the accompanying map to modify the existing county owned (60 acres) and joint owned (104 acres) portions of the Greene Tract as shown in Exhibit 1.
2. Approve the accompanying conceptual master plan as shown in Exhibit 1 for the joint owned portion of the Greene Tract, not deeded exclusively to Orange County, which designates the following:
 - Approximately 22 acres for joint preserve
 - Approximately 11 acres for public school site
 - Approximately 4 acres for public recreational facility site
 - Approximately 67 acres for housing/mixed use
3. Authorize the exchange of acreage from Joint owned to County owned and County owned to Joint owned commencing the recombination process as illustrated in Exhibit 2.
4. Explore protecting the areas shown on the conceptual plan as Joint Owned Preserve and Headwaters Preserve
5. Solicit input from the public and respective governing boards regarding land use and mixed income housing needs during the master plan process.

This the 19th day of February, 2019.

A motion was made by Commissioner McKee, seconded by Commissioner Marcoplos for the Board to approve the Greene Tract resolution and conceptual plan (Attachment 1) including definitions as noted in Exhibit 1; and pursue the timeline related to Next Steps A, B, and C with all due diligence.

VOTE: UNANIMOUS

PUBLIC COMMENT

Sam Ebi lives on Billabong Lane. He thanked the Board for its work, and asked if any agency has done an environmental impact study. He said this is the first time he and his neighbors have heard about this project. He requested an environmental impact statement, as a lot of wildlife lives in this area, and he wonders where it can go.

James Morgan said he also lives on Billabong Lane. He said he saw previous iterations of this plan several years ago, but this is the first time he's seen a school location determined. He said he has two concerns: a sewer system was recently installed, and he sees no access point from the school site to the sewer system; and the road connection from Merin Road to Purefoy, serving the school, which would be problematic for the intersection of Merin and Homestead, which is not capable to taking a stop light. He said these issues need to be addressed in the early stages of any development plan.

Beverly Ferraro said she also lives on Billabong Lane, and she echoed the comments of the two previous speakers. She said accessing the school via Merin Road seems overwhelming, at best.

Sally Council said the concept is not new to her, and she commended the Board on some of its priorities for this land. She said preservation of the natural landscape is key, and she is pleased the Board is including this. She said there is also great concern to provide preservation to the neighbors who already live near this land. She said the residents have always been committed to a natural buffer space to protect themselves from traffic, clearing, and new construction. She said the last 5 years have shown immense change and growth surrounding her home, and this is the first time she seen the school site be proposed to butt up against Billabong Lane. She said there appears to be no original buffer left. She said accessing the school from Merin Road would be an awful idea.

Sally Council asked if the difference between open space and preservation of headwaters could be explained.

Craig Benedict said the headwaters tract would continue to be owned by the County, but it would be for preservation purposes. He said the other, darker green, area is a jointly owned by Carrboro, Chapel Hill and Orange County, and connecting the two areas together would allow passage of a lot of animals in that general area.

Sally Council asked if this would be preserved intact, or if there would be clearing.

Craig Benedict said it would be 100% preserved, but a road can go through it, if necessary. He said the goal is full preservation of wetlands, plus stream buffers.

Myra Dotson said she has been distressed to see the development around the landfill.

John Roberts said there have been some legal issues recently along Merin Road, and the County has to redo the gravel driveway from Billabong up to the Greene Tract, which gives the County southern access. He said it is not a public road.

c. Orange County's Proposed 2019 Legislative Agenda

The Board considered the Legislative Issues Work Group's (LIWG) proposed 2019 legislative package and any other potential items for inclusion in Orange County's legislative agenda package for the 2019 North Carolina General Assembly Session; consider approval of the 2019 Orange County Priority Legislative Issues document; and consider approval of the Other Orange County Legislative Interests document.

Greg Wilder, County Manager's Office, reviewed the following background information:

BACKGROUND:

The 2019 North Carolina General Assembly "long session" convened on January 30, 2019. The Board of Commissioners has historically appointed a Legislative Issues Work Group (LIWG) to work with staff to develop a proposed legislative package for the County. Based on the work of the LIWG, the BOCC has then reviewed and approved packages of legislative items to present to Orange County's legislative delegation.

Commissioners Renee Price and Mark Dorosin are serving on the 2019 LIWG and have worked with staff on the proposed 2019 legislative package, which consists of the two attached documents, in preparation for the Board's March 11, 2019 Legislative Breakfast meeting with Orange County's legislative delegation.

