

APPROVED 3/19/2019

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

The Orange County Board of Commissioners met in regular session on Thursday, March 7, 2019 at 7:00 p.m. at the Whitted Human Services Center in Hillsborough, N.C.

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

COUNTY COMMISSIONERS ABSENT:

COUNTY ATTORNEYS PRESENT: John Roberts

COUNTY STAFF PRESENT: 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 7:02 p.m.

1. Additions or Changes to the Agenda

Chair Rich said the Planning Commission asked if Item 11c could be deferred. She noted the following items at the Commissioners' places:

- PowerPoint for Items 4b and 5a

Commissioner Price requested to move Item 8-f up to Item 4-a.

The Board agreed by consensus.

PUBLIC CHARGE

Chair Rich acknowledged the public charge.

Arts Moment

Orange County Arts Commission (OCAC) Advisory Board Member Chris Kubica introduced Steven Petrow:

Steven Petrow is an award-winning journalist and book author who is best known for his *Washington Post* and *New York Times* essays on civility and manners, aging and cancer. He was recently named as an opinion columnist for the *USA TODAY* Network. His work has been published in *TIME*, *The Atlantic*, *Salon*, *the Daily Beast*, *the Los Angeles Times* and *The Advocate*. You're likely to hear Petrow when you turn on NPR's "All Things Considered Weekend," or one of your favorite (or least favorite) TV networks (MSNBC, PBS, CBS, Fox and CNN). Petrow is the recipient of numerous awards and grants, including those from the National Endowment for the Humanities, the Smithsonian Institution, the Ucross Foundation, the Virginia Center for the Creative Arts and the National Press Foundation. In 2017, he became the named sponsor of the Petrow LGBTQ Fellowship at the VCCA, a prize that is awarded annually. Petrow, with three degrees from Duke University and the University of California, Berkeley, lives in Hillsborough, N.C.

He read "Three Ways to Practice Civility," a condensed version of a TED talk that he gave in New York in January 2019.

2. Public Comments

a. Matters not on the Printed Agenda

Craig Carter said he received many calls after the joint meeting of the Board of County Commissioners (BOCC) and Fire Departments. He said he wears gloves as he has a nerve disease, and does not feel his hands and feet. He said he thinks that the 911 system is the problem, and does not always relay the information to the proper authorities. He said he talked with Keith Nelson about flooding in the Eno River, which is where he learned that Alamance County would be called in the case of emergency swift water. He said this seemed strange, and he called the Eno Fire Department who told him they had a rubber boat and a paddle. He referred to the possibility of a training facility, and said he would like to see this run through Orange County resources and stakeholders, not Durham Tech. He said Duke owns 7000 acres, and does not pay taxes or fire taxes. He said the State Parks own 4200 acres and also pays no taxes. He said more resources are needed in the northern part of the County.

Nick Jimonoz said he is from the Southern Environmental Law Center, and has comments about the light rail project (LRT). He said the LRT has suffered setbacks since Duke has decided not to support it, but this is just setback and this project has been in the works for 20 years, and there is a lot of support throughout the triangle. He said none of that support goes away just because of another obstacle, and he asked the Board of County Commissioners (BOCC) to continue to support the light rail project.

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 Marcoplos said he attended the GoTriangle cost sharing meeting, which was required to occur due to a substantive change taking place. He said this meeting occurred on Monday, and the BOCC has since received the numbers that were shared. He said costs have increased by \$237million, with the FTA requiring \$60.4 million in additional contingency, based partly on costs of projects around the country; a \$47.8 million inflation adjustment; and more contractor overhead with the monies available for the project being in line with what is going on around the country. He said the Board already passed a resolution that it would not spend anymore than \$149.5 million as the base cost, plus the financing costs. He said the FTA has given their ok to some Transportation Infrastructure Finance and Innovation Act (TIFIA) loans that can be procured at a lower interest rate, which could generate overall savings for the project.

Commissioner Marcoplos said this was a hectic meeting, during which a letter was being composed to Duke asking them to enter into a mediation process, which Duke has indicated it is unwilling to do. He said there will be a work session with Go Triangle Board on Tuesday March 12 at noon.

Commissioner McKee apologized to the Board of County Commissioners for an email, which he sent the Board earlier this week. He said he stands by the points he made in the email, but his tone was accusatory and personal, for which he apologized.

Commissioner McKee said the GoTriangle presentation will occur at the BOCC work session on the 12th, and he petitioned to allow public comment that evening.

Commissioner Price attended the National Association of Counties (NACo) legislative conference, and there is a new app, to collect data on upload and download speeds, called testit. She said there is a big push to get broadband nationwide.

Commissioner Price said the Community and Economic and Workforce Development steering committee continues to push for increases to funding to CDBG and HOME

Commissioner Price said the NACo Justice and Public Safety steering committee passed a resolution to support bail reform, and she also moderated a panel and was able to share what Orange County is doing in this area.

Commissioner Price said the Board received an email about Government IDs being used for voter ID, and she asked if the Attorney had an update.

John Roberts said this did not require Board approval, and is being taken care of administratively.

Commissioner Price said it is important for the County to help people vote in any way it can.

Commissioner Price said she was requested to ask for a proclamation to commend the National Association for the Advancement of Colored People (NAACP) on its 110th anniversary, as well as its anti-lynching efforts.

Commissioner Greene said she will be attending a Climate Reality Corps Conference in Atlanta next week.

Commissioner Bedford said Go Heels!

Commissioner Dorosin said there is a petition to recall several members of the Chapel Hill-Carrboro City Schools' (CHCCS) school board, and the CHCCS Chair, Margaret Samuels, has already resigned. He said the other two officials' terms are up in November, and he sees no reason for the community be put through a recall with the election around the corner. He said this is a poor use of resources: \$84-130,000 for a recall election. He said he loves democracy, but this is an unfortunate way to go. He said he hoped their colleagues on the school board do not appoint people to fill empty seats, but rather wait until the election.

Chair Rich said she agreed with Commissioner Dorosin, and thanked CHCCS Chair Samuels for the wonderful job she has done for Orange County.

Chair Rich said the bill that Commissioner Dorosin spoke about was written in 1994, allowing anyone on the school board to be recalled for any reason. She said this bill should be revisited, as it is no longer applicable in this day and time. She said she spoke to the author of the bill over the weekend, and his intent in writing it was to make a recall difficult.

Chair Rich attended the NACo conference as well, and spent her time meeting with individuals, as opposed to attending meetings. She said she too is frustrated with broadband, and she did not like seeing members of the BOCC in the same room as lobbyists. She said these should be separate meetings. She said the idea of competition continues to be pushed, which does not help the general public.

Chair Rich asked if staff could provide more information about an area in Carrboro at the end of Eubanks Road at Old 86. She said she received an email from a concerned citizen, and there is a petition to change a parcel there from an R1 or R2 into a flex zone. She would like to know what the flex zone means. She said this is a transitional area, and the extra-territorial jurisdictions elect the BOCC members, but the BOCC members do not create the zoning, which creates confusion. She asked if Carrboro could reiterate that it is in charge of zoning in this area, not the BOCC.

Chair Rich said there was a Rogers Road/Greene tract meeting last week, and the sewer project is coming along nicely. She said it is time to think about how to fund the hook up of the homes, and this conversation will occur at an upcoming meeting.

