

APPROVED 10/1/2019

**MINUTES
BOARD OF COMMISSIONERS
REGULAR MEETING
September 3, 2019
7:00 p.m.**

The Orange County Board of Commissioners met in regular session on Tuesday, September 3, 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, Sally Greene, Earl McKee, Mark Marcoplos, and Renee Price

COUNTY COMMISSIONERS ABSENT: Commissioner Dorosin

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 7:13 p.m.

1. Additions or Changes to the Agenda

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

- 5-a: Additional Information
- PowerPoint for Item 6-b
- 11-a: Email from Commissioner Greene

PUBLIC CHARGE

Chair Rich acknowledged the public charge.

Arts Moment

Katie Murray, Arts Commission Director, introduced David Menconi:

2019 Piedmont Laureate David Menconi is a music critic and arts reporter, formerly at the Raleigh News & Observer, where he was a staff writer for 28 years. He has also written for Rolling Stone, Billboard, Spin, New York Times and salon.com. He has published three books with a fourth, a music history of North Carolina, to be published by University of North Carolina Press in 2020. He is also co-editor of the American Music Series for University of Texas Press and hosts a weekly radio show about the music of North Carolina, "That Old North State Radio Hour" on WCLY/95.7FM. He holds a Master's degree in journalism, and lives in Raleigh.

David Menconi described the Piedmont Poet Laureate process, and his activities in this role. He highlighted the efforts of Orange County towards promoting the arts.

2. Public Comments

a. Matters not on the Printed Agenda

Tod Puckett is from Rougemont, and said he has three considerations on the gun ordinance: on this issue, is it a noise problem or a safety problem? He said if it is a noise problem, that is simply a byproduct of country living; and if it is a safety issue, he asked if there

are other ordinances on the books that can be enforced. He said residents are seeing more density in the rural areas, and maybe new developments can add more buffers.

Kevin Poole expressed his opposition to any ordinance that imposes on gun rights. He said some residents may not be able to afford to join a shooting range. He suggested that, if ordinances are put in place, Orange County create a public shooting range.

Riley Ruske said he has a citizen's petition, which is presented under the protection guaranteed by the first amendment to the US Constitution for the right of the people to peaceably assemble and to petition the government for the redress of grievances. He petitioned the Board of County Commissioners (BOCC) to start every meeting with the US pledge of allegiance, asking all in attendance to stand, face the flag, place their right hand over their heart, and have all men remove their hats. He highlighted the positive impacts of instituting this practice.

Chair Rich said the petition will be taken through the Agenda Review process, and staff will be in touch.

Luis Guarda said he is here to represent the Constitution of the U.S., and to do his duty as a citizen. He said he is a naturalized citizen, and defended the Constitution in the armed services against enemies foreign. He said tonight he is defending the Constitution against enemies domestic, in the form of this ordinance. He said the second amendment must be protected, and this ordinance is an attack on the Bill of Rights.

Diane Gentile said she is here about the noise ordinance, and she said she travels alone and what concerns her is the lack of ability to be able to protect herself. She said this ordinance would attack existing traditions, as well as forcing her to go out of County to maintain her firearm skills.

Wendy Fontela said she would like to speak about the meetings regarding firearms ordinances, and said she also is presenting a citizen's petition, which is presented under the protection guaranteed by the first amendment to the US Constitution for the right of the people to peaceably assemble and to petition the government for the redress of grievances. She petitioned the BOCC to conduct all meetings regarding firearms ordinances in open session, allowing public comment. She said closed meetings, or meetings that do not allow public participation, are not justifiable. She said the BOCC is committed to transparency, and it must uphold that commitment.

Chair Rich said the petition will be taken through the Agenda Review process, and staff will be in touch.

Neal Galloway said he has a berm on his property, and he does gun shooting. He said the two main considerations are safety and courtesy. He said safety is addressed by the berm, and courtesy comes down to how long one is shooting, and what one is shooting. He said he has been shooting for 50 years, and never shoots longer than 90 minutes. He said no law tells him to do this, but courtesy does. He said he does not shoot on Sunday. He said he hopes shooters will respect the value of courtesy, as shooting is a worthwhile pastime.

John Preyer said he lives in White Cross, and has 50 acres. He said he enjoys recreational shooting on his property, and opposes any restriction on the discharge of firearms. He said if the BOCC feels passionately on this issue, he hopes it will boldly publicize it in order to make its intent public and clear.

Lauren Resnick said she and her husband shoot on their property; and she needs to be able to defend herself. She said the BOCC is chipping away their second amendment rights, and she is opposed to any restrictions. She said this ordinance cannot be properly enforced, and would be unrealistic.

Chad Resnick said he is against any restrictions on the discharge of firearms on his property. He said he is not against common sense noise ordinances.

Norman Kirby said it is unreasonable for the BOCC to say he cannot shoot a gun on his property, and it is unrealistic to say one has to have 90 acres, and a 30-foot berm in order to shoot.

Dwayne Mitchell said he and his family shoot on his property, and is the reason the BOCC is receiving so many calls about shooting noise. He said his family has a 40-foot berm built around a 10-acre lot. He said he and his family shoot every Thursday, with the help of an instructor, and trains all members of the family to learn to shoot. He said his family has set up all necessary measures to shoot safely, and the Orange County Sheriff's department comes to the property every Thursday, and has seen how the family shoots, and how the range is set up. He said his family has respected all the rules and regulations of Orange County, and those living near him should have looked into those regulations before moving to the area. He opposes any changes to the ordinance.

James Minor said he is a Veteran, and is against any restrictions on shooting. He said he has been shooting since he was 14 years old. He said not everyone can afford to go to a shooting range. He said he and his family shoot every week on their property, and they moved to the country in order to be able to hunt, fish and shoot guns, and as long as it is done in a safe manner, they should be left alone. He said if people do not like the noise, then they should stay in the city.

Wayne Mitchell said he is against any changes in the ordinance. He said his family used to shoot on a daily basis, but restricted their shooting to Thursday evenings to respond to the complaints raised by neighbors. He said his family follows all rules and regulations, and the BOCC should not chip away at rights.

Regina Merritt is the mother of the men that just spoke against any changes, and she said they have lived in their neighborhood for over 60 years, and her extended family has lived there for over 100 years. She said the people that are complaining never voiced any concerns to her family personally, and it is simply unfair. She said they have been doing this for years, and had no problems. She said there are berms all over their neighborhood, and it is safe for her family to shoot. She invited the BOCC and any neighbors to come see the property to understand how safe it is. She asked the BOCC to respect that her family has lived in this neighborhood far longer than anyone else, and allow the family to be a part of BOCC conversations.

Carol Edmonds said she lives in the County, but the neighborhood she is in now is densely populated. She said there is a lot of shooting that goes on in her neighborhood at all hours of the day and night, and she is in favor of any regulation in dense neighborhoods like hers.

Gary Clark said the average overpass on the Interstate is 13 feet 10 inches tall, and residents are being asked to build a berm that is 3 times that height. He said this is both expensive and an eyesore. He said James Madison wrote the first 10 amendments in a thoughtful manner, and the rights of the people are of higher importance than government rights.

Stanley Washburn said the Board of County Commissioners should not be involved, and neighbors should work this out themselves. He said the Sheriff cannot always respond as quickly as necessary to rural areas, and thus landowners need to be proficient in self-protection. He said maintaining firearm skills is an important part of that self-protection. He said he is shocked that this conversation has risen to the BOCC. He said he fought to protect the rights of US citizens, and those that choose to live in the Country should be allowed to shoot and use their land as they see fit.

Steve Kirby said this is a backdoor approach to infringing on the second amendment, and this is not a gun problem, it is a prosecution problem. He said Durham released a large number of gun offenders back into the population.

Jennifer Woods said she lives on 20 acres in northern Orange County. She said she has not heard anything tonight about guns. She said her family is large, and it hunts for food on her land. She said infringing on this in any way would impact her ability to feed her children.

Dear Orange County Board of County Commissioners,
I was present at the meeting last night but did not have the opportunity to speak. Therefore, I am following up in email with my comments as part of the official record.

I am fundamentally **opposed** to any revision to the "shooting ordinance". First, per Commissioner McKee's comments last night, I agree that there does not seem to be a clear complaint of noise versus safety. We are entering hunting season and how will the Sheriff's department adequately answer every call from citizens who merely hear gun shots? As to complaints of gunfire at night, Coyote hunting is a NC regulated and approved activity as is hunting of other species during defined times (sometimes at night) of the year.