As the LIWG considered its approach for this year, the Group decided to keep the list of priority legislative issues short and focused, aiming for five to seven legislative priorities. The group ultimately identified seven legislative priorities, acknowledging that the full Board

of Commissioners may want to consider modifying the list, exchanging an item for another item, or other potential revisions. Attachment 1 is the draft list of seven potential 2019 Orange County Priority Legislative Issues.

While the LIWG wanted to focus on the seven priorities in Attachment 1, it also decided that the County should continue to express its positions on multiple other topics that were relevant in previous years and continue for 2019. Attachment 2 is a draft listing of Other Orange County Legislative Interests. It includes legislative issues the Board has submitted in past years to the County's legislative delegation.

The Board will need to discuss and consider Attachments 1 and 2 as provided by the LIWG. The work of the Legislative Issues Work Group to this point is based on the current information available for the 2019 General Assembly Session. The issues addressed by the Group may evolve and change over the session and require additional attention by the Group and Board of Commissioners. New issues may also arise necessitating additional review.

Commissioner Dorosin said he and Commissioner Price worked on this work group who reviewed attachment 2, and prioritized 7 top priorities (attachment 1). He said the list is open for review and edit. He reviewed these top priorities below:

2019- Orange County Priority Legislative Issues I

Broadband/Digital Infrastructure – Support legislation, funding, and other efforts that provide counties with flexibility and opportunities to support options for increasing access to high-speed internet connectivity and expanding digital infrastructure/broadband capability to the un-served and under-served areas of the state. Access to high speed internet connections will reduce disparities, enhance quality of life for all the State's residents, and broaden opportunities in areas such as education, jobs creation, small business development, health care, civic participation, and growth in farm enterprises.

Priority School Issues – Support legislation to address the following issues related to schools:

- a) Provide local school systems with calendar flexibility, including the opportunity to align with nearby community college schedules;
- b) Provide full funding for State allotments including Average Daily Membership (ADM) growth, and support legislation to provide for an overall increase in funding based on average daily memberships outside of the current formula system;
- c) Impose class size reductions commensurate with State funding for staffing; and
- d) Provide additional revenue options, including a statewide bond and lottery proceeds, to equitably address statewide public school and community college capital challenges and meet identified needs.

Expansion of Medicaid Program – Support legislation to increase access to the Medicaid program to make health insurance available to approximately 500,000 more North Carolina residents and as additional support for rural hospitals.

Minimum Wage Increase – Support legislation to raise the minimum wage to enhance people's economic security, improve access to safe and secure housing, boost the economy with increased spending, decrease dependence on government assistance programs, and improve the lives of families.

Mental Health Funding – Seek legislation that:

- a) provides adequate State-funded mental health, developmental disability, and substance abuse services and facilities at the local level, accessible and affordable to all residents and that sufficient state resources fund service provision costs inclusive of sufficient crisis intervention and treatment, and to structure appropriate county participation in governance; and
- b) provides funding to develop and implement a plan to reduce the number of people with mental health issues in county jails (See EXHIBIT A – National Association of Counties (NACo) Stepping Up Initiative);

Non-Partisan Redistricting Process for Elections – Support legislation to establish a process for an independent, non-partisan redistricting process after each United States Census for the election of representatives from North Carolina to the United States House of Representatives, the North Carolina House, and the North Carolina Senate;

Criminal Justice Reform/Juvenile Jurisdiction – Support legislation to develop and fund a plan to:

- a) help reduce unnecessary charges and arrests by expanding the use of pre-arrest diversion and the issuance of citations or summons, replace reliance on money bail with non-financial conditions of release such as written promises to appear, or the least restrictive available conditions, and restrict detention to the small number of people for whom no condition or combination of conditions can reasonably assure appearance in court and public safety, reduce disparity within the pretrial justice system; support the collection of local data regarding pre-trial release outcomes; and increased funding for pre-trial release supervision programs that utilize evidence-based best practices; and
- b) address developmentally inappropriate limits on juvenile court jurisdiction, demographic and geographic disparities, inadequate representation in juvenile court, unnecessary juvenile detention, lifelong collateral consequences stemming from juvenile court involvement, and punitive school policies and practices that push students into the court system.

Commissioner Marcoplos said he would like to propose good agricultural practices (GAP) certification, which is a certification process that farmers can go through regarding how the farmer handles the food produced at their farm. He said farms that are GAP certified can sell food to schools, and it helps in general marketing. He said the biggest hurdle for farmers seems to be the expense (\$1000-\$1200). He said this certification is done through the State Department of Agriculture, but he does not know why it cannot be done through local jurisdictions at a lesser cost.