Chair Rich said the Chatham – Orange Work Group met, and Jim Northrup, Chief Information Office, made a presentation on open broadband in Orange, which currently has a circle in northern and southern Orange County. She said the southern circle overlaps into Chatham County, and Jim Northrup is working with Chatham on this issue. She said she

remains concerned that Orange County is not paying attention to this corridor as pertains to transportation. She said more and more people are moving into Chatham County, and the traffic will be horrendous. She urged the Board to be forward thinking about this issue, and petitioned the Board to start doing some planning.

Chair Rich said there are a few meetings next week: Go Triangle will attend the Board of County Commissioners' work session on March 12th; another DOLR partners meeting may be coming up, but no details yet; another work session on April 4th and the discussion of how to move forward on the joint meetings with the Towns.

Commissioner Dorosin referred to the Carrboro item that Chair Rich mentioned, and asked if the Town owns the property in question.

Chair Rich said no, it is owned by a private landowner, and she would like to know more about the "flex zone".

Commissioner Dorosin said it is important to talk with the Town of Carrboro as well, especially in the spirit of One Orange.

Chair Rich said she met with Annette Moore, Human Rights and Relations Director, about the One Orange theme, which will be brought back on April 4th.

Commissioner Price referred to the Rogers Road hook ups, and said it is important for Chapel Hill to be working on this issue, in addition to the County.

Chair Rich said there will be getting an agenda item that will lay out all the costs, including information from Chapel Hill and Carrboro.

Commissioner Price said Chapel Hill took that area in as an ETJ, which makes it eligible for CBDG grants to help with the hook ups.

4. Proclamations/ Resolutions/ Special Presentations

a. Efland-Buckhorn-Mebane Access Management Plan Adoption

The Board considered adopting the 2019 Efland-Buckhorn-Mebane Access Management Plan.

Commissioner Price said she pulled this item off the consent agenda as the public hearing has closed and residents cannot speak. She said many residents are here tonight, and she asked if a decision on this could be delayed. She said there are two historic churches and some cemeteries in this area, and even though there were community meetings, there is still a great deal of confusion and the community needed time to fully understand and be prepared to speak to the issue. She said the community was not ready at the BOCC public hearing, but would like to work with staff to help everyone understand the impacts to their neighborhood. She said it is her understanding that this is not an urgent matter, and a delay should be possible.

Craig Benedict, Planning Director, said the only urgency is that this date was set for a decision. He said there is an existing 2011 access management plan, and this is an update to that. He said a delay may start the process all over again. He said 1000 notices were sent out, and he would have to work with the Attorney's office. He said the specific concern is Buckhorn Road, and a traffic separation study that was brought forward by Mebane to find a way to go over the railroad. He said this is not within the 10-year state transportation improvement program, but rather is an independent study. He said if the study of this overpass proceeds, Orange County has already recommended to the railroad the best alignment that would not affect the church.

Commissioner Price said at this point it is hard to tell what the community members are seeing as detrimental, but the community thinks that the plan will have two of the routes go through family cemeteries.

Craig Benedict said nothing is imminent, and this plan goes from Efland to Mebane. He said the Board could approve the access management plan and work with the

community to provide all information, bring Mebane into the picture, and if the community is not happy staff can pull sections out of it.

Commissioner Price asked if staff could speak to the community prior to the Board voting.

Craig Benedict said he can always talk to the community.

Commissioner Dorosin said the Board could delay it briefly, or alternatively, the Board could approve it and add an addendum letter that lays out the community's concerns.

Commissioner Greene asked if the public hearing could just be reopened.

Nishith Trivedi, Transportation Planner, said there is an appendix to the report that includes the information from the community meeting and letters and responses with the public.

PUBLIC COMMENT:

Reverend Norman Umstead said the community is here tonight because of the recommendations presented at the February 5th meeting. He said there are two historic black churches on Buckhorn Road, and they would like for their community to stay intact. He said all three proposed options run through 3 cemeteries. He said over 141 years of ancestors are buried in these cemeteries, and a flyover will not help when the concrete and steel will be sitting in the middle of the cemetery. He said noting that the plan is not yet definite does not provide much comfort to the community.

Chair Rich asked if John Roberts would lay out some options.

John Roberts said there are two options: approve the plan and anyone who has concerns to send them in writing, which can be appended to the plan; or restart the community process of public hearing, etc. He said the latter option is a long process.

Commissioner Greene asked if there is a reason the process takes so long.

Nishith Trivedi said the process takes so long is because staff sends out 1000 letters to community members; hosts community meetings; goes back through advisory boards such as planning and OUTBoard; and schedules another public hearing in front of the BOCC.

Chair Rich asked if the County must go through the whole process again, or could a public hearing just be opened this evening or at another time.

John Roberts said the public hearing could not be opened tonight, and he will look into whether one can be opened at all.

Commissioner Marcoplos clarified that there will be a time in the process, moving forward, for the community to address its concerns. He asked if this would be as thorough a process as a public hearing.

Craig Benedict said an access management plan is a rudimentary one that begins other processes, and there is nothing within it that is set in stone. He said it is ideas, and if those ideas are infeasible then the alignments will be analyzed. He said addendums can be added to the plan, so that all comments are included, and distributed to all relevant partners. He said opening a public hearing requires for everyone to receive notice.

Commissioner Marcoplos asked if this process could be completed in the next week or two and if acceptable to the community, things could move on, and if not, the Board could make another decision at that time.

Craig Benedict said he can meet with the community in the next few weeks.

Commissioner Dorosin said this item came before the Board a few weeks ago, and the Planning Department had not flagged that these flyovers could potentially adversely affect these churches and cemeteries. He said if the Board had heard this information at the public hearing, it could have had this conversation at that time. He asked if staff had known about these concerns.

Craig Benedict said the access management plan had three options, and staff recommended the option that would have the least impact on the community. He said that recommendation did not mean that staff endorsed that option, and he mentioned the communities' concerns during the public hearing. He said he can meet with the community, document all concerns, and attach them to the report so they are preserved moving forward.

Commissioner Dorosin said going forward it would be helpful for staff to highlight these community-affecting areas when they come up.

Commissioner Greene said another community meeting with staff present would be a good idea.

Craig Benedict said such a meeting could happen at the church.

Commissioner Price said she is in favor of the community meeting, but she is concerned about adopting a plan with addendums as the plan still has a road that will go through this community. She said she would rather have the community and staff sit down together and work out the issues.

Commissioner Marcoplos said he was suggesting that all meet, and if the community is not on board after the meeting come back and take a different path.

Commissioner McKee said he is not sure if this can be done in two weeks.

Commissioner McKee said he, like Commissioner Dorosin, missed the information about the cemeteries during this discussion in the past. He said this would be a serious concern for any church community, and he finds a delay on this vote to be appropriate.

PUBLIC COMMENT:

Reverend Umstead said there will be a community meeting on March 12th at 6:30 p.m. at Mt. Moriah Church, and Craig Benedict can come and share the impacts of this plan on their community.

Craig Benedict said the best option is to remove this element from the plan, have the community meeting and if there is any value of bringing back later, staff can do so with the concurrence of the community.

Nishith Trivedi said staff worked with Mebane on this plan, and provided the traffic separation study along with its vision for the area.

Commissioner Price asked if the portion of the plan is eliminated, does it go from the roundabout up to 70.

Craig Benedict said all that will remain will be the intersection of industrial drive and Buckhorn, and if a road ever were to go out towards the rail area, it would go through this intersection point.

Commissioner Price said if there is an intersection, there are roads going to it.

Craig Benedict said it would not be a roundabout, but rather an intersection point. He said there would be no other alignment points or lines. He said if a developer would come forward, it would have to dedicate additional right of way to accommodate the expected growth in the area.