From the minutes of the meeting in June with the initial petition presented to the board to the one citizen last night who spoke about living in a condensed neighborhood and hearing gun shots, no one, at either meeting, clearly stated that they *witnessed* someone shooting in the condensed area; they merely heard gunfire. With no way to determine where the shots were heard, how can the BOCC amend an ordinance that would be impossible to enforce?

Orange County has noise ordinances and shooting safety ordinances already on the books. Until a determination and clear delineation is made of what the **actual** issue stems from, it is my opinion that there is no clear path forward to a new ordinance.

I, also, support my husband's (Kevin Poole), recommendation that Orange County can address these concerns with a County Shooting Range that would be free to the residents of Orange County. This endeavor can certainly be achieved with the funds from the ½ cent tax increase for the rail project that did not materialize. A project, I may add, that does not benefit rural Orange County in any way.

Finally, many of us wondered what brought on this proposed ordinance that was abandoned 3 years ago with pushback from the public. After last evening's meeting and hearing from the Mitchell family, I must ask, does this issue stem from noise or does it stem from the fact it's a black family exercising their second amendment rights? A family that enjoys shooting and is passing that hobby on to the next generation? As we sat in the meeting last night and they were speaking, my husband and I looked up their property on the GIS and looked at the aerial views of their property. Honestly, we've rarely seen such safety measures put in place for recreational shooting on one's own property. Perhaps many of you are unaware, but should look up, the first "gun control" laws were enacted in the late 1800's to prevent black people from owning guns. Last night's meeting allowed us all to hear from the Mitchell's and what appears to be modern day Jim Crow, illustrating that Orange County isn't as progressive as they claim to be.

Sincerely,

Melissa W. Poole
5620 Kiger Road
Rougemont, NC 27572

Chair Rich said all comments and petitions will be taken under advisement, and the Board will have a work session on September 10 to discuss the issue. She said there is currently no proposed ordinance, and there may not be one at all.

Commissioner Greene said the Board must dispel any rumors about a closed meeting.

Chair Rich said the Board never had a closed meeting on this issue, and just because something is on social media does not make it fact. She said the BOCC cannot have discussions about ordinances in closed session.

John Roberts said that is correct, and North Carolina law limits closed sessions to issues of personnel, economic development, etc. He said there is no lawful way to have a closed session about any ordinance.

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 Bedford said the North Carolina Department of Health and Human Services (NCHHS) announced that Orange County's Medicaid changes will be delayed from November 1 to February 2020, due to the lack of an approved state budget. She said all 100 counties will start in February. She said open enrollment will be extended, and the public can meet with consultants to determine a provider. She said until that time, the public can continue seeing their current provider.

Commissioner McKee said he realized that there is confusion and concern about the noise ordinance issue, and what is going to happen at the work session on September 10th. He said nothing was on tonight's agenda, and the County Attorney will do a presentation at the upcoming work session. He petitioned that the rule of no public comment at a work session be suspended for the September 10th meeting, so that after the Attorney's presentation and/or before any decision and discussion, the public be able to provide comment. He said this should hopefully squash any suspicions of lack of transparency on the part of the BOCC. He said he would also like to petition that a formal public hearing be held 2 weeks prior to any decisions being made on any firearms regulations.

Chair Rich said the County did put a statement on the website about this issue last week.

Chair Rich referred to the possibility of public comment at a work session, and asked the County Attorney to weigh in.

John Roberts said the lack of comment at work sessions is a Board rule, which the Board can suspend at any time. He said he would not recommend this, as a huge crowd will show up for reasons that are not going to be discussed. He said this is not a decision item at this time, and having a public hearing on it is fine to do, and likely wise to do, before any decisions are made. He said the Board asked him the question of whether the Board can regulate the discharge of firearms in high-density, residential areas, and he will provide a report at the work session. He said he will show a map that is an example, and shows 10 housing units per 10-acre grid parcel. He said there are 100's of grid parcels. He said should the Board pursue this change, the example would only apply near the towns, and in a few donut holes west of Chapel Hill. He said this would not affect northern Orange County at all, and would mostly not affect southwestern Orange County either.

John Roberts said having public comment at a work session is preliminary, but a public hearing later, if the Board of County Commissioners decides to go forward, would be good.

Bonnie Hammersley echoed John Roberts' comments, and the Board should clearly publicize meetings.

Commissioner McKee said he will let his petition stand, and he said to limit public discussion on any high interest topic is foolish, and fans the fire. He said the Board is not hiding anything, but the public should be heard on high interest or controversial issues.

Chair Rich said a public hearing would allow this participation.

Commissioner McKee agreed, but said he also feels people should be allowed to speak after the County Attorney presents his report at the work session. He said limiting public comment in any way fosters distrust in the County government.

Commissioner Greene acknowledged that this is their first meeting back after the summer break. She said much happened of the summer, including a woman with dementia that wandered away from her home. She recognized and commended Kirby Saunders, Emergency Services, and others for helping to find her.

Commissioner Price said during the summer she attended the National Association of Counties (NACo) annual conference, and federal support and funding for the Arts is at an all-time high, and encouraged the Arts Commission to keep up its efforts in creating a place making for Orange County. She said she also attended the North Carolina Association of County Commissioners (NCACC) conference, and gave a shout out to youth representative Camille Clark, who interviewed Commissioner Greene. She said this gives youth the opportunity to be involved in local government. She said Camille was recently elected as the president of Orange County 4-H.

Commissioner Price said the Board of Elections (BOE) is proposing new precinct boundaries, which are based on common sense; as well as some other issues to pay attention to and provide comments to the BOE.

Commissioner Price said the Orange County Community Remembrance Coalition is hosting "Just Another Lynching" on September 9 at the Chapel Hill Library. She said there will be a program on Blacks and World War I at the Passmore Center on September 14.

Commissioner Marcoplos said GoTriangle is adding an important new bus stop by Chapel Hill North, which will allow people to transfer to the CRX bus to Raleigh. He said commuter rail is in infancy stages of being studied and negotiated, and he serving as the County representative in discussions with the NC Railroad. He said these negotiations will take time, but are underway. He said Hillsborough Park and Ride is slated for some serious work in 2019-2020. He said several bus stops are in the design stages, 4 of which are in Hillsborough.

Commissioner Marcoplos said he wanted to petition about the electric vehicle charging stations, and would like to know how the old ones worked and why they are being replaced. He said it is important to understand emerging technology. He said he would also like to know where the locations will be for the new solar charging stations.

Commissioner Marcoplos said he is very proud of the rally that happened in Hillsborough on Saturday, with 800-1000 people showing up peacefully. He applauded the organizers.

Commissioner Marcoplos referred to the upcoming work session, and said he wants as much public input as possible on all issues, but he wants to work at this work session, and he said to keep this work session as a work session.

Chair Rich said she received a letter from the Governor about why he did not pass the budget, which she will share with the Board. She applauded the staff for all of their hard work over the summer, and said the Clerk has provided a draft calendar for the 2020 meeting schedule.

Chair Rich said she and the Clerk will be updating the Rules of Procedure, and creating a new Board of County Commissioners handbook.

Chair Rich read communication from the BOE Director Rachel Raper, regarding the proposed precinct changes, and said the public is invited to leave public comments on the website.

Chair Rich referred to Commissioner McKee's petition about the upcoming work session, and said if the Board is going to make a change the public needs to know.

Commissioner Greene said she appreciated the thought, and this is an emotional issue for many. She said she does not want people to feel unheard, but also appreciates Commissioner Marcoplos' comments about work sessions being an opportunity to really work and needing even more work sessions. She suggested an idea that came up in a Board in another jurisdiction, which decided to allow ten minutes at the beginning and end of the work session for public comment.

Commissioner Bedford had no comments.

Commissioner Price said she is leaning toward the hybrid; and spreading the conversation out over various meetings can stifle real discussion. She said she liked Commissioner Greene's proposal, and she would be inclined to suspend the rules at this time.

Commissioner Bedford said the school board does its agendas differently, with most items coming at a work session with public comment before or after a presentation.

Commissioner Bedford said the Board should not be in the mode of changing the rules, based on the intensity of a topic; but rather the rule should be made and stuck to. She said she would not want to suspend the rules this time, but would be open to discussing a change for all meetings at a later time.