Commissioner Marcoplos said he would like to pursue some legislation to give local jurisdictions the authority to certify GAP farmers.

Bonnie Hammersley said the Board of County Commissioners approved \$50,000 to support farmers in the GAP certification process, about two years ago, and the Economic Development/Ag staff could not identify farmers in Orange County who wanted to participate in the program.

Bonnie Hammersley said this session was included at the Ag Summit in hopes that more farmers would learn about GAP certification and consider going through the process.

Commissioner Marcoplos said that is great to hear, and it is important to get the word out about this program and the available funding.

Bonnie Hammersley said staff has been trying to do that for over two years.

Commissioner Marcoplos said there were many local farmers at the Ag Summit that seemed very interested. He said this information is helpful in Orange County, but there is still statewide merit to pursuing legislative action.

Commissioner Greene said Durham County farmers have caught onto this certification, as Durham Public Schools are using local food. She said she would love to see Orange County do the same.

Commissioner McKee said another avenue to get the word out is the ASCS (Agricultural Stabilization and Conservation Service), from which every farmer in the nation receives communication.

Commissioner Greene applauded the list, and said it is consistent with the State's proposal, plus a little local flavor. She said #20 (Land Water and Agriculture Preservation Funding) is one she is interested in, and asked if the County has healthy funding for these type of needs, or is this something that should be added to the list.

Bonnie Hammersley said the County continues to put money to grow its match from the State, and this fund is pretty healthy for easements and land conservation.

Commissioner Bedford said she liked the 7 priorities, and asked if it is appropriate to add something to the long list about funding/advocacy regarding the census.

Greg Wilder said staff can add that as item #38.

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

- Consider approval of the 2019 Orange County Priority Legislative Issues document; and
- Consider approval of the Other Orange County Legislative Interests document to add #38.

VOTE: UNANIMOUS

Pending action by the Board, staff will work with the Chair to draft a cover letter for the materials to be presented to Orange County's legislative delegation at the March 11, 2019 Legislative Breakfast.

d. Authorization to Contract with the County's Financial Advisor to Conduct a Third Party Financial Analysis of the New Financial Plan for the Durham-Orange Light Rail Transit Project

The Board considered voting to authorize the County Manager to sign an agreement with Davenport & Company, LLC to provide a third party analysis of a new, proposed financial plan for the Durham-Orange Light Rail Project at a cost not to exceed \$30,000.

Travis Myren presented this item:

BACKGROUND:

On April 27, 2017, the Board of Orange County Commissioners adopted the *Interlocal Cost Sharing Agreement for the Durham-Orange Light Rail Transit Project* as well as the *Orange County Transit Plan*. As part of the Board's consideration of these items, the County engaged its financial advisor, Davenport & Company, LLC, to conduct a third party analysis of the proposed financial plan and report their findings to the Board of Orange County Commissioners.

The Article 43 Transit Sales Tax, a portion of Vehicle Registration Fees, and a portion of rental car fees are used to fund transit projects approved in the Transit Plan, including the light rail project. The 2017 Davenport analysis (attached) focused on long term borrowing costs and annual cash flow needs. The analysis demonstrated that all of the projects contained in the Transit Plan could be funded using transit revenues alone.

GoTriangle is expected to propose an amended financial model due to new costs associated with the Durham-Orange Light Rail Project. When the final proposed financial model is completed, Board action at this time would allow the County Manager to immediately engage the County's financial advisor to update the analysis completed in 2017 and offer any new observations associated with the new financial plan. The cost of the analysis would be capped at \$30,000.

In order for the light rail project to proceed, a new *Interlocal Cost Sharing Agreement* and an Amended *Orange County Transit Plan* will need to be approved by the Board of Orange County Commissioners. GoTriangle is requesting these approvals during the month of March to meet a State imposed April 30 deadline.

PUBLIC COMMENT:

Joan Guilky said there have been major changes in the plan in the last year, significantly increasing costs. She said the review last year from Davenport included financing costs that had not been included in the GoTriangle reports. She said it is essential to authorize Davenport to complete a new analysis, so that all parties can work from the same facts and figures.

Patricia Clayton read the following comments:

I am Pat Clayton I am speaking on behalf of the Northern Orange National Association for the Advancement of Colored People (NAACP).

We are gravely concerned about the escalating costs of light rail project, and large, last minute issues and risks surrounding the project. That is why we are asking you to retain Independent Financial advisors, Davenport and Company to evaluate the new project plan when it comes out.