Commissioner Price asked if this would come close to the cemeteries.

Craig Benedict said the cemeteries are not between the church and the right of way.

Chair Rich said she is hearing that the Board will not vote on this tonight, staff will hold a community meeting, and possibly return with a future agenda item that will remove Buckhorn Road from this.

Craig Benedict said staff can remove Buckhorn Road from the vote tonight, have a community meeting, and come back to the Board when the community is satisfied for it to do so.

Commissioner Dorosin asked if Buckhorn Road can be put back in to the plan at a later point.

Craig Benedict said yes, it can be put back in.

Commissioner Price said she would like to see exactly what is coming off, and delay the vote until next regular meeting.

A motion was made by Commissioner Price, seconded by Commissioner McKee to delay the vote on this item, direct staff to hold a community meeting and then bring this item back with the maps back with the maps at either the last regular BOCC meeting in March (19th) or first BOCC regular meeting in April (2nd).

VOTE: UNANIMOUS

Chair Rich reiterated Commissioner Dorosin's point for staff to highlight any information that greatly affects a community moving forward.

b. Women's History Month Proclamation

The Board considered officially recognizing March 2019 as Women's History Month in Orange County.

Annette Moore, Human Rights and Relations Director, presented this item:

BACKGROUND: Celebration of Women's History Month had its roots in the socialist and labor movements in New York City. The first "Women's Day" took place on February 28, 1909. The day honored the one year anniversary of the garment worker's strikes that had taken place in New York, where thousands of women marched for economic rights. That strike followed another strike that occurred in 1857 when garment workers marched for equal rights and 10-hour work days. Within two years the event grew into an international event. In 1975, the United Nations officially began International Women's Day; which will be celebrated on March 8th this year.

At the inception of Women's History Month, feminists in the United States saw the designation of the month as a way to celebrate a history that had largely overlooked the contributions of women in America. Women's History Month has its origins as a national celebration in 1981 when Congress authorized and requested President Jimmy Carter proclaim the week beginning March 7, 1982 as "Women's History Week." In 1987, the Women's History Month Project petitioned congress to designate the month of March as "Women's History Month." President Ronald Reagan was the first president to proclaim March as Women's History Month.

Currently, local, state and federal governments annually proclaim March as "Women's History Month." Each year the National Women's History Project declares a theme. The 2019 theme is "Visionary Women: Champions of Peace and Nonviolence."

Annette Moore said they have a program scheduled for March 31st with a nationally known speaker, but the contract is not yet in place, so she will provide more information at a later date. She highlighted the following information:

COMMISSION FOR WOMEN
1993 Women's History Month Project
FIRST WOMEN IN ORANGE COUNTY GOVERNMENT

Orange County Criminal Court jury	Edith Baker Giduz	1947
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1 st Women Elected Orange County Official – Register of Deeds	Betty June Hayes	December 1945
1 st Women Orange County Board of Elections	Elaine Wallace	1968
1 st Women Represent Orange County in the General Assembly	Patricia Stanford (Hunt Love)	Appointed in 1970 Elected in 1972
1 st Women Board of Election, Supervisor (Director)	Bobbie Strickland	1969
1 st Women Orange County Commissioner	Flora (Flo) Garrett	December 1972
1 st Women Chair, Orange County Board of Commissioners	Flora (Flo) Garrett	December 1974 – 1976
1 st Women Orange County Deputy Sheriff	Joan Childers	January 1979
1 st Women Orange County Deputy Sheriff (Woman of Color)	Cynthia Mebane	October 1979
1 st Women Board of Election (Woman of Color)	Lillian Lee	1977
1 st Women District Court Judge	Patricia Stanford Hunt	November 1981
1 st Women Clerk of Court	Jean Connerat	Appointed October 1985
1 st Women Clerk of Court	Shirley James	Elected 1986
1 st Women District Court Chief Judge	Patricia Stanford Hunt	November 1989
1 st Women President of the District Court Judge's Conference	Patricia Stanford Hunt	1992-93

FIRST WOMEN IN MUNICIPAL GOVERNMENT CARRBORO

1 ST Women Board of Alderman	Mary Riggsbee	May 1979
1 st Women Mayor	Ruth West	December 1975
1 st Women in Law Enforcement	Phyllis Coates	February 1981
1 st Woman in Fire Department	Doris Sanders	December 1981

CHAPEL HILL

1 ST Women Board of Alderman (Town Council)	Adelaide Walters	1957
Chapel Hill Public Recreation		

Commission (Woman of Color)	Rebecca Clark	Late 1950's
1 st Women in Law Enforcement	Dene Eller	1974
1 st Women Firefighter	Caprice Mellar	1990
1 st Women Town Council	Barbara Powell	Appointed November 1992

HILLSBOROUGH

1 ST Women Planning Board	Marilyn riddle	April 1975
1 st Women Planning Board (Women of Color)	Josephine Holman Long	
1 st Women in Law Enforcement and Women of Color	Judy Jacobs	September 1978
1 st Women Town Council	Rachel Stevens	Early 1980's

FIRST WOMEN IN EDUCATION CHAPEL HILL-CARRBORO PUBLIC SCHOOLS

1 ST Women Board of Education	Mrs. W. D. Toy	1927-1929
1 st Special Education Teacher (and first Women of Color)	Francis Hargraves	1956
1 st Women High School Principal	May Marshbanks	1958-1970
1 st Women Superintendent	Pamela Mayer	1981-1985

ORANGE COUNTY PUBLIC SCHOOLS

1 ST Women High School Principal-Aycock High School	Virgil Warren	1927
1 st Women Board of Education	Emma Sue Loftin	December 1972-1980
1 st Women Chair Board of Education	Kay singer	1988 - 1990

PRIVATE SCHOOLS

1 ST Women to Open a School for Boys and Girls	Mary W. Burke	Estimated 1812
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UNC-Chapel Hill

1 st Women to Earn a Degree	Sally Stockard	1898
1 st Women –Law Degree	Margaret Berry (Street) LLB	1915
1 st Women admitted to Medical School (2 year program)	Cora Corpening	1915

1 st Women graduate School of Pharmacy	Addie Lee Bradshaw (Pegram)	1922
1 st Women Faculty-School of Education	Sallie B. Marks	1927
1 st Women Faculty-Medical School	Margaret Swanton, MD	1948 1968-full professor
1 st Women Editor-Daily Tar Heel	Glenn Harden	1950
1 st Women to earn Medical Degree-4 year	Sara Ann Lippard (Hoyte) Barbara Maynard Moore (Jordan)	1954
1 st Women Dental School Graduate	Zyba Kathryn Massey	1954
1 st Women Law School Faculty	Mary W. Oliver	July 1955
1 st Women Physical Therapy Degree Graduate	Shirley Cloninger (Fisher)	1959
1 st Women Pharmacy School Faculty	Margaret Ann Shaw	1961
1 st Women and Women of Color appointed to an Administrative Level of Clinical Nurse Coordinator in UNC Hospitals	Carolyn B. Jefferson	1969-1990
1 st Women's Studies Program Director	Mary Turner Lane	1977
1 st Women's Studies Program Graduate	Sandra Jo Martin	1979
1 st Women Law School Dean	Judith Wegner	1990

THE FIRST WOMEN IN CAREERS, HONORS AND OTHERS

1 st Public Health Nurse (Women of Color)	Adelia Compton, R.N.	1924-1960
1 st Orange County Women to win Unites States Golf Association's Women's Amateur Championship	Estelle Lawson Page	1937
1 st Women Physician in chapel Hill in Private Practice	Marina Henry	1939
1 st Women UNC Press Director	Kate D. Torrey	1992
1 st Women Realtor and Partner in Real Estate Company	Sara D. Olsen	1954
1 st Recognized Art Therapist		1956-1968