Chair Rich agreed with Commissioner Marcoplos, and said opening discussion before or after a work session allows people to talk about items that are not part of the work session. She said the Board does not have enough time in work sessions, and she would like to keep work sessions as work sessions. She said she is in favor of a public hearing if the Board has an ordinance change. She said this topic got twisted due to an inaccurate post on social media.

Commissioner Price said people did speak about noise, and that was put out in the public as a topic for BOCC discussion. She said there were some comments about taking away rights, which were not true.

Commissioner Marcoplos said he appreciates the impulse to compromise, but it is confusing to change the rules. He said the public knows when the Board has public comment, and the Board should stick with established procedures.

Commissioner Greene said all work sessions are open to the public, and she is willing to limit all public comment at work sessions to the end of the meeting; but if that is not the will of the Board, the public can still come to a work session, pay close attention, and then email the Board of County Commissioners afterwards.

Commissioner McKee said the Board cannot regulate social media, and his intent with this petition was to address some concerns as to what was going on. He said most residents got information from other sources, and his sole intent in allowing public comment on September 10th is to make sure that the public gets the right information. He said the Commissioners serve at the will of the public.

A motion was made by Commissioner McKee, seconded by Commissioner Price to hold public comment at the end on September 10th work session, after the County Attorney's presentation and Board discussion, with a one-hour time limit.

Commissioner Greene asked if there would be a time limit on public comment.

Commissioner McKee said one hour.

Chair Rich asked John Roberts if the BOCC will be voting on any decisions at the work session.

John Roberts said no vote will be taken, and there will be a presentation of examples of how what something could work, and the BOCC will be asked to give direction to staff to study this further and/or ask Planning staff to come up with actual numbers. He said the BOCC will not pass any ordinances at the work session.

Commissioner Price said she does not support an hour of time, as that seems a bit indulgent.

Commissioner McKee said he cannot imagine public comment taking more than a few minutes.

Commissioner Marcoplos said what if the Board has a two-hour discussion, and reaches no conclusion. He said he wants governance to be understood, and he also wants people to have the opportunity to speak. He does not think the work session is the appropriate time for people to speak.

Commissioner McKee said people should be allowed to observe the meeting, and to speak with the Board. He said the public often has good suggestions. He said Orange County is no longer a rural county, and this issue is going to continue to come up. He said it is a delicate line to walk in imposing urban-style regulations without impinging on second amendment rights. He said this issue will only get more divisive as this County continues to grow. He said the Board is obligated to sit and listen as long as it takes for the public to be heard.

Commissioner Greene said before the Board takes a vote, she would like to understand if there would be one or two public hearings prior to voting on a possible ordinance change.

John Roberts said this type of ordinance does not require a public hearing, and he said it would be at the discretion of the Board.

Commissioner Greene asked if there could be two public hearings.

John Roberts said yes.

Commissioner Greene said she would be open to two public hearings.

John Roberts said it is the Board's prerogative, and it can have as many public hearings as it wants.

Commissioner Greene said she would like to have two public hearings, and feels an hour is too long for comment after a work session.

Chair Rich said she would be open to public hearings, but does not support changing policies without a full discussion.

Commissioner Price said she would be open to having questions of clarification and dialogue at the end of the public hearing.

Commissioner Greene said this type of discussion could happen at a public hearing.

Commissioner Price said public hearings do not allow for back and forth dialogue.

VOTE: Ayes, 1 (Commissioner McKee); Nays, 5

Chair Rich said Commissioner McKee raised some important points, and thanked him for doing so.

4. Proclamations/ Resolutions/ Special Presentations

a. "The Nature of Orange" Photography Contest 2019

The Board recognized the winners and thanked all participants and judges of "The Nature of Orange" 2019 Photography Contest.

Lynn Hecht, Department of Environment, Agriculture, Parks and Recreation (DEAPR), presented this item:

BACKGROUND: The Orange County Commission for the Environment and Parks and Recreation Council are proud sponsors of this year's "The Nature of Orange" Photography Contest completed in May 2019. This year, the theme was Farms, Parks and Trails in Orange County. The goal of the contest was to inspire exploration, celebration and appreciation of Orange County's diverse landscapes and outdoor experiences. Photographers help document the beauty and diversity of natural resources, and people connecting to the environment.

A total of 65 photographs were submitted in May 2019. A panel of judges selected first, second and third place winners from the Youth and Adult divisions. In addition, judges identified two additional Honorable Mention awards per age group due to the many high-quality submissions. This year's judges were photographers Kent Murray, Holden Richards, and David Schaub. Winners received a congratulatory letter, certificate, and for first through third place, a small monetary award. During the month of August, the photographs were displayed at Cup a Joe in Hillsborough. For September, the photos will be on display at the Orange County Public Library. The photographs will then be displayed at the Orange County Visitors Center in Hillsborough from October through December. In January 2020, the Orange County/Chapel Hill Visitors Center in Chapel Hill will host the photos. The winning photographs can also be viewed on the Orange County DEAPR website under the "breaking news" section <http://www.orangecountync.gov/deapr/>, on the department's Facebook Page, and will also be "streaming" on the visual monitors in County buildings.

Lynne Hecht made the following PowerPoint presentation:

The Nature of Orange Photography Contest

- 8th annual photography contest, 2019
- Photographers help document the beauty and diversity of our natural resources or show residents enjoying our parks and environment. Theme this year: Parks and Trails in Orange County. All photos taken in Orange County.
- 65 entries (27 Youth and 38 Adults)
- Volunteer judges evaluated photos based on:
 - relevancy
 - composition/arrangement
 - focus/sharpness
 - lighting and creativity

1st Place Adult: "Occaneechi Village Snow"

Bob Johnson

2nd Place Adult: "Snow Covered Eno"

Charles R. Sheppard

3rd Place Adult: "Boat Launch at Dawn"

Joel Elliott

Honorable Mention Adult: "Amtrack Crossing the Eno"

Bob Johnson

Honorable Mention Adult: "Axis Mundi"

Joe Elliott

1st Place Youth: "Just Hanging"

Alexcina Wartski

2nd Place Youth: "Yellow on Yellow"

Maggie Sandbeck

3rd Place Youth: “Sunny”

Haley Wade

Honorable Mention Youth: “Left to Rust”

Ryan Kroothoep

Honorable Mention Youth, “Crabtree Creek”

Maggie Sandbeck

We thank our judges:

Holden Richards, Photographer

David Schaub, Photographer

Kent Murray, Photographer

The Board recognized and congratulated the 2019 photography contest winners, and thanked the judges and all those who participated in this community event.

b. Appointment of Tax Administrator

The Board considered voting to approve a Resolution appointing Nancy Taylor Freeman as Orange County Tax Administrator effective September 3, 2019 and authorize the Chair to sign.

Bonnie Hammersley presented this item:

BACKGROUND:

Timothy Dwane Brinson resigned from the position of Orange County Tax Administrator effective June 28, 2019. Mr. Brinson was appointed to serve as the Orange County Tax Assessor and Orange County Tax Collector for a term on four years as per Resolution 2019-023, adopted by the Board of Commissioners on April 2, 2019. The Orange County Tax Administrator serves in the statutory roles of both the Orange County Tax Assessor and the Orange County Tax Collector.

Sections 105-294 and 105-349 of the North Carolina General Statutes provide that the Board of County Commissioners appoint a County Assessor and Tax Collector. The statutes do not specify a length of term of tax collector but require the county assessor be appointed to a term of not less than two and no more than four years. The statutes also provide that the offices of County Assessor and Tax Collector are offices that may be held concurrently with another appointive or elective office. The Board of County Commissioners shall appoint a qualified person to serve as County Assessor or Tax Collector for the period of the unexpired term upon a vacancy as per North Carolina Law.

As per the Orange County Code of Ordinances Section 28-5, all appointments and promotions of employees of the County are made solely on the basis of merit and fitness designed to provide an objective method of recruiting persons best qualified. Orange County held a competitive recruitment for the position of Tax Administrator. Three candidates were invited to interview before two panels. One panel consisted of community partners with representation from the Town of Chapel Hill, Orange Water and Sewer Authority and department directors. The other panel included three members of the Board of Commissioners, the County Manager and the Deputy County Manager. Candidates were also given the opportunity to meet staff at the Tax Administration Office. Both panels convened at the end of the interviewing process and Ms. Freeman was the unanimous choice. Staff also endorsed this recommendation. As such, Orange County Manager Bonnie Hammersley has recommended Nancy Taylor

Freeman be appointed to serve for the unexpired term of Timothy Dwane Brinson as Orange County Tax Administrator for the period of September 3, 2019 through April 2, 2023. Ms. Freeman was appointed the Interim Tax Administrator effective August 3, 2019. Further, Ms. Freeman was appointed Interim Tax Collector by the Board on June 18, 2019 via Resolution 2019-044.