At a minimum, we would like to hear Davenport's analysis of the project's costs, debt and contingency, and risks to our schools and essential services. We are especially interested in the project reserves, and how you will protect Orange County when the light rail project funds are gone.

We also would like to know more about operating and maintenance costs, and how much of our transit taxes will be tied up to keep the trains running. That will help all of us understand how much – if any money will be left over for buses, demand services and other services that are needed in Northern Orange.

Once we've heard from Davenport, our next question to you will be when can we expect you to add services to Northern Orange. We don't mind paying transit taxes but we expect to see services that work.

Please retain Davenport so we can all be fully informed about the costs and risks of the light rail project, and its impact on providing transit services to Northern Orange County

Bonnie Hauser read the following comments:

I am Bonnie Hauser and I am speaking on behalf of Schley Grange and Orange County Voice.

We have been following the light rail project for years and are also concerned about the escalating costs, and significant last minute changes. Your board will not have much time to consider the implications of these changes on the county's finances.

That's just one of the many reasons to retain Davenport and Company to evaluate the new project plan when it comes out. Even if they discover that everything is fine, their fee is a small price to pay for those assurances.

For our new commissioners, in 2017, Davenport was the first to fully quantify the project interest payments of over \$800 million dollars payable until 2062. If GoTriangle's powerpoint presentation is any indication, those numbers will go up. Also – Davenport helped everyone understand the cash balances, which were unacceptable to your board. That's why private investors were brought into the mix. Its now possible that GoTriangle will ask your board to backstop costs that you couldn't afford in 2017.

As others have said, it's important that Davenport look at the project costs, debt and contingency and how that has changed since 2017. Even if you protect the \$149.5 million dollar cap (and we hope you do), Orange County as no protection over debt increases.

There are also questions about operating costs and whether the transit taxes will be sufficient to pay for them. Last summer the Herald Sun reported that GoTriangle was planning to borrow money for operations – but we've not heard anything since.

In 2017, the project cash flows were tight but Durham had healthy reserves. That may change if Durham assumes hundreds of millions of dollars in additional costs. If the project gets into trouble, what recourse will Orange County have?

The saying goes "trust but verify". It would be great to learn that everything looks great – but you will only know for sure if you retain Davenport to look at the finances.

Thank you

Julie McClintock endorsed hiring Davenport so it can dig into this new financial model, how the additional costs will be paid for, and if the central services and schools can be protected. She said many in the community appreciated the resolution passed last fall that limited the Board's spending on this project to \$149.5 million, plus interest. She said there is a petition asking the Board to stick to this resolution, which has 366 signatures thus far. She said Davenport can evaluate the transit tax revenues, but she would also like to note the following items in the risk category: ridership estimates seem ambitious, given that this is one fixed route that does not include the airport, RTP or Raleigh; this may not mitigate traffic as hoped; the loss of affordable housing; and gentrification. She said is also especially concerned for Chapel Hill Transit.

Commissioner McKee said this mentions a \$30,000 cap, and asked if this is straight forward reprocessing as before, would it not be that much.

Travis Myren said it comes in the same general format, and the costs would be lower.

Commissioner McKee asked is there a retainer fee if Orange County engages Davenport, but ends up not using Davenport; simply for having Davenport on hold.

Travis Myren said a termination provision would need to be available for any reason, and the County would pay Davenport for any work completed to date, and Davenport would turn over any work completed to date.

Commissioner Dorosin clarified that they are still waiting to get final numbers from GoTriangle, and there is nothing to review at this time.

Travis Myren said that is correct.

Commissioner McKee said there is nothing to review now, but his concern is that if Davenport is not in place there may be a lag time once the numbers come out to having them reviewed. He asked if this is correct.

Travis Myren said as soon as the financial model is received staff can engage Davenport and allow the Manager to sign a contract and approve a budget amendment. He said, in the absence of that, staff needs to wait for another Board cycle to do that, and everyone is up against an April 30th deadline. He said it is a balancing act.

Commissioner McKee said there is a Board cycle of 2 weeks from the time a decision is made.

Commissioner Marcoplos clarified that if the Board puts money down for a future analysis, but does not need it, then the County can get all the money back.

Travis Myren said yes, they would terminate the contract with no penalty.

Chair Rich asked if it is known how long it would take to turn such a report around.

Travis Myren said maybe during a 2-week Board cycle, if the format is as it was in the past.

Commissioner Dorosin asked if the process is that there will be some additional information coming from FTA.

Travis Myren said yes.

Commissioner Dorosin asked if sometime between now and April 30th a revised transit plan will come back to the Board.