(using finger painting as therapy)	Ruth Faison Shaw	
1 st Women Licensed Attorney to Open a Private Practice in Orange County	Katherine Wright Karen L. Henderson	1969
1 st Women National Democratic Committeewomen from Orange County	Martha McKay	1960
1 st Women of Color to Open a Law Office	Emma Jean Levi	November 1977
1 st Women Licensed Building Contractor – Cazwell Inc.	Carol Ann Zinn	1978
1 st Women Chiropractic Practice	Wanda A. Neville	May 1979
1 st Women Architect Office	Lucy Carroll Davis	1983
1 st Woman to Win Juanita Bryant Citizenship Award for the North Carolina Federation of Women’s Clubs	Francis Hargraves	1987
1 st Women in Orange County to Win the Nobel Prize	Gertrude Elion	1988
1 st Women and 1 st Women of Color from Orange County to serve as Deputy Commissioner of Insurance in the North Carolina Department of Insurance	Arnetta McPherson	
1 st Women NC Federation of Home Demonstration Clubs Home Agent	Grace Holcomb	1935
1 st Women NC Federation Home Demonstration Club Orange County Club President	Mrs. E. C. Compton	1936
1 st Women NC Home Demonstration Club, State President (Clubs desegregated under her leadership) Renamed NC Extension Homemaker’s Association, INC.	Mildred “Billie” Walker	1966
1 st Women of Color Orange County Planning Board	Hazel Lunsford	1977

Annette Moore read the proclamation:

**ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS
WOMEN'S HISTORY MONTH
PROCLAMATION**

WHEREAS, women of every culture, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

WHEREAS, women have driven humanity toward a path of a more equal and just society, contributing in innumerable ways to our Nations character and progress as a people; and

WHEREAS, in the face of discrimination and undue hardship, women have never given up on the promise of America that with hard work and determination nothing is out of their reach even though for so long women were formally excluded from full participation in our society and democracy; and

WHEREAS, women not only led the movement to secure their own rights of suffrage and equal opportunity, but also were leaders in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and especially the peace movement, all movements to create a fairer, more inclusive and progressive society; and

WHEREAS, because of the courage of so many bold women who dared to transcend preconceived expectations and prove they were capable of doing all that a man could do and more, advances were made, discoveries revealed, barriers were broken and progress triumphed; and

WHEREAS, women have made great progress toward achieving gender equality but much work needs to be done while women still earn, on average, less for every dollar earned by a man, are underrepresented in fields of science, technology, engineering and math, and face wider opportunity gaps and structural barriers to achieving success;

NOW, THEREFORE, we, the Board of Commissioners of Orange County, North Carolina do hereby proclaim March 2019 as "**Women's History Month**" and commend this observance to Orange County residents and call upon Orange County residents to celebrate International Women's Day on March 8, 2019, with appropriate programs, celebrations and activities.

THIS THE 7th DAY OF MARCH, 2019.

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

VOTE: UNANIMOUS

Commissioner Dorosin suggested having the list posted on the County website.

c. Update on Skip the Straw Month

The Board received an update on efforts related to "Skip the Straw Month."

BACKGROUND: In October 2018, based on a petition by Commissioner Penny Rich, the BOCC proclaimed March 2019 as “Skip the Straw Month” to recognize and reduce the environmental damage that single use plastic straws cause. Staff will provide an update and progress report on staff and community engagement in follow-up to that proclamation.

Blair Pollock, Solid Waste Planner, made the following PowerPoint presentation:

SKIP THE STRAW

A CAMPAIGN TO REDUCE USE OF PLASTIC STRAWS IN ORANGE COUNTY

Background

- In October 2018, Orange County and the three Towns all proclaimed March 2019 to be “Skip the Straw” Month (and October 2018 was declared ‘Reduce single use plastics month, more generally).
- Solid Waste Staff, with others throughout the County, have organized activities and events for “Skip the Straw” month

What’s Planned

- Two screenings of “Straws”- a film about the environmental impacts of single use plastic straws on the oceans - by NC Filmmaker Linda Booker who will speak at both events. Other speakers are Bonnie Monteleone, Founding Director of the Plastic Ocean Project in Wilmington and Bryant Holsenbeck, Durham-based garbage artist and author of “The Last Straw”.
 March 25 Varsity Theater &
 March 26 Orange County Library
- Recruiting local businesses to pledge to “Skip the Straw”
- Soliciting residents to pledge to “Skip the Straw. Pledge form now available on line at www.orangecountync.gov/skipthestrw
- Collaborating with other County Departments and Towns, mostly through Stormwater Management divisions/departments, other environmental interests and UNC, through Green Games, to amplify the messages
- Advertisements and social media promotions of “Skip the Straw”

List of Businesses Pledging to “Skip the Straw” (as of 3/7)

411 West	La Vita Dolce
Bonchon	Lantern Restaurant
Burns Restaurant	Linda’s Bar and Grill
Caffe Driade	Lula’s
Carolina Coffee Shop	Mediterranean Deli
Mellow Mushroom	Carrboro Pizza Oven
Carrburitos Taqueria	Midici
Cuban Revolution Express	Open Eye Café
Dead Mule Club	Perrenial
Four Corners	Radius
Frutta Bowls	Spotted Dog
Glasshalfull	Squid’s
Hops Burger Bar	The Franklin Hotel
Italian Pizzeria 3	The Root Cellar
Kurama Sushi and Noodle	Trolley Stop Hot Dogs

La Residence

Tyler's Taproom

Poster advertising screenings & pledge site to "Skip the Straw"

The 'Turtle Lot' downtown Chapel Hill with 'straws' (artist's concept)

Commissioner Marcoplos said he read an article on micro plastics, and he petitioned to take water samples of public bodies of water in Orange County to see if microplastics are present.

Commissioner Price said Trader Joe's is going to be decreasing the amount of plastics it uses.

Chair Rich said Laura Leslie gave up single use plastic for Lent, and she challenged the County to give up the single use coffee makers.

Blair Pollock said there are reusable single use k-cups.

Commissioner Marcoplos read the proclamation from last year (part of agenda packet)

**ORANGE COUNTY BOARD OF COMMISSIONERS PROCLAMATION
OCTOBER 2018 – "REDUCE SINGLE USE PLASTICS MONTH"
& MARCH 2019 – "SKIP THE STRAW MONTH"**

WHEREAS, single-use plastics such as straws, cups, utensils, and take-out containers are not recyclable and must be landfilled; and

WHEREAS, single-use plastic bags are recyclable but still cause harm in the environment; and

WHEREAS, single-use plastics remain in the environment indefinitely, harming wildlife, impacting water quality, and diminishing the aesthetic character of the County's outdoor environment; and

WHEREAS, plastics do not biodegrade in the environment, but instead break down into smaller micro-plastics; and

WHEREAS, single-use plastic pollution presents a danger to public health by increasing the pathogens and chemicals in animal tissue, waterways and lowering water quality, requiring significant resources to address; and

WHEREAS, Orange County and the Towns therein wish to recognize National Skip the Straw Month to encourage residents to give up single use plastic straws; and

WHEREAS, Orange County and the Towns therein wish to promote the reduction in the use of ALL single-use plastics by residents and businesses by encouraging reuse and durable alternatives, refusing single-use plastics when offered, and offering compostable or reusable alternatives; and

WHEREAS, Orange County and the Towns therein are known for and committed to social and technical innovation, environmental and waste reduction leadership;

NOW, THEREFORE, we, the Orange County Board of County Commissioners, do hereby declare October 2018 as "Reduce Single Use Plastics Month" and declare March 2019 as "Skip the Straw Month."