**ORANGE COUNTY BOARD OF COMMISSIONERS
A RESOLUTION APPOINTING NANCY TAYLOR FREEMAN TO COMPLETE THE TERM OF
TAX ASSESSOR AND TAX COLLECTOR AS THE ORANGE COUNTY TAX
ADMINISTRATOR**

WHEREAS, Timothy Dwane Brinson was appointed by the Orange County Board of County Commissioners to serve as Tax Administrator from April 2, 2019 through April 2, 2023; and

WHEREAS, the Orange County Tax Administrator serves in the statutory roles of both the Orange County Tax Assessor and the Orange County Tax Collector; and

WHEREAS, Timothy Dwane Brinson resigned from the position of Orange County Tax Administrator effective June 28, 2019, and had been appointed to serve as the Orange County Tax Assessor and Orange County Tax Collector for a term of four years as per Resolution 2019-023, adopted by the Board of Commissioners on April 2, 2019; and

WHEREAS, as per North Carolina Law, the Board of County Commissioners shall appoint a qualified person to serve as Orange County Tax Assessor and Orange County Tax Collector for the period of the unexpired term upon its vacancy; and

WHEREAS, Orange County Manager Bonnie Hammersley has recommended Nancy Taylor Freeman be appointed to serve for the unexpired terms of Timothy Dwane Brinson as Orange County Tax Assessor and Orange County Tax Collector for the period of September 3, 2019 through April 2, 2023;

NOW, THEREFORE, BE IT RESOLVED THAT the Orange County Board of County Commissioners, as provided for under Chapter 105-294 and 105-349 of the North Carolina General Statutes, does hereby appoint Nancy Taylor Freeman as Orange County Tax Assessor and Orange County Tax Collector to serve the unexpired terms of Timothy Dwane Brinson, which terms end April 2, 2023 and that such appointments shall be served under the title Orange County Tax Administrator and that such appointments begin on September 3, 2019.

Adopted by the Board of County Commissioners this 3rd day of September 2019.

A motion was made by Commissioner Greene, seconded by Commissioner Bedford for the Board to approve and authorize the Chair to sign the Resolution appointing Nancy Taylor Freeman as the Orange County Tax Assessor and Orange County Tax Collector, titled Tax Administrator, effective September 3, 2019 to fill the unexpired term through April 2, 2023.

VOTE: UNANIMOUS

c. 400 Years Proclamation

The Board considered voting to approve a proclamation declaring August 1, 2019 through July 31, 2020 as a year of remembrance to commemorate the 400th anniversary of unfree Africans first arriving in English North America and authorize the Chair to sign.

Annette Moore, Human Rights and Relations Director, read the following:
 In 1619, after having been kidnapped from their villages and taken from what is now referred to as Angola, 350 Africans were forced onto Portuguese slave ships that were bound for the new world. Approximately half of those Africans died at sea. 50 Africans were stolen by English pirates off the coast of Mexico, and taken to Point Comfort, a colony that eventually became Virginia. That ‘some 20 and odd negroes,’ identified by James Rolfe, the widower of Pocahontas and colony secretary, who were taken to Point Comfort, came on two ships: The White Lion and The Treasurer. Upon his arrival in Point Comfort, the Captain of The White Lion sold the Africans for food. This marked, what some believe, to be the beginning of slavery in the United States. James Horne, President of the Jamestown Rediscovery Foundation said, ‘1619 gave birth to the great paradox of our nation’s founding: slavery in the midst of freedom. It marked both the origin of the most important political development in American history: the rise of democracy; and the emergence of, what would become, one the nation’s greatest challenges: the corrosive legacy of racial discrimination and inequality that has afflicted our society since its earliest years.’ For 246 years slavery was legal in America. It did not become illegal until 150 years ago. Slavery has been part of America much longer than it hasn’t. A century and a half after slavery was made illegal, we still see the trauma of this infectious disease. Throughout the 20th century, text books either glossed over slavery, often not treating it as a part of America’s story, or fed students tales that masked the reality of slavery; some even telling students that Africans were better off enslaved. What has this practice lead to: lack of understanding; confusion; tension; and polarization. Tonight we ask you, Commissioners, to proclaim this 400 year anniversary, and ask you to ask the Human Relations Commission, over this next year, to plan programs to educate people, and to acknowledge the history of Africans in America.

BACKGROUND: In 1619 unfree Africans, “some 20. and odd Negroes,” arrived in the English settlement that would become Virginia. This marked the beginning of the period in America where people of Africa were forcibly taken from their homeland, transported to the American colonies, and committed to lifelong slavery.

The Human Relation Commission (HRC) requests that the Board of County Commissioners recognize the harrowing experience of the Africans who first came to the shores of English North America and the plight and burden of their descendants with this Proclamation. Organizations throughout Orange County have had events to commemorate the 400th year anniversary since January 2019, either as an underlying theme or as the backdrop to events. Some events include:

- Inaugural Reception of the Orange County Community Remembrance Coalition [HRC is a member]
- OCCRC Symposium: Confronting the Legacy of Lynching
- 110th Anniversary of the Founding of the NAACP
- 400 Years: Sounds of Freedom Music Festival by Free Spirit Freedom
- 154th Juneteenth Celebration
- Screening of “The Long Shadow”
- Symposium: Reconstruction, Redemption and the On-Going Struggle for Freedom

There are more to events planned through to August 2020. The Human Relations Commission will keep you informed as those event dates become available.

Deborah Stroman read the proclamation:

**ORANGE COUNTY BOARD OF COMMISSIONERS
400 Years Proclamation**

WHEREAS, in 1619 unfree Africans, “some 20. and odd Negroes,” arrived in the English settlement that would become Virginia; and

WHEREAS, this historic arrival marked the beginning of the period in America where people of Africa were forcibly taken from their homeland, transported to the American colonies and later the United States, and committed to lifelong slavery and racial discrimination; and

WHEREAS, after the Civil War, the Thirteenth, Fourteenth, and Fifteenth Amendments to the U.S. Constitution were ratified, ending slavery in the U.S. and granting the newly freed slaves freedom, citizenship, the equal protection of law, and the right to vote; but despite these Amendments, Blacks were quickly subjected to Jim Crow, a legally sanctioned institutionalized system of racial segregation and subordination, as well as white resistance and violence; and

WHEREAS, despite efforts such as the Civil Rights Movement in the 1960s, anti-racism advocacy, progressive legislation, and the election of President Barack Obama, Blacks continue to face oppression and inequities across systems and institutions; and

WHEREAS, Orange County is home to Black citizens who are descendants of Africans who were kidnapped and enslaved 400 years ago; and

WHEREAS, Blacks are diverse, respected residents who have worked to transcend the continuing impacts of slavery and racial segregation and contribute to our community’s economic, political, social, and spiritual well-being; and

WHEREAS, Blacks, whose experiences, generational wisdom, and work to triumph over racial oppression, connect us to the past and help us meet the challenges of the future; and

WHEREAS, our community must strive to understand and address the history and legacy of racism, its impacts, and the evolving challenges and needs of all its residents as a result of those impacts, and

WHEREAS, today, and every day, let us remember the harrowing experience of the Africans who first came to the shores of English North America and the plight and burden of their descendants;

NOW, THEREFORE, we, the Orange County Board of Commissioners, do hereby proclaim August 1, 2019 through July 31, 2020 as a year of remembrance to commemorate the 400th anniversary of unfree Africans first arriving in English North America by working towards racial healing and justice through revisiting the past and learning about efforts to win freedom and equality, and encourage the Orange County Human Relations Commission to, over this anniversary year and beyond, to:

- plan programs to acknowledge the impact that slavery and laws that enforced racial discrimination and inequity had on the United States; and

- encourage civic, patriotic, historical, educational, artistic, religious, and economic organizations to organize and participate in anniversary activities.

This the 3rd day of September 2019.