Travis Myren said yes.

Commissioner Dorosin asked if it is known who will review the numbers when they come back.

Travis Myren said Orange County, Durham County staff and GoTriangle will review the numbers.

Chair Rich invited comments from the Board.

Commissioner McKee said since this was partially a response to his petition he would comment first. He said GoTriangle invited all Board of County Commissioners members to meet with GoTriangle staff to review the new information, and he met with them last week. He said his takeaway from this meeting was that the changes through downtown Durham, the open cut, the underground and elevated sections total \$81 million price range. He said going from 751 to 9th street through the Duke University complex is about 1.2 miles costing \$90-100 million. He said these two portions total \$171 million. He said there is a small area at Shannon Road and University that has to have open cut, which he will ignore as it is not a significant cost.

Commissioner McKee said he also spoke with GoTriangle staff about the private investment funds, which may or may not come on line. He said if these funds do not come to fruition, the counties will be expected to pick up the difference, which is \$82 million, with a grand total of \$253 million, which will all be borrowed money with 3% interest, which is \$250 million over 45 years. He said if his ballpark figures are close, this adds \$500 million in additional costs, which is no small amount. He said what is a small amount, is \$30,000 to pay Davenport to do an analysis and at the end, the cost is worthwhile. He said using Davenport is not a criticism of Orange County staff. He said Davenport has an expertise and should be used accordingly.

Commissioner McKee said GoTriangle staff also mentioned that there is a possibility that the FTA would require an additional unknown percentage for contingency, but he is not including this possibility at this time.

Commissioner Marcoplos said Commissioner McKee's numbers are basically correct, and the added contingency is what all are waiting for from the FTA. He said there will be added contingency. He said the private funding backstop will not go public until a

commitment is made from Duke. He said all indications point to great private funding interest.

Commissioner Marcoplos said the backstop would exist to have a fund to backup while the other agreements are being signed.

Commissioner Marcoplos said the Board passed a resolution that it would not spend any more than \$149.5 million, and so he questions the need for this petition and proposal. He said Durham is well aware of this reality. He said in 2017 Davenport was asked to look at the entire project and the financing, which was a huge project. He said right now, the Board is waiting for a short list of numbers, and this request for an analysis from Davenport is premature. He said he would like to get information first, and then see what is needed. He said at the meeting last month, which upset everyone, there were many financial staff in that room, who have a good handle on what is going on. He said his point is that everyone wants to know what is going on and to protect Orange County, and the odds are good that there will be enough information to understand everything and to share it with the public, answering all questions. He said he is not in favor of committing to this analysis now, but he is comfortable with keeping Davenport on hold and using them after the numbers are received, and if questions still remain.

Commissioner Dorosin said he tends to agree with Commissioner Marcoplos, but the information the Board is going to get is going to be very determinative. He said if Duke does not commit, or if the numbers are going to be exorbitant, the Board will not need Davenport to tell it to stop, as it will be obvious.

Commissioner Dorosin agreed that this is a different situation than in 2017, and he feels like this time around it will be more obvious as to how to proceed. He said if it is not, then the Board can hire Davenport. He would like to get the information back first.

Commissioner Greene said she thinks she agrees with Commissioner Dorosin, and she was not a part of the Board when it passed a resolution limiting spending at \$149.5 million, but she supported it and is committed to that resolution. She said if Duke does not commit, the conversation is over.

Commissioner Greene said she agrees with Commissioner Dorosin to wait for the numbers, and if they present a viable scenario then it may be valuable to engage Davenport. She said it may be wise to have Davenport on retainer now.

Commissioner Bedford said she agrees with most of what has been said, but she has more questions if Duke does commit and there are more numbers in hand. She said this resolution seems to be pre-authorizing the Manager to engage Davenport if there are questions about the numbers, which is what she would support. She would like to compare Davenport's analysis from 2017 with one of current numbers, once these numbers are received. She said if Durham is hiring an outside firm, it seems to support the hiring of Davenport once there are numbers.

Commissioner Bedford encouraged the Board to pass this resolution, and it is not about terminating the project, but rather understanding the numbers as a new cost share agreement is negotiated.

Commissioner Marcoplos said a lot of these questions were answered in the original analysis. He said Orange County is not going to pay the numbers they are dealing with now, and it is wise to wait and see what will affect Orange County when the information on any of these additional costs is received.

Commissioner Marcoplos said this financial burden is not on Orange County, and he recommends not pre-authorizing any analysis by Davenport, but wait and see what the numbers say.