This the 16th Day of October 2018.

5. Public Hearings

a. Unified Development Ordinance (UDO) Text Amendments – Enforcement of Nutrient Standards within the Jordan Lake Watershed

The Board considered holding a public hearing and receiving the Planning Board recommendation for UDO text amendments.

Michael Harvey, Current Planning and Zoning Supervisor, presented this item:

PURPOSE: To hold a public hearing, receive Planning Board recommendation, and take action on a Planning Director initiated Unified Development Ordinance (UDO) text amendment. Specifically the amendments eliminate existing nutrient regulations for parcels within the Cape Fear River Basin consistent with a 2017 State law adopted by the legislature eliminating local governments' ability to implement/enforce same to allow for additional study and evaluation. The amendment package also seeks to update references to various State agencies and regulations consistent with the aforementioned law.

BACKGROUND: Orange County currently regulates 'water quantity' (i.e. how much water is leaving a parcel) for non-agricultural land disturbing activities under the general oversight of the North Carolina Department of Environmental Quality (DEQ) as part of its erosion and sedimentation control program.

Enforcement of 'water quality regulations' (i.e. reducing the amount of nutrients) is addressed through the County's stormwater management program which reduces pollution (i.e. nitrogen and phosphorus) within established river basins. This includes parcels located within the Cape Fear River Basin (hereafter 'the Basin'). Nutrient reduction strategies became effective at the State level on August 11, 2009 and were incorporated into the UDO in 2012.

Please refer to Attachment 1 for a map denoting the location of river basins/watershed overlay districts located within the county.

In 2017 the General Assembly chose to delay the implementation/enforcement of nutrient/water quality regulations for parcels within the Basin to allow for additional study. As a result, local governments lost the ability to implement/enforce same.

Analysis: As required under Section 2.8.5 of the UDO, the Planning Director is required to: '*... cause an analysis to be made of the application and, based upon that analysis, prepare a recommendation for consideration by the Planning Board and the Board of County Commissioners*'.

The amendments are necessary to bring the UDO into alignment with current DEQ regulatory requirements related to the implementation/enforcement of nutrient reduction strategies within the Basin. As previously indicated the County no longer has the legal authority to implement and enforce same. This amendment **does not** impact the enforcement of nutrient reduction strategies within the Neuse River Basin or impact the enforcement of water quantity standards (i.e. how much water is leaving a parcel) throughout the county.

A copy of the proposed text amendment is contained within Attachment 4.

Planning Director Recommendation: The Planning Director recommends approval of the Statement of Consistency, as contained in Attachment 3, and the UDO Text Amendment, as contained within Attachment 4.

Planning Board Recommendation: At its January 2, 2019 meeting, the Planning Board voted **9 to 2** recommending **approval** of the Statement of Consistency and the UDO amendment package. Those recommending against adopting the amendment indicated concern that the State was taking too long to address this issue and felt obligated to register their concerns.

An excerpt of the approved minutes from the January 2, 2019 meeting, as well as the Planning Board's approved Statement of Consistency, are contained within Attachment 2.

Michael Harvey made the following PowerPoint presentation:

PUBLIC HEARING – ITEM 5 (A)

Unified Development Ordinance (UDO) Text Amendment – Nutrient Standards within the Cape Fear River Basin

Background

- County regulates stormwater from 2 different perspectives:
 - **Water Quantity (how much water is leaving a parcel).**
 - **Water Quality (reducing the amounts of nutrients)**
 for non-agricultural land disturbing activities.
- Oversight responsibility of NC Department of Environmental Quality (DEQ)
- Enforced by County Engineering and Erosion Control division.
- Stormwater regulations enforced within County planning jurisdiction (i.e. outside municipalities).
- 'Water Quality' regulations (i.e. nutrient reduction strategies) adopted by the State for Cape Fear River Basin on August 11, 2009.
 - **Implementation/enforcement delayed until 2012.**
 - **Also referred to as 'the Jordan lake Rules'**
- Incorporated into UDO in June of 2012.

Basins (map)

What Happened

- In 2017 General Assembly delayed implementation and/or enforcement of nutrient reduction standards in the Cape Fear River Basin to allow additional study
 - **STAFF COMMENT:**
 - State action **did not/does not** impact enforcement of standards (i.e. water quantity and quality) in the Neuse.
 - Does not eliminate enforcement of water quantity standards in the Cape Fear River Basin.
- Study being completed by DEQ, with involvement UNC, and other partners.
- Final rules should be ready by 2022.

What does this mean?

- Local governments have lost ability to implement/enforce nutrient reduction strategies within the Cape Fear River Basin.

- Amendments are necessary to bring UDO into alignment with current DEQ regulatory requirements.
 - **STAFF COMMENT:** Once new rules are adopted at the State level, those rules will be incorporated into the UDO with a future text amendment.

Proposal

- Amend UDO to eliminate nutrient reduction strategies/standards for parcels located within the **Cape Fear River Basin** only.
 - **STAFF COMMENT:**
 - County does not have authority to enforce water quality standards based on current State law;
 - Continued reference to standards in the UDO exposes County to potential litigation;
 - Once new standards are adopted, they will be incorporated into UDO.

Planning Board Recommendation:

- At its January 2, 2019 regular meeting, Board voted 9 to 2 recommending approval;
- Those voting against indicated they were concerned the State was taking too long to address issue.
 - **STAFF COMMENT:** Staff understands concern. Unfortunately County's legal ability to adopt, implement, enforce these standards has been eliminated.
 - The UDO needs to be updated to reflect current State law.

Recommendation

The Manager recommends the Board:

1. Receive the proposed amendments;
2. Conduct the public hearing and accept comment;
3. Close the public hearing. (Note that, because this is a legislative decision, additional comments at a later date are permitted); and
4. Decide on one of the following options:
 - a. Adopt the proposed amendments by approving the Statement of Consistency (Attachment 3) and Ordinance (Attachment 4).
 - b. Defer a decision to a later BOCC regular meeting date.
 - c. Refer the item back to the Planning Board for a specific purpose.

Commissioner Dorosin asked if this means that there are no actual nutrient reduction strategies in place until state makes new rules.

Michael Harvey said yes. He said nutrient reduction can be encouraged but not compelled, and staff can certainly applaud those who chose to do the right thing.

Commissioner Marcoplos asked if staff will do a PSA on this, and list the people that did the right thing.

Michael Harvey said yes.

Chair Rich said it is important to encourage folks to do the right thing.

Commissioner McKee said this does not mean the DENR has closed their doors and gone home.

Michael Harvey said yes they are likely equally frustrated, and for them it is a catch 22.

Public Comments:

NONE

A motion was made by Commissioner Dorosin, seconded by Commissioner McKee to close the Public Hearing.

VOTE: UNANIMOUS

A motion was made by Commissioner Dorosin, seconded by Commissioner Greene for the Board to adopt the proposed amendments by approving the Statement of Consistency outlined in Attachment 3 and the Unified Development Ordinance as outlined in Attachment 4.