PUBLIC COMMENT:

Allison Mahaley, HRC member, thanked the Board of County Commissioners for its service and for considering this proclamation, and said she wanted to speak to the BOCC as a white woman, a southerner and one who has worked in public schools. She said this Resolution, and the work that will come out of it, is greatly needed. She said the BOCC is charged to fully engage in this work because it is made up of elected officials, and most are white. She encouraged the Board to take on this work, as it is personally and systemically transformational.

Anna Richards said she retired to Chapel Hill 6 years ago, and is the President of the Chapel Hill-Carrboro chapter of the National Association of the Advancement of Colored People (NAACP). She said she thought this area was an enlightened one, and she has been shocked and appalled at the lack of information about the true history of this country. She said everyone needs to understand America's history, lest it be repeated. She said this Resolution, and the work that it engages, allows for further dialogue as a government, a community and an organization.

Commissioner Price said Orange County is involved with the HRC and the Department on Aging with the event on September 16th.

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

VOTE: UNANIMOUS

d. Resolution Condemning the Ku Klux Klan and Other Similar Groups

The Board considered voting to approve a Resolution Condemning the Ku Klux Klan (KKK) and Other Similar Groups and authorizing the Chair to sign.

Chair Rich said this Resolution is in response to the KKK demonstrating in front of the Orange County Courthouse in Hillsborough. She said there had been some rumors that these demonstrators came from Caswell County, and she received a call from Sterling Carter in Caswell County, who said his County does not want to be known as a place that sends people to Orange County to lead a KKK protest. She said both counties decided to write a Resolution together, and to take a public stand condemning the KKK, and other such organizations. She said the Resolution will also be sent to the other counties statewide.

BACKGROUND: The Ku Klux Klan, consisting of numerous independent local groups throughout the United States, is an organization that symbolizes hatred.

Based on recent events in the Orange County community and nationwide, BOCC Chair Penny Rich has proposed that the Orange County Board of Commissioners consider the attached Resolution condemning the Ku Klux Klan and other similar groups. The Caswell County Board of Commissioners will consider a similar Resolution at its September 3, 2019 Board meeting. Orange County as a diverse open community stands in direct opposition to the activities of the Ku Klux Klan and other similar groups.

Chair Rich read the Resolution:

ORANGE COUNTY BOARD OF COMMISSIONERS
Resolution Condemning the Ku Klux Klan and Other Similar Groups

WHEREAS, the Ku Klux Klan, consisting of numerous independent local groups throughout the United States, is an organization that symbolizes hatred; and

WHEREAS, the Ku Klux Klan promotes violence, domestic terrorism and racial terrorism; and

WHEREAS, intimidation, discrimination, oppression, and racism threaten American democracy; and

WHEREAS, white supremacists are exploiting bigotry and have weaponized hate targeting African Americans, Latinos, Native Americans, Asian Americans, LGBTQ communities, immigrants, Jews, Muslims, and other people of color and of other faiths; and

WHEREAS, there is an urgent need to ensure the safety and security of all Orange County residents, and

WHEREAS, Orange County is taking strides to become a more diverse and inclusive open community dedicated to fostering positive human relations, promoting the equal treatment of all individuals, encouraging goodwill, harmony and unity among groups in the County; and protecting residents' personal dignity so as to make available to the County their full productive and creative capacities; and

WHEREAS, Orange County fully embraces the rights guaranteed in the First Amendment to the Bill of Rights, but equally believes those rights do not give the right to any persons or groups to threaten the existence of others;

NOW THEREFORE BE IT RESOLVED THAT we, the Orange County Board of Commissioners, strongly oppose the activities of the Ku Klux Klan, reject white nationalist, white supremacist, neo-Nazis and other hate groups, and urge lawmakers in the State of North Carolina and the Federal Government to denounce threats posed by those groups.

This the 3rd day of September 2019.

PUBLIC COMMENT:

Anna Richards said she did not know this was on the agenda, and wanted to stay and offer her support. She said 1919 was known as the year of terror in the United States, and there were streams of blood across the country as African Americans were killed in large numbers mostly by the KKK. She said this is a terrorist group, and she is happy to hear the strong denunciation of this group by the Board. She said she attended the vigil on Sunday, and saw a great deal of intimidation occurring. She said she hopes these threats are being taken seriously by law enforcement.

Riley Ruske said, as written, this Resolution represents another in a series of County government attacks on the first amendment rights of citizens to speak freely and assemble peaceably. He said it is particularly problematic in its lack of clarity in defining the groups it is attacking. He said the term "other hate groups" is especially dangerous to a free society, and asked if there is a way to define hate or a hate group. He said animosity towards others is a human condition, which no one likes, but it is real. He said the BOCC claims to embrace first

amendment rights, but really it only embraces the rights of those with whom it agrees. He said the first amendment specifically exists to prevent government from infringing on the freedom of Americans to speak freely and assemble peaceably.

Latarndra Strong said she was the proud lead organizer of the rally this past Saturday, and she said the rally did her heart well. She said she also attended the prayer vigil on Sunday, and said members of the community took pictures of the group and license plates, and put them on social media. She said this was intimidating and instilled real fear. She said the KKK is clear on its intention towards her community. She said she is not a violent person, has never owned a gun or put her hands on anyone, but she has been called a communist and worse. She said people of color were terrified by the KKK showing up, and the BOCC has a responsibility to stop the nonsense about free speech, when there are violent organizations recruiting in this community. She said this is about terrorism, and she asked the Board to pass the proclamation and to do more.

Commissioner Marcoplos said when people come into town with guns and threats, there is a clear difference between free speech and terrorist threats. He said the County has to protect people in the community, and it is easy to cite free speech, but the words spoken at the rally went beyond free speech.

Commissioner Price said this Proclamation is good, but the BOCC needs to do more. She said Chair Rich spoke with the Commissioner in Caswell County, but she would like there to be a discussion in this County amongst local leaders. She said, of course, people are going to be intimidated, and many people of color were too afraid to even come to the event on Saturday. She said people of other faiths need to be added to the Proclamation, and she would also like to see language that says Orange County is making strides to be a diverse and inclusive community, because there is still a lot of work to be done. She said she feels that the proclamation needs to state where Orange County stands and what actions the County will take to promote unity and inclusiveness.

Commissioner McKee said he grew up in the 1950s and 1960s knowing where the local KKK house was, and who some of the members were. He said in the 1970s and 1980s the tolerance of this nonsense was driven out or sent underground. He said regardless of where these protestors came from, he is certain there are some white robes hanging in closets in Orange County. He said the problem is that the community's incentive to reject this nonsense seems to be waning, and the KKK seems to be more emboldened. He said anyone who would associate with this type of activity needs to be taken off the street by the Sheriff, but he is not sure if there is a way to do that. He said this is not a reasonable example of free speech.

Commissioner Greene thanked all that were involved in the events on Saturday and Sunday. She said it is important to focus on unity. She said it is an aspiration to be unified, and she wants to know how she can be more helpful, as a white ally.

Chair Rich said she was out of town all weekend, and she was there in her spirit.

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

VOTE: UNANIMOUS

5. Public Hearings

a. Zoning Atlas Amendment for 6405 West Ten Road (PIN 9834-25-2573) – Rezone a 16.45 acre Parcel of Property to General Commercial (GC-4)

The Board held a public hearing and considered action on a property owner-initiated amendment to the Zoning Atlas for a parcel of property within the Cheeks Township. Specifically, the applicant is requesting to rezone a 16.45 acre, split zoned, parcel of property:

From: Rural Residential (R-1) (14.57 acres); and Neighborhood Commercial (NC-2) (1.88 acres)
 To: General Commercial (GC-4) (16.45 acres)

BACKGROUND: This 16.45 acre parcel was originally “split-zoned” Neighborhood Commercial (NC-2) and Rural Residential (R-1) when zoning for Cheeks Township was established in 1984. The property has had a Commercial-Industrial Transition Activity Node (CITAN) land use designation since 1984 as well. Future rezonings to non-residential zoning were anticipated to be consistent with the CITAN land use. As was common practice at that time, staff identified nonresidential zoning district boundaries in a manner that encompassed only the actual land use (e.g., buildings) while excluding other areas, most notably parking, septic fields and/or required land use buffers, which created a split zoning.