Commissioner Bedford said Orange County is responsible for the interest, and if the costs go up (even if these costs are assumed by Durham), Orange County is still responsible for the interest according to the cost sharing agreement.

Commissioner Marcoplos said if costs go up, there would be a new cost share agreement and Durham will cover the costs.

Commissioner Bedford said if that is in the writing then Davenport is not needed, but if it is not in the writing then Davenport is needed.

Commissioner Marcoplos said the Durham Commissioners understand very clearly that Orange County will not put forth any more money.

Chair Rich said when the State said it would not cover the money, the cost share agreement was going to be redone as Durham would pick up additional costs and interest. She said it all ties together that everyone is waiting on the numbers so that the cost share agreement can be rewritten.

Chair Rich said the whole Board agreed to not surpass \$149.5 million, and no one asked the Board to do so. She said an additional resolution seems unnecessary. She said she is fine with keeping Davenport on hold, and when the numbers come back it will be obvious if this can proceed or not. She said it will be especially obvious to Durham if it will be able to proceed. She said she does not want to get locked into something with Davenport, and she does not want to endanger the very tight timeline.

Chair Rich said the Board signed an agreement, which was a result of many meetings, to cap the amount Orange County will spend, and no one has asked the Board to change this agreement.

Commissioner McKee said no one has asked us to change the agreement, but these changes amount to a 5% change, which triggers a material change; therefore, the current cost share agreement is not worth anything, as it has to be renegotiated.

Commissioner McKee asked if Commissioner Marcoplos and Chair Rich are saying that Durham will definitively pick up the \$81 million through the middle of Durham, the \$90 million plus in Duke, backstop, \$250 million interest, and the possible \$200 million contingency.

Commissioner Marcoplos said Durham is considering its options, as it knows Orange County cannot afford it.

Commissioner McKee said having Davenport on retainer is a wise thing to do.

Commissioner Marcoplos said he hears the Board agreeing with Commissioner McKee.

Commissioner McKee said the Board needs to retain Davenport now.

Chair Rich said Durham does not have the numbers either, but if Durham does not pick up all the costs, then the project is over. She said if Duke says no it is over; if Durham cannot make backstops, it is over.

Commissioner McKee said it will not be over, as the cost sharing agreement states it will go to mitigation.

A motion was made by Commissioner McKee, seconded by Commissioner Bedford for the Board to:

1. To authorize the County Manager to sign an agreement with Davenport & Company, LLC to provide a third party analysis of a new, proposed financial plan when presented to our staff (Commissioner McKee) for the Durham-Orange Light Rail Project at a cost not to exceed \$30,000; and to retain the right to cancel at no cost;
2. Consider authorizing staff to prepare a budget amendment that transfers funds from the Board Contingency line item (approximately \$20,700) and the Manager's miscellaneous line item to the Finance Department to fund this analysis.

Commissioner Marcoplos said he would prefer the language to "consider" Davenport to provide a third party analysis.

Commissioner McKee said he would not accept the friendly amendment, and the Board needs to definitely signal that it accepts the possibility that it will be needed.

Commissioner Marcoplos said he does not want to spend this money unnecessarily, and money would have to be put down to reserve Davenport's time.

Travis Myren said the Board will receive a presentation from GoTriangle on March 7th, and at that time, the Board could authorize the Manager to sign an agreement. He said Commissioner McKee's motion would allow staff to move forward with Davenport should numbers become available prior to the next BOCC meeting, allowing more space in the timeline.

Commissioner Greene asked if the Board needs to make a refundable down payment as a retainer to make sure Davenport can act quickly on March 7th, if that is when the numbers are received.

Travis Myren said a retainer is not needed, and has put Davenport on notice that the County may be engaging their services. He said it is more a matter of how much time the Board wants to allow for those things to happen.

Commissioner McKee restated his motion, adding the wording "when presented to our staff".

Commissioner Marcoplos said he is confused. He said the concern seems to be that the numbers are going to be received too late in order to have time to complete the analysis, but the analysis cannot be completed until the numbers are received.

Commissioner McKee said then there is no harm no foul.

Commissioner Marcoplos said this needs to be worded that the Board will decide later, as there is not way to know if the analysis is needed without having the numbers.

Commissioner McKee said his additional wording covers that.

Chair Rich asked what would happen if numbers are not ready by March 7th.

Travis Myren said that would be a more precarious situation in regards to the timeline, and perhaps the Board may want to wait until the 7th.

Chair Rich asked if waiting until the 7th would change anything, or does the staff need a plan to move forward with Davenport.