VOTE: UNANIMOUS**6. Regular Agenda****a. Broadband Initiatives Update and Approval of Proposed Agreement with Open Broadband for Wireless Broadband Appurtenances on County Facilities**

The Board received an update on the County's current broadband initiatives and a timeline of relevant events; and considered voting to approve and authorize the Manager to sign the agreement thereby allowing Open Broadband, LLC no cost access to County facilities for the purpose of appropriately attaching equipment in order to provide broadband services to rural Orange County residents.

Jim Northup, Chief Information Officer, presented this item. He called attention to the information below:

BACKGROUND:**BROADBAND INITIATIVES UPDATE**

Since 2014, Orange County Information Technologies (IT) has been tasked with working toward improving broadband technology for Orange County residents. Many of the tasks below were accomplished through collaboration with residents, business partners, State and local representatives, government agencies, and towns.

Orange County IT has been administering the Open Broadband contract with an eye toward ***first customer sign ups in April-May of 2019***. Some of the key deliverables from now till then:

- continue reviewing Open Broadband Project financials (County)
- negotiating tower agreements (Hillsborough / Open Broadband)
- negotiating tower agreements (Orange County / Open Broadband)
- field verification of Open Broadband equipment purchases and configurations

The largest current initiative currently underway is the \$500,000 Broadband Initiative, whereby the County sought Request for Proposals (RFP) from Internet Service Providers (ISPs) on how to improve broadband in both unserved and underserved areas in Orange County. The Request for Proposals was released in January of 2018. The intent was to find a vendor that could improve broadband speed and services in the rural areas of the County.

A larger initiative in terms of dollars, but at this time only tangentially related to broadband, is the County's Fiber Project Phase 1. Currently, the County is partnering with the Town of Hillsborough in order to reduce costs for both parties. The County and Town are currently in the process of vendor selection after successfully releasing an RFP in November 2017. Phase 1 was funded in Fiscal Year 2017-18, and Phases 2 & 3 are planned in upcoming fiscal years.

Once complete, this project will connect County buildings from Cedar Grove to Carrboro and have fiber running east-west along the Highway 70 corridor connecting from the Efland Cheeks Community Center to points close to the Durham County line. The excess dark fiber will be available to other organizations and individuals outside of Orange County Government for both broadband and economic development purposes. This project is currently waiting for Town of Hillsborough Board of Commissioners approval.

County IT staff has also attended and presented at multiple community meetings. Orange County IT attended and presented at the Schley Grange along with Internet Service Providers and State representatives, including NC House Representative Graig Meyer.

Information Technologies has also been acting as a clearinghouse for all resident broadband service issue concerns. Typically, staff responds to every Orange County resident email and call personally and tries to facilitate solutions between residents and ISPs while at the same time setting realistic expectations. Often this is simply a matter of connecting residents with the right person in the ISP's organization and, after making introductions, checking back in to ensure that all parties are communicating effectively.

Jim Northrup said phase 2 of this endeavor will focus on the southern portion of the County, and Chatham County. He said including parts of Chatham County is an engineered solution that was contracted with this vendor to do. He said he has spoken with Chatham County twice, who is looking to put some towers in northern Chatham County, which will bleed over into Chapel Hill. He said this should be a reciprocal relationship.

Timeline of Relevant Events Past, Present and Future (Reverse Chronological Order)

- **October 2021** – A 36-month pilot project will be complete and the Manager and staff will offer a final report to the Board
- **September 2019** – Potential Phase 2 start date.
- **May - July 2019** – Verification of service across the entire Phase 1 area. Customers will be getting signed up and service delivered.
- **April 2019** – First Phase 1 customer will be signed up proving that initial equipment setup is working
- **March 2019** – Manager requests Board approval for Open Broadband tower agreement
- **October 2018** – Contract with Open Broadband was executed and the six-month clock to sign up the first customer and have them working begins.
- **September 2018** – Board approved awarding grant funds to Open Broadband.
- **May 2018** – RFP is advertised as per the County Attorney's recommendation.

- **March 2018** – RFP vendor(s) selection commences
- **January 2018** – Broadband RFP closes and vendor interviews commence
- **November 2017** – County solicits Broadband Request for Proposals (RFP)
- **June 2017** – \$500k for broadband incentives approved in County budget
- **Late 2016** – County works with Representative Graig Meyer to set meeting with CenturyLink. This meeting paved the way for CenturyLink to provide budgetary numbers for improving broadband in its service area and those numbers were used as a base number for the FY 2017-18 \$500,000 Broadband Incentive.
- **September - December 2016** – IT met with Federal Engineering and Emergency Services to discuss the positive impact proposed telecommunications towers may have on broadband services in rural Orange County. It was requested at that meeting that approximately 15' of vertical strata be reserved for placement of 3rd party wireless broadband equipment on any new towers to be constructed by Orange County. Discussions also included how both the County's telecommunication and fiber plans have synergies that may decrease long range costs and offer a more secure and reliable fiber connection to each proposed tower location.
- **July 2016** – Former Governor Pat McCrory released the NC broadband strategy report. No funding identified within this report for broadband improvements.
- **May 2016** – The County's public network buildout was completed in downtown Hillsborough and all County-occupied buildings.
- **March 2016** – WiFi-to-Go pilot began via collaboration by IT and the County Library.
- **March 2016** – The State assisted Orange County with identifying vertical assets - understanding the location and availability of county-wide vertical assets is important to businesses that want to bring wireless internet services into Orange County.
- **December 2015** – An ISP meeting on State/County collaboration occurred.
- **Late 2015** – The Orange Public + Education Network (OPEN) formed to foster collaboration and cost-sharing among Orange County and its municipalities.
- **August 2015** – The County's Broadband Survey closed.
- **June 2015** – The County's Broadband Survey was released.
- **April 2015** – The Broadband Initiative resident group was formed.
- **November 2014** – The Manager directed County staff to make a concerted effort to engage residents in broadband discussions.
- **June 2014 – January 2016** – Orange County leveraged its relationship with Time Warner resulting in Time Warner extending its wireless hotspots network throughout downtown Hillsborough and into Fairview and Cedar Grove Parks. Prior to the County's contact, Time Warner reported it was only going to deliver hotspot services to Durham and Chapel Hill. This service allows any individual to connect wirelessly throughout downtown Hillsborough and the parks for free.
- **2011** – North Carolina House Bill 129 barred governments from using public funds to become Internet Service Providers.
- **2010** – The Federal Communications Commission (FCC) publishes its National Broadband Plan.
- **2010** – MCNC (Microelectronics Center of North Carolina) awarded federal funds for middle-mile network in rural NC.
- **2009** – The US Recovery and Reinvestment Act stimulus bill included a provision to make loans to states for the purpose of broadband.

PROPOSED AGREEMENT WITH OPEN BROADBAND

In Fiscal Year 2018 funds were budgeted to create a scalable broadband solution to foster innovation, drive job creation, stimulate economic growth, and serve new areas of development in the community and also to provide a flexible menu of retail services that offers new or enhanced service to rural Orange County residents.

In Fiscal Year 2019 Open Broadband, LLC and Orange County entered into a public-private partnership to provide broadband Internet services to residents in the rural areas of Orange County. The attached agreement works toward those purposes by continuing to partner with Open Broadband by allowing them to place communications equipment on a vertical assets owned by Orange County, i.e., the communications tower at 510 Meadowlands. This agreement will have a 36-month duration in an effort to co-term it with the larger Open Broadband three-year pilot project currently underway. Prior to renewal, and similar to the pilot project, it will be re-evaluated for economic viability with no obligation for continued County support beyond what is stated in the attached agreement.