This parcel, further identified utilizing Orange County Parcel Identification Number (PIN) 9834-25- 2573, is 16.45 acres in area and is split zoned with approximately 14.57 acres zoned Rural Residential (R-1) and 1.88 acres zoned Neighborhood Commercial (NC-2). The NC-2 zoned portion of property contains a pole barn and a non-residential structure. Both of these structures are utilized to support contracting, storage, landscaping, and agricultural uses. The R-1 zoned portion of the property contains an older farm-related storage structure previously used to support agricultural uses on the property.

For more information on current conditions, please refer to the Site Assessment Map contained within Attachment 3.

In 2016, staff initiated a review of 23 properties throughout the Cheeks Township that were either:

- Split zoned (i.e. residential and non-residential zoning designations);
- Zoned non-residential where there was no corresponding non-residential land use; or
- Contained zoning boundaries did not allow for the logical use of property.

Seventeen of these properties were subsequently rezoned to address these conflicts. This property was identified, but not acted upon at the request of the owner to allow for additional review of potential impacts. The owner has since submitted the required zoning atlas amendment application seeking to proceed with a rezoning of the entire 16.45 acre property to General Commercial (GC-4).

Development Process, Schedule, and Action: The typical cadence for the review of a General Use Rezoning and Zoning Atlas amendment is:

• **FIRST ACTION** – Submission of a General Rezoning application with required supporting documents by the property owner.

STAFF COMMENT: Mr. Doby, the property and business owner, submitted the required materials on July 3, 2019. Staff determined the application to be complete on July 8, 2019.

• **SECOND ACTION** – The Planning Board receives the application and staff prepares materials and makes a recommendation on the rezoning request.

STAFF COMMENT: Staff presented this request and the Planning Board made a unanimous recommendation to approve the request at its August 7, 2019 regular meeting.

• **THIRD ACTION** – The BOCC holds a public hearing on the request, receives the application materials and recommendations, and takes action on the request.

STAFF COMMENT: Staff will present these materials and facilitate the public hearing at the BOCC's September 3, 2019 regular meeting.

NOTE: property **is not** located within a Watershed Protection Overlay district. For more information on the request, please refer to Attachment 1. As previously indicated, maps denoting the subject property are contained within Attachments 2 and 3.

Other pertinent information concerning the property is as follows:

- Future Land Use Map (FLUM) Designation: The property is located within an area of the County designated as Commercial-Industrial Transition Activity Node (CITAN). The FLUM can be accessed utilizing the following link:

<http://www.orangecountync.gov/DocumentCenter/View/4054/Future-Land-Use-Map-PDF>

- Comprehensive Plan: Per Appendix F, "*Relationships Between Land Use Categories and Zoning Districts Matrix*" of the adopted Orange County Comprehensive Plan, GC-4 is an allowable general use zoning category for property located within a CITAN. For more information on the definition of CITAN, and to review the allowed zoning designations permitted within same, the Comprehensive Plan can be accessed utilizing the following link: <http://www.orangecountync.gov/1242/2030-Comprehensive-Plan>.

- Growth Management System Map Designation: The property is Urban Designated.

STAFF COMMENT: The Growth Management System Map is a tool utilized by staff to identify permit review thresholds for residential (i.e., subdivision) projects.

- Water and Sewer Management, Planning and Boundary Agreement (WASMPBA): Property is located within the Orange County Primary Service Area meaning public utilities (i.e. water and sewer) could be extended to the property. Public utility service would be provided by the City of Mebane, who will likely require voluntary annexation to allow services to be extended to serve a proposed land use. The document can be accessed utilizing the following link:

<http://www.orangecountync.gov/DocumentCenter/View/4190/Water-and-Sewer-Management-Planning-and-Boundary-Agreement-PDF>

- Transportation: Per the adopted Efland Buckhorn Mebane Access Management Plan, West Ten Road (west of Buckhorn Road and east of Bowman Road) is recommended to have 2-lanes of traffic with a 2-way left turn lane contained within a minimum of 80 feet of right-of-way. The Plan also calls for the development of either a 5-foot wide paved shoulder or curb/gutter with a bike lane and sidewalk. Development of the revised roadway is intended to be achieved through the State Transportation Improvement Program (STIP). At the time of development site plan submittal for the property, the potential for additional right-of-way and/or road improvements will be determined. The Plan can be accessed utilizing the following link:

<http://www.orangecountync.gov/DocumentCenter/View/6967/2019-E-B-M-AMP?bidId>.

Public Notifications: In accordance with Section 2.8 of the Unified Development Ordinance (UDO), the following notifications occurred:

August 7, 2019 Planning Board Meeting: Notices of the date, time, location, and purpose of the meeting were sent via first class mail to all property owners within 1,000 feet of the subject parcel on July 11, 2019. A sign advertising the date, time, location, and purpose of the meeting was posted on the property on July 11, 2019.

September 3, 2019 BOCC Public Hearing: Notices of the date, time, location, and purpose of the public hearing were mailed to the same residents, via first class mail, on

August 19, 2019. A sign denoting the date, time, location, and purpose of the public hearing was posted on the property on August 19, 2019.

Legal ads advertising the date, time, location, and purpose of the BOCC public hearing were run in the News of Orange and the Durham Herald Sun on August 21, 2019 and again on August 28, 2019.

Refer to Attachment 6 regarding certifications.

Courtesy Review: This request was submitted to the City of Mebane, which theoretically could serve the property with utility and urban services and accept a voluntary annexation petition by the owner, on July 15, 2019 as part of the courtesy review program. The City has issued no comments regarding the request other than it could theoretically be served by their public utility services.

Planning Director's Recommendation: As required under Section 2.8.5 of the Unified Development Ordinance (UDO) the Planning Director shall: '*... cause an analysis to be made of the application and, based upon that analysis, prepare a recommendation for consideration*'. The Director has determined the proposed atlas amendment addresses potential non-conformities associated with the current split zoning of the property and that the requested GC-4 zoning designation is consistent with the goals and policies of the adopted Comprehensive Plan, consistent with property's location within the CITAN. As a result, the Director recommends **approval** of the Statement of Consistency, indicating the amendments are reasonable and in the public interest, contained in Attachment 7 and the proposed zoning atlas amendment ordinance contained in Attachment 8.

It should be noted further development/redevelopment of the property will require submittal/approval of a site plan demonstrating compliance with applicable development standards (i.e. parking, setbacks, impervious surface, stormwater, landscaping/buffering, etc.) as detailed within the UDO. Approval of this request does not exempt the applicant from complying with these standards.

The Planning Director has found the request consistent with several provisions of the 2030 Comprehensive Plan, notably:

- ECONOMIC DEVELOPMENT ELEMENT:
 - Objective ED-1.5: *Identify barriers to development of desirable businesses and local businesses, and mitigate these barriers.*
- CHAPTER 5: LAND USE ELEMENT:
 - *Land Use Overreaching Goal: Coordination of the amount, location, pattern and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.*
 - *Land Use Goal 1 – Fiscally and environmentally responsible, sustainable growth consistent with the provision of adequate services and facilities and a high quality of life.*
 - *Land Use Goal 4: Land development regulations, guidelines, techniques and/or incentives that promote the integrated achievement of all Comprehensive Plan goals.*

Based on this analysis, the Director recommends approval of the zoning atlas amendment application subject to the approval of:

4-i. The Statement of Consistency, as contained in Attachment 7, indicating that the proposed zoning atlas amendment is consistent with the adopted Plan, and the request is reasonable and in the public interest; and

4-ii. The Ordinance amending the Orange County Zoning Atlas as contained in Attachment 8.

Patrick Mallett, Planner II, made the following PowerPoint presentation:

September 3, 2019

BOCC Agenda Item 5a:

Doby Rezoning

Review and Action on Zoning Atlas Amendment/General Use Rezoning Request

Orange County Planning Department

Vicinity Map

Site: Existing Conditions

Site: Existing Zoning

Site Summary

Land Use Element of the Comprehensive Plan

Growth Management System

Site Photos

West Ten Road frontage facing east toward Buckhorn Road intersection

Site Photos

West Ten Road frontage facing west toward Mebane

Site Photos

Existing Non-residential use on NC-2 portion of property

Site Photos

Pole barn and adjacent residential lot (also owned by applicant).

Site Photos

Pole barn and R-1 portion of property in agriculture use.

Summary

- Part of 2016 Staff initiated Rezoning cases.
- Staff recommended rezoning all to GC-4.
- Put on hold while owner considered long-term plans.
- Cheeks Township was originally zoned in 1984.
- Zoning did not capture all the non-residential uses or the entire property.
- On August 7, 2019, the Planning Board unanimously voted to recommend approval of request.