Travis McKee said the authority to move forward with Davenport would be needed/helpful only if the financial numbers come to staff before the March 7th meeting.

Commissioner Marcoplos said he does not want another Alice in Wonderland scenario where the Board issues a resolution reaffirming one that it has already made. He said if the Board does not clearly state the exact situation it is in – that the numbers do not yet exist and that there may be a time crunch one they are received – it will lead to public confusion and frustration.

Commissioner Greene said she is now concerned about timeframe, and if the Board commits to analysis that time really does not allow for, would the Board jeopardize the April 30th deadline.

Commissioner Marcoplos asked if the Board could possibly commit to a Davenport analysis, reserving the right to not proceed as the numbers may give all the answers everyone is seeking.

Commissioner Dorosin clarified that the time crunch is not getting Davenport to do the work, but rather making sure the numbers are received in the first place, and it is expected that the numbers will be received on March 7th at the latest.

Commissioner Dorosin said to make it clear in motion that the Board reserves the right to cancel the retainer, at no cost, and not proceed with Davenport.

Commissioner Marcoplos said it is a desire to be prepared to hire Davenport, if necessary, but not a promise to do so, as Davenport's services may not be necessary.

Commissioner McKee said he would accept this as a friendly amendment.

Commissioner Greene said she sees this as authorizing the Manager to act, not requiring the Manager to act.

Commissioner Bedford said she agrees.

Commissioner McKee said the Board was supposed to receive these numbers last Friday, which did not happen. He said the Board does not know when these numbers will be received. He said his only concern is if the information should be received tomorrow, that nothing can happen until March 7th.

Chair Rich said Travis Myren can keep the Board informed, and the numbers are coming from the FTA not GoTriangle.

Commissioner McKee accepted Commissioner Dorosin's friendly amendment to reserve the right to cancel at no cost.

Commissioner Marcoplos said it is not as simple as when the numbers drop, it is also when the Board is able to take advantage of the financial experts who are already involved in this project.

Commissioner McKee said he agrees, and if the numbers drop tomorrow morning, those financial experts should be engaged immediately.

Commissioner Marcoplos said it may take a few days, and this is an essential part of the process, unless the Board just wants to throw money around.

Commissioner McKee said he has no desire to toss money out until, and unless, the numbers are available.

Commissioner Dorosin asked if the Board is voting on hiring Davenport as soon as the numbers are received, without any initial analysis from local financial experts; or is the Board voting to hire Davenport after initial assessment of the numbers is completed locally, and Davenport's services are deemed necessary.

Commissioner McKee said his motion is the former.

Donna Baker reread the motion.

Commissioner Greene said the motion authorizes the Manager, and does not require, which she is fine with.

Commissioner Bedford agreed, and said it will be her professional discretion.

Commissioner Dorosin asked if the Manager understands the motion to mean that she will have discretion as to whether or not to hire Davenport.

Bonnie Hammersley said she understands Commissioner McKee's motion to say that when the numbers are received that she is to engage Davenport's services.

Commissioner Dorosin said to bring this back on the 7th and if the numbers are unclear to instruct Davenport to proceed with an analysis.

Chair Rich said there is a motion on the floor on which the Board needs to vote.

VOTE: Yeas, 2 (Commissioner McKee and Commissioner Bedford); Nays, 4 (Commissioner Dorosin Commissioner Greene Commissioner Marcoplos and Chair Rich)

A motion was made by Commissioner Dorosin, seconded by Commissioner Greene for the Board to wait until the March 7, 2019 BOCC regular meeting, after the BOCC has additional financial numbers, to consider authorizing the County Manager to sign an agreement with Davenport & Company, LLC to provide a third party analysis of a new, proposed financial plan for the Durham-Orange Light Rail Project at a cost not to exceed \$30,000. If needed prior to March 7, 2019, an emergency BOCC meeting can be called to expedite the agreement.

Commissioner Marcoplos said he would like to create an alternative motion, which incorporates not only having the numbers, but also a modest amount of time to get feedback from local financial expertise.

Commissioner Dorosin said his motion says to bring it all back on the 7th, and have that conversation at that time.

Commissioner Marcoplos said he would like to know if there is support for his suggestion.

Commissioner Dorosin said if this numbers come in tomorrow, then all local experts will have been able to weigh in by March 7th, but if the numbers do not come in until March 6th, no one will have been able to comment by March 7th and the debate can be had at that time. He said if the information comes tomorrow, an emergency meeting can be called. He said the third party analysis will be valuable if it is needed, and the need cannot be determined until the numbers come from the FTA.