A motion was made by Commissioner Price, seconded by Commissioner Bedford for the Board to approve and authorize the Manager to sign the agreement thereby allowing Open Broadband, LLC no cost access to County facilities for the purpose of appropriately attaching equipment in order to provide broadband services to rural Orange County residents.

VOTE: UNANIMOUS

b. Proposed Formation of a Climate Committee

BACKGROUND: At the January 29, 2019 Assembly of Governments meeting, Commissioner Mark Marcoplos presented an update from the Climate Change Ad Hoc Committee. The Ad Hoc Committee is a group of elected officials who came together in the fall of 2018 in the wake of hurricane season to explore opportunities to accelerate collaborative action on climate change. The members of the ad hoc committee are: Council Member Rachel Schaevitz (Chapel Hill), Aldermen Sammie Slade (Carrboro), Commissioner Jenn Weaver (Hillsborough), and Commissioner Mark Marcoplos (Orange County). The Ad Hoc Committee presented a report outlining relevant climate change commitments and highlighted climate change mitigation actions from each of their jurisdictions.

During the discussion of the report, Ad Hoc Committee members confirmed that climate change was a top priority for all of their respective Boards and expressed a desire to establish a more formal and inclusive committee as soon as possible. The members suggested that that a newly-formed committee should be supported by staff and include representatives from both school systems, the University of North Carolina, and include input from County residents. It was acknowledged that the composition and charge for the new committee would need to be discussed and approved by the boards of the constituent jurisdictions.

Commissioner Marcoplos presented this item. He said a potential addition to the list is UNC Hospitals. He said the BOCC will approve this, and then it will go to other governments for them to approve and amend.

Commissioner Marcoplos said Brennan Bouma, Sustainability Coordinator, will be the head staff person.

Chair Rich said yes, since Carrboro and Hillsborough did not have a director. She said the Sustainability Director from Chapel Hill, as well as the schools, will also be involved.

Chair Rich said the boards would appoint the elected officials, and those elected officials would find the other staff to be on this committee. She said the BOCC will determine tonight if it is comfortable with this initial group, and if so, the initial group would reach out for the others.

Commissioner Marcoplos said Brennan Bouma was happy to contact all those on the list, as well as Orange Water and Sewer Authority (OWASA's) sustainability director.

Commissioner Price asked if thought was given to including Mebane.

Commissioner Marcoplos said his personal feeling is once there is a relationship they invite Mebane.

Commissioner Dorosin asked if Mebane has a sustainability director.

Brennan Bouma said he does not think so.

Commissioner Marcoplos said neither does Hillsborough.

Chair Rich said staff can reach out to Mebane.

Commissioner Dorosin said he would like to know how these groups got picked for this proposed committee, as there is no provision for outside residents to participate. He clarified with Commissioner Marcoplos that the County, towns and schools pick their people and those people reach to other groups. He asked if there is a process for members to be chosen, and if the Board of County Commissioners only nominates its own member and no one else.

Commissioner Marcoplos said that is his thought, and he sees this as a start. He said they will consider ways to bring in more people down the line and start with a group to get this going.

Commissioner Dorosin said he wonders if this committee will get too large, and he would be more comfortable to have 4 other slots, to which people can apply or have local governments pick a slot.

Commissioner Marcoplos said it is already a big committee, with two competing goals: bring in as many people as possible, to make it strong; and move quickly.

Commissioner Dorosin said they can start the committee, and then add more.

Commissioner Marcoplos said they talked about sub-committees. He said this list includes representatives of fairly large constituencies or organizations, and Commissioner Dorosin's suggestion sounds like 4 ombudsmen.

Commissioner Dorosin said at large members, not ombudsmen, because if one is not a member of these groups, one cannot currently get involved. He said it seems more exclusive than it needs to be.

Commissioner Price asked if the Commission for the Environment (CfE) will be involved in this process.

Commissioner Marcoplos said yes.

Brennan Bouma said he and two Department of Environment, Agriculture, Parks and Recreation (DEAPR) staff provide support for the CfE, and this committee would meet and come back to elected boards and advisory boards in between meetings, which would include input from others without the size of the board being unmanageable.

Commissioner Price said there is no representation from immigrant groups or populations

Commissioner Marcoplos said that could happen with the additional 4 slots.

Commissioner Green asked who would name these at large positions.

Chair Rich said the Climate Committee would get recommendations from the Towns on the 4 at large positions. She said staff would be directed to pull composition together for the towns.

Commissioner Marcoplos respectfully requested that the other governments resolve this at their next meetings.

Travis Myren said at the next meeting, or earliest time practical.

Commissioner Marcoplos said he would like to be the BOCC member.

A motion was made by Commissioner Price, seconded by Commissioner Marcoplos for the Board to approve the formation of a Climate Committee, review and approve the following membership composition.

Organization	Representatives	#
Orange County BOCC	Sustainability Director, Commissioner	2
Hillsborough	Designated staff, Commissioner	2
Carrboro	Sustainability Director, Alderperson	2
Chapel Hill	Sustainability Director, Council person	2
CHCCS	Sustainability Director, Board member, student	3
OCS	Designated staff, Board member, student	3
UNC	Sustainability Director, Student	2
OWASA	Sustainability Director, Board member	2
CH-Carrboro NAACP	Representative, youth	2
Northern Orange NAACP	Representative, youth	2
Orange/Chatham Sierra Club	Representative	1
NC Cooperative Extension	Representative	1
Durham Tech	Representative, student	2
UNC Hospitals	Representative	1
At- large (appointed by Town of Chapel Hill)		1
At- large (appointed by Town of Carrboro)		1
At – Large (appointed by the Town of Hillsborough)		1
At- Large (appointed by Orange County)		1

Total	31
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VOTE: UNANIMOUS

A motion was made by Commissioner Price, seconded by Commissioner Greene to appoint Commissioner Marcoplos to serve as the BOCC representative to the Climate Committee.

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 McKee, seconded by Commissioner Price 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 25, February 12 (Fire Depts.), February 12 (Schools) and February 19, 2019 as submitted by the Clerk to the Board.

b. Motor Vehicle Property Tax Releases/Refunds

The Board adopted a resolution, which is incorporated by reference, to release motor vehicle property tax values for six taxpayers with a total of six bills that will result in a reduction of revenue in accordance with NCGS.

c. Property Tax Releases/Refunds

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

d. Applications for Property Tax Exemption/Exclusion

The Board considered three untimely applications for exemption/exclusion from ad valorem taxation for three bills for the 2018 tax year.

e. Establish New Date for Advertisement of Tax Liens on Real Property

The Board agreed to modify the date of the tax lien sale advertisement previously set and approved by the Board from March 20, 2019 to on or about April 3, 2019.

f. Efland-Buckhorn-Mebane Access Management Plan Adoption- MOVED TO ITEM 4-a

g. Request for Road Additions to the State Maintained Secondary Road System for Oak Crest Drive, Booth Road Extension, Ridge View Lane, and Cedar Run Lane in Oak Crest 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 Oak Crest Drive, Booth Road Extension, Ridge View Lane, and Cedar Run Lane in Oak Crest Subdivision to the State Maintained Secondary Road System.

h. Request for Funding Assistance – Triangle Land Conservancy, and Approval of Budget Amendment #6-B

The Board agreed to providing \$109,260 in grant funding assistance to Triangle Land Conservancy for the purchase of a 60-acre Buzzlitz property adjoining Triangle Land Conservancy's George and Julia Brumley Family Nature Preserve, and approved Budget Amendment #6-B and authorized the Manager to sign.

i. Amendment to the Civil Rights Ordinance

The Board adopted a resolution, which is incorporated by reference, approving an amendment to the Orange County Civil Rights Ordinance, Orange County Code of Ordinances § § 12-17(e) and 12-18(l).

j. Greene Tract Southern Access Driveway and Approval of Budget Amendment #6-C

The Board approved funding of \$35,000 for the installation of the Greene Tract southern access driveway and to approve Budget Amendment #6-C.

k. Lease of Office Space for Orange County Departments and Approval of Budget Amendment #6-D

The Board approved one year leases for office space within Major Business Forms (1510 Highway 86 North) and the Sinclair Building (105 West Corbin Street – suite 103); authorized the Chair to execute the leases following review and approval by the County Attorney; and approved Budget Amendment #6-D reallocating \$150,000 from Capital Reserve funds to the General Fund (Asset Management Services) to cover the costs of office space leases during remediation work at the Link Building in Hillsborough.