RECOMMENDATIONS:

1. Receive the request;
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);
4. Approve the Statement of Consistency (Attachment 7); and
5. Approve the Ordinance amending the Zoning Atlas (Attachment 8) as recommended by the Planning Board and Planning Director

Commissioner Price asked if there was a timeline on the bike ped proposal.

Patrick Mallett said not, of which, he is aware.

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

VOTE: UNANIMOUS

PUBLIC COMMENT:

Crystal Gauldoni she said this re-zoning will directly affect her property, as it touches 3 sides of her property. She said she is the granddaughter of the property owner, and she feels it should not be rezoned as commercial as it will cause more harm than good in the community, and to her family. She said her greatest concern is the mini-storage facility. She said she has 4 children and has lived on this property on 2010, and she does not want to move. She said she feels this storage facility will increase the crime rate in her neighborhood. She said the developer's son-in-law is a known local drug addict. She said she has been a victim of crime in this neighborhood, and this will only offer more fodder to criminals. She said she is also concerned that a storage facility will affect the resale value of her home.

Patrick Mallett said this is a general use case, and he said everything must be considered that may be permitted, as opposed to specifying one use versus another.

Charles Huffine, Civil Engineer for the property owner, said the owner initially excluded this parcel. He said the Planning Commission found this to be favorable, and all conditions were completely met. He said this is a general zoning, and not anything conditional. He said it is open to all the permitted uses in the County's permitted use table.

Commissioner Price asked if there are other uses to the west of the young woman's home.

Patrick Mallett said the current use today includes agriculture in the rear and a landscaping/contracting business.

Charles Huffine said to the left of the woman's home is currently NC-2 zoning, which covers the landscape business, there is a residential area, and part of the rezoning provides for a 100-foot buffer from residential use to the commercial use.

Patrick Mallett said he reviewed the property and pointed out uses and required buffers.

A motion was made by Commissioner Bedford, seconded by Commissioner McKee to close the public hearing. (Note that because this is a legislative decision, additional comments at a later date are permitted.)

VOTE: UNANIMOUS

A motion was made by Commissioner Bedford, seconded by Commissioner McKee to: Approve the Statement of Consistency (Attachment 7)

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

A motion was made by Commissioner Bedford, seconded by Commissioner McKee to Approve the Ordinance amending the Zoning Atlas (Attachment 8) as recommended by the Planning Board and Planning Director.

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

b. Public Hearing on the Financing of Various Capital Investment Plan Projects

The Board conducted a public hearing on the issuance of approximately \$25,600,540 to finance capital investment projects and equipment for the fiscal year; and consider voting to approve a related Resolution supporting the County's application to the Local Government Commission (LGC) for its approval of the financing arrangements.

Gary Donaldson, Chief Financial Officer, presented this item:

BACKGROUND: County staff estimates that the total amount to be financed for capital investment projects, vehicles and equipment will be approximately \$25,600,540 including financing costs.

The Statutes require that the County conduct a public hearing on the proposed financing. A copy of the published notice of this hearing is provided (Attachment 1).

The notice of public hearing was advertised in *The Herald Sun* on August 18, 2019 and the *News of Orange* on August 21, 2019.

After conducting the public hearing and receiving public input, the Board will consider the adoption of the Resolution (Attachment 2). The Resolution formally requests the required approval from the North Carolina Local Government Commission (LGC) for the County's financing, and makes certain finding of fact as required under the LGC's guidelines. County staff has been in contact with the LGC staff, and staff expects no issues with receiving LGC approval.

If the Board adopts the Resolution indicating its intent to continue with the financing plan, the Board will be asked to consider a Resolution giving final approval to the financing plans at its October 1, 2019 meeting. Under the current schedule, County staff expects to set the final interest rates and close by the first week in November.

FINANCIAL IMPACT: There is no financial impact related to this action. However, there will be a financial impact in proceeding with the financing. A preliminary estimate of maximum debt service applicable to the capital investment projects and equipment financing would require the highest debt service payment of \$2.1 million in FY 2021-22. The tax rate equivalent for the estimated highest debt service payment is approximately 1.2 cents.

Gary Donaldson made the following PowerPoint presentation:

FY 2019-20 Fall Financing
Limited Obligation Bonds
Gary Donaldson, Chief Financial Officer
September 3, 2019

Public Hearing Purpose

- Board Approval for FY 2018-19 Installment Purchase Financing as authorized under Section 160A-20 of North Carolina General Statutes
- Issuance of approximately \$25,600,540 to finance capital improvement projects, vehicles and equipment
- Approve Resolution supporting Limited Obligation Bond application to the Local Government Commission

Limited Obligation Bond Terms

- Security Pledge- Annual Appropriations and County collateral of Southern Campus, Seymour Center and Northern Campus Site added to Master Deed of Trust
- Maturity Term- 5- 20 Year maturities matches with the useful life of the assets
- Estimated Interest Rates- 2-3% subject to market conditions
- Source of Repayment- Property Tax and Sportsplex Fees
- Subordinate Lien to General Obligation Bonds
- Current and Projected Ratings- Aa1/AA+/AA+ from Moody's, Standard & Poor's and Fitch Ratings
- LGC Approval required

List of Projects to be Financed (chart)

Key Debt Model Metrics (chart)

Financing Calendar

Questions/Comments

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

VOTE: UNANIMOUS

PUBLIC COMMENT:
NONE

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

VOTE: UNANIMOUS

A motion was made by Commissioner Price, seconded by Commissioner Marcoplos to for the Board to adopt the Resolution supporting the application to the Local Government Commission for approval of the financing.

VOTE: UNANIMOUS

6. Regular Agenda

a. Format for the 2019 Orange County Summit

The Board considered voting to approve the framework for the 2019 Orange County Summit and to assign roles for members of the Board of County Commissioners.

Todd McGee, Community Relations Director, presented this item:

BACKGROUND: The Board of County Commissioners appropriated \$30,000 in the FY 2017-18 budget from the Article 46 sales tax to host an Economic Development Summit in 2018. The BOCC chose to partner with WCHL to broadcast the summit on the radio. The summit occurred on October 17, 2018, from 3 – 7 p.m.

Given the positive feedback generated from the inaugural summit, staff proposes hosting another summit on October 16, 2019. This event would be held at the Whitted Building and would be co-broadcast on the County's cable television channel.

After last year's summit, staff and representatives from WCHL met several times and also solicited feedback from the BOCC on ways to improve the next summit. Among the proposals offered were to broaden the scope beyond economic development to include other County initiatives and issues, such as affordable housing and transportation.

Topics and Panels (3:00 – 7:00 PM)

Hour 1

- ***First segment: BOCC's approach to social justice***

Panelists: Penny Rich, Chair, Orange County Board of Commissioners; Mark Dorosin, Orange County Commissioner; Debby Stroman, Chair, Orange County Human Relations Commission; Ashley Heger, Orange County Food Council Coordinator

- ***Second segment: Affordable Housing***

Panelists: Emila Sutton, Orange County Housing and Community Development Director; Dolores Bailey, EmPOWERment; Robert Dowling; Corey Root, Partnership to End Homelessness

Commissioner: Sally Greene

Hour 2:

- ***First segment: Public Transportation***

Panelists: Theo Letman, Orange County Public Transportation; Brian Litchfield, Chapel Hill Transit; Damon Seils, Carrboro Alderman and MPO Chair

Commissioner: Renee Price

- ***Second segment: Tourism/Arts***

Panelists: Laurie Paolicelli, Chapel Hill/Orange County Visitor's Bureau; Katie Murray, Orange County Arts Commission.

Commissioner: Penny Rich

Hour 3:

- ***First segment: Education: K-12***

Panelists: Joal Broun, Chair, CHCCS Board of Education; Pam Baldwin, CHCCS Superintendent; Will Atherton, Chair, Orange County Schools Board of Education; Dr. Randy Bridges, Interim Superintendent, Orange County Schools.