Commissioner Bedford said the risk of waiting is that the numbers may come in early, and should they come in early she likes the idea of calling an emergency meeting.

Commissioner Dorosin amended his motion to include language allowing for an emergency meeting should one be necessary.

Commissioner McKee said he will vote for this motion, as doing otherwise would be petty and to no effect. He said at some time experts will need to look at these numbers.

Commissioner Marcoplos having the numbers is only one piece of the puzzle, and allowing local financial experts to weigh in is equally important, and could negate the need to spend any money on a report by Davenport.

Commissioner McKee said there are so many moving parts and numbers in this conversation that are unknown.

VOTE: UNANIMOUS

7. Reports NONE

8. Consent Agenda

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

A motion was made by Commissioner Bedford, seconded by Commissioner Greene to the Board to approve the remaining items on the Consent Agenda:

VOTE: UNANIMOUS

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

a. Minutes

The Board approved the minutes from January 29 and February 5, 2019 as submitted by the Clerk to the Board.

b. Fiscal Year 2018-19 Budget Amendment #6

The Board approved budget and capital project ordinance amendments for fiscal year 2018-19 to Library Services; Health Department; Animal Services; Planning and Inspections; Emergency Services; Social Services; Department on Aging; Human Services; Orange County Northern Campus Capital Project; and Chapel Hill Carrboro City Schools Projects.

c. Application for North Carolina Education Lottery Proceeds for Chapel Hill – Carrboro City Schools (CHCCS) and Contingent Approval of Budget Amendment #6-A Related to CHCCS Capital Project Ordinances

The Board approved an application to the North Carolina Department of Public Instruction (NCDPI) to release proceeds from the NC Education Lottery account related to FY 2018-19 debt service payments for Chapel Hill – Carrboro City Schools (CHCCS), and to approve Budget Amendment #6-A (amended School Capital Project Ordinances), contingent on the NCDPI's approval of the application.

d. Resolution Acknowledging February 26, 2019, as Spay Neuter Day in Orange County

The Board approved a resolution to make February 26, 2019, "Spay Neuter Day" in Orange County.

e. New Three-Year Interlocal Agreement between Orange County and the Town of Chapel Hill to Continue Joint Funding for the "LAUNCH, Inc." Small Business Incubator

The Board voted to:

- 1) approve and authorize the County Manager to sign a new three-year Interlocal Agreement that renews the County's contractual relationship and joint funding arrangement with the Town of Chapel Hill enabling the tech incubator LAUNCH to continue to provide entrepreneurial services that promote the growth and retention of small businesses; and
- 2) approve the Bylaws of the "LAUNCH, Inc." small business incubator in Chapel Hill that was formed on January 1, 2019 as a new nonprofit organization, which includes authorizing the Manager to serve as an executive board member of the new non-profit (or to designate another County representative to serve in that capacity), thereby joining representatives from the Town of Chapel Hill and the University of North Carolina at Chapel Hill as executive board members.

9. County Manager's Report
NONE

10. County Attorney's Report
NONE

11. *Appointments

a. Adult Care Home Community Advisory Committee – Appointment

The Board considered making an appointment to the Adult Care Home Community Advisory Committee.

DEFERRED

b. Arts Commission – Appointment- DONE AS 4-c

The Board considered making an appointment to the Arts Commission.

VOTE: UNANIMOUS

c. Nursing Home Community Advisory Committee – Appointment

The Board considered making two appointments to the Nursing Home Community Advisory Committee.

DEFERRED

12. Information Items

The Board received the following information items:

- February 5, 2019 BOCC Meeting Follow-up Actions List
- Memorandum Regarding FY2018-19 Capital Investment Plan Information Updates
- Memorandum Regarding Greywater and/or Reclaimed Water Systems
- Memorandum Regarding FY2018-19 Second Quarter Financial Report

13. Closed Session

A motion was made by Commissioner Dorosin, seconded by Commissioner Greene to adjourn the meeting into closed session at 9:56 p.m. for the following purpose:

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

VOTE: UNANIMOUS

RECONVENE INTO REGULAR SESSION

A motion was made by Commissioner Dorosin seconded by Commissioner McKee to reconvene into regular session at 10:10pm.

VOTE: UNANIMOUS

14. Adjournment

A motion was made by Commissioner Dorosin seconded by Commissioner McKee to adjourn the meeting at 10:10pm.

VOTE: UNANIMOUS

Penny Rich, Chair

Donna Baker
Clerk to the Board