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 appointments to the Adult Care Home Community Advisory Committee.

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

- William Lang for the At Large position #9 for a First Full Term ending 03/31/2021.
- Bill Morgan to the Adult Care Home Community Advisory Committee for the At-Large position #10 for a one-year initial term ending 03/07/2020.

VOTE: UNANIMOUS

b. Nursing Home Community Advisory Committee – Appointment

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

A motion was made by Commissioner Greene, seconded by Commissioner Price to appoint the following to the Nursing Home Community Advisory Committee:

- Position 1 for Martha Bell – At Large for a second full term ending 01/31/2022.
- Position 2 for Bill Morgan – At Large for a one year training term ending 02/19/2020.

VOTE: UNANIMOUS

c. Planning Board – Appointment

The Board considered making two appointments to the Planning Board.

Planning staff contacted the Clerk late this afternoon and said at their Planning Board meeting last night, the Planning Board did not make a recommendation on the Table of Permitted Uses UDO amendment and will hold a special meeting on March 20th to further consider the matter (the hang up is language James Bryan added to the text earlier this week, not the concept in general).

The Planning Board requested that the existing members be allowed to continue on the Board until this long-term project is completed. There is precedence for this on both the Planning Board and other advisory boards. Since appointments are on tonight's BOCC agenda, Planning staff is requesting that the BOCC:

1. Delay making appointments until the current project is completed.

John Roberts said no language is needed, as the membership of this board is not controlled by policy, but by the Unified Development Ordinance (UDO), which says members will continue until their appointments take their seats.

Donna Baker said positions number 1 and 10 are just reappointments, which can go through. She said positions 2, 6 and 8 are open.

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

- Position 1 for Adam Beeman – Cedar Grove Township for a first full term ending 3/31/2022.
- Position 10 for Kim Piracci – Eno Township for a second full term ending 3/31/2022.

VOTE: UNANIMOUS

Other positions were deferred and hopefully will be brought back by May 1st.

12. Information Items

The Board received the following information items:

- February 19, 2019 BOCC Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis
- Tax Collector's Report – Measure of Enforced Collections
- Tax Assessor's Report – Releases/Refunds under \$100

Chair Rich made reference to Commissioner McKee's petition earlier this evening about adding public comment to the BOCC work session on March 12th, and asked if John Roberts would respond.

John Roberts said the Board can notify the public that it will be allowed to speak, if that is how the Board chooses to proceed.

Commissioner McKee said he does not know that voting to allow public comment is necessary. He said he wants to allow anyone to have the opportunity to speak, should one so choose.

Commissioner Marcoplos asked if the comment period could be limited to 45 minutes.

Commissioner Dorosin said if the Board chooses to allow public comment, then the public needs to be notified.

Chair Rich said her concern is that 30 people will come to speak, but it is a work session and she does not want to hear repetitive comments. She said the Board does not yet even know that which will be discussed about light rail.

Commissioner McKee said his own comments will be repetitive, and Chair Rich is right that most of the public comments will be repetitive; however, because this is a divisive discussion, it is important to insure that everyone has a chance to be heard. He said if there are a large number of people, then a time limit can be imposed.

Commissioner Marcoplos said the Board is likely to make a decision on this issue in the next week or two, and the public will hear new information at the work session and could make public comment at the next regular meeting. He said the Board should hold the work session, and let the public speak at the next meeting where the issue is addressed.

Commissioner Price asked if there is a sequence in place after the work session occurs.

Commissioner Marcoplos said he is not sure, and there is no way to predict at this time.

Commissioner Price said Commissioner Marcoplos said the issue would be addressed at a later meeting, and wondered if that meeting date is known, or a process set in place already.

Commissioner Marcoplos said the public can always come to the next regular meeting and speak to the item under "public comments on items not on the agenda."

Travis Myren said staff will not have an updated financial model for March 12th, and the work session is just an opportunity to catch the Board up on recent information. He said the updated financial model will be available no earlier than March 19th, with the soonest vote being needed by April 2nd, at the earliest.

Chair Rich said the reason GoTriangle is coming on March 12th, is that it was the closest meeting available, and the fact that it fell on a work session was unintentional. She said the information that will be presented is all public knowledge. She said it would be nice to have open conversation at the work session.

A motion was made by Commissioner McKee, seconded by Commissioner Bedford to allow public comment after the GoTriangle presentation on the Light Rail March 12th.

Commissioner Dorosin said given what Travis Myren said he would be in favor of not having public comment on the 12th, but wait until the 19th.

Commissioner Greene agreed with Commissioner Dorosin and asked if Chair Rich has the discretion to limit the length of time the public can speak.

Chair Rich said this has been a previous discussions about this, but the Board has always kept the 3 minute rule.

Commissioner Greene asked if, in the midst of a meeting, does Chair Rich have the discretion to shift gears if there are 100 people in the room.

Chair Rich said not.

Commissioner Dorosin said the Board could vote at the meeting to make an adjustment.

Chair Rich said she has concerns about having public comment at the work session, as it seems the content will not warrant further conversation at that time. She said there will be opportunity for public comment a week later. She said she also has concerns about changing their processes, and work sessions do not allow for public comment.

Commissioner McKee said the Board has done it before.

Chair Rich asked if this public comment occurred at a particular point in a meeting.

Commissioner McKee said after a presentation had been made.

Commissioner Price said the Board was discussing the renovations of the Cedar Grove Community Center and people from the community were allowed to speak, per the invitation of the Chair. She said it was a discussion and exchange, and a bit different from this situation.

Chair Rich agreed, and said LRT has been discussed for years, and the public has always had the opportunity to speak.

VOTE: yeas, 1 (Commissioner McKee); nays, 6

Commissioner Marcoplos said there is an excellent article in a recent edition of Governing Magazine about small affluent groups being highly participatory in government issues, which the governing officials take as the general consensus, as opposed to seeking out the opinions of a wider sample of the public. He said it was a very thought provoking read.

Commissioner McKee said this same thing happened two hours ago, and had the group not made the Board aware of the historic churches and cemeteries, the Board would have likely passed the plan without question or comment. He said it is not just limited to the involvement of the affluent. He said when a group shows up en masse, the conversations usually change course.

Commissioner Price said this was a little bit different, and with LRT the public will have the opportunity to speak on the 19th.

13. Closed Session

A motion was made by Commissioner Dorosin, seconded by Commissioner McKee to adjourn into closed session at 9:31 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 McKee, seconded by Commissioner Dorosin to reconvene into regular session at 10:10 p.m.

VOTE: UNANIMOUS

14. Adjournment

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

VOTE: UNANIMOUS

Penny Rich, Chair

Donna Baker
Clerk to the Board