Commissioner: Jamezetta Bedford

- ***Second segment: Workforce Development***

Panelists: Bill Ingram, President, Durham Technical Community College (or designee); Teacher, Orange High School trade skills program; Teacher, CHCCS CTE Program

Commissioner: Mark Marcoplos

Hour 4: Economic Development

- ***First segment: Industrial recruitment***

Panelists: Steve Brantley, Orange County Economic Development Director; Bill Ingram, Durham Tech President; representative from ABB or another successful firm; Paige Zinn, Chair, Economic Development Commission

Commissioner: Earl McKee

- ***Second segment: Small business services***

Panelists: Steve Brantley, Orange County Economic Development Director; Amanda Garner, Orange County Economic Development; Representative from each of the grant/loan programs TBD by OCED

Commissioner: Penny Rich

FINANCIAL IMPACT: The FY 2019-20 budget includes an appropriation of \$30,000 from Article 46 sales tax proceeds to host this event.

(Item discussion postponed)

b. Acceptance of Guaranteed Maximum Price (GMP) for the Orange County Northern Campus

The Board considered voting to accept a Guaranteed Maximum Price (GMP) of \$36,354,082 as presented by Bordeaux Construction for the development of the Orange County Northern Campus.

BACKGROUND: In July 2018, the County retained Bordeaux Construction to serve as its Construction Manager at Risk (CMAR) for the development of the Northern County Campus. The Construction Manager at Risk project delivery method was chosen to improve cost containment and cost certainty compared to other project delivery methods. Cost containment is improved by allowing the Construction Manager to work collaboratively with the project designers to yield the most cost effective design solutions from a construction standpoint. Cost certainty is secured through a contractually binding guaranteed maximum price that is provided to the County prior to start of construction. The CMAR process is also more transparent as the CMAR provides more detailed financial accounting information with the entire project team compared to a general contractor on a design-bid-build project.

In February 2019, the Board of Commissioners reviewed schematic design cost estimates for the Northern County Campus and authorized a total budget of \$40.2 million. The Campus, located off of Highway 70 in Hillsborough, is intended to include a replacement Detention Center, Environment and Agriculture Center, and Parks Operations Base. Substantial completion is scheduled for March 9, 2021, and final completion is scheduled for May 9, 2021.

Campus Elements

- **Detention Center**

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

- **Environment and Agriculture Center (EAC)**

The new 17,200 square foot Environment and Agriculture facility would replace the

19,087 square foot office building currently located on Revere Road that houses the Department of Environment, Agriculture, Parks and Recreation, Cooperative Extension, Farm Service Agency, and Soil and Water Conservation.

- **Parks Operations Base**

The new 8,500 square foot Parks Operations Base would replace scattered facilities and a base and shop at Millhouse Road Park that is used primarily for office space and equipment storage.

Bordeaux Construction advertised a request for qualifications in March 2019 and solicited over 850 firms for 36 different bid packages. Nineteen (19) of those packages included reduced prequalification thresholds and bonding requirements to encourage the participation of small and minority owned businesses. A local and minority business outreach session was held on April 22, 2019.

Competitive bids from first tier subcontractors were opened on August 13, 2019 and on August 23, 2019. These bids were used to identify the lowest, responsible subcontractor bid for each bid package. The bid packages totaled over \$31.7 million in construction costs and ranged from a \$5.3 million bid for earthwork to a \$14,600 bid for lockers. Over twenty-one percent (21%) of the cost of work is anticipated to be contracted with Minority Owned Businesses (MBEs) that are certified with the State of North Carolina Department of Administration (NC DOA). The statutorily required goal for public works projects is ten percent (10%).

After the subcontractor bids were finalized, the Construction Manager led a value engineering exercise to identify cost reduction options that would not affect the functionality of the project elements. Those options were reviewed by County staff and the project architects, and a total of over \$466,000 in value engineering options are recommended to reduce the overall cost of the project.

Bordeaux Construction has presented the County with a total guaranteed maximum price (GMP) of \$36,354,082 to deliver all of the elements of the Northern Orange County Campus after deducting the value engineering options. The components of the GMP are detailed in Attachment 1 and summarized in the following table:

GMP Component	Proposed Cost
Subcontractor Bids (Cost of Work)	\$31,269,947
General Conditions & Allowances	\$1,798,693
Tap Fees & Permits	
Other Misc. Expenses	
Owner's Contingency	\$600,000
<i>Owner Directed Changes</i>	
Construction Manager Contingency	\$625,399
<i>Unknown Construction Costs</i>	
Early Completion Bonus	\$1,628,966
<i>1% of Cost of Work</i>	
Construction Manager Fee	
<i>3.75% of Cost of Work</i>	

Bonds and Insurance <i>1.2% of Cost of Work</i>	\$431,076
TOTAL GUARANTEED MAXIMUM PRICE	\$36,354,082

At the end of the construction project, any unspent owner contingency funds or allowances are retained by the County. If any amount of the Construction Manager contingency is unspent, seventy percent (70%) is retained by the County, and thirty percent (30%) is shared with the construction manager as an incentive to avoid unnecessary construction costs.

The GMP is one of the required elements to seek approval from the Local Government Commission (LGC) to borrow money for the project. LGC approval is scheduled for October 1, and approximately \$10 million of the total project costs are recommended for financing in the Fall financing package based on cash flow needs.

Bordeaux Construction has requested a notice to proceed on the initial site work and long lead time materials immediately following acceptance of the GMP in order to avoid winter site conditions and remain on schedule for project delivery. As a result, the proposed GMP is recommended in two parts. The first part (GMP #1) is \$10,019,850 million would be allowed to proceed prior to formal approval by the LGC on October 1. This strategy has precedent and poses minimal risk to the County. The notice to proceed for the balance of the project (GMP #2) totaling \$26,334,232 would occur following formal approval by the LGC as the construction schedule dictates.

FINANCIAL IMPACT: The Board of Commissioners authorized a total project budget of \$40.2 million. Given a GMP of \$36.4 million, projected professional fees of approximately \$3.3 million, and a furniture, fixtures, and equipment budget of \$625,000, the project is expected to be on budget assuming that contingency funds and other allowances are not entirely exhausted during construction.

Travis Myren made the following PowerPoint presentation:

**Northern County Campus
Guaranteed Maximum Price
Board of Orange County Commissioners
September 3, 2019**

Purpose

- To accept a Guaranteed Maximum Price (GMP) of \$36,354,082 as presented by Bordeaux Construction for the development of the Orange County Northern Campus.

Northern County Campus Schedule (flow chart)

Northern Campus Revised Site Plan

Northern Campus Revised Site Plan

- Site plan changes since schematic design
 - Land Swap
 - Finalized to Straighten Eastern Property Line

- West Hill Connector
 - Removed from Phase 1 for Cost and Scheduling Purposes
- Recombination of Parcels
 - Remove Splits

Northern Campus Detention Center

- 48,900 square feet
 - PV/Solar Energy
 - Geothermal Heating/Cooling
- 144 Detention Beds
- Detention Support Spaces
 - Administrative Offices
 - Staff Training
 - Kitchen
 - Laundry
 - Security Systems
- Visitation
 - Video
 - In-Person
 - Contact
- Attorney/Client Consultation
- Medical/Telemedicine
- Multipurpose Rooms

Magistrate's Office

Northern Campus Environment and Agriculture Center

- 17,200 square feet
- Departments
 - Environment, Agriculture, Parks & Recreation
 - Cooperative Extension
 - Farm Service Agency
 - Soil and Water Conservation
 - Forest Service
- PV/Solar Energy & Hot Water
- Large Meeting/Training Space
- Demonstration Kitchen
- Plan Laboratory

Northern Campus Parks Operations Base

- 8,500 square feet
- Administrative Offices
- Staff Break and Training
- Parks Shop
 - Equipment Maintenance & Repair
 - Woodworking
 - Fuel & Paint Storage
 - Pesticide and Herbicide Storage
- PV/Solar Energy
- Yard Space
 - Secured Fencing/Lighted
 - Large Vehicles & Equipment

- Fertilizer Storage
- Bulk Material Storage

Northern Campus Bidding and Value Engineering

- Bidding and Value Engineering
 - 850 Firms Solicited
 - 36 Bid Packages
 - 19 Bid Packages Customized for Small and Minority Owned Businesses
 - 21% of Cost of Work Contracted to Minority Owned Businesses
 - State Requirement is 10%
 - \$466,000 Value Engineering Reductions Identified

Northern Campus Guaranteed Maximum Price

Guaranteed Maximum Price Components	
Subcontractor Bids – Cost of Work	\$ 30,154,056
Subcontractor Allowances	\$ 1,115,891
General Conditions	\$ 1,184,693
CM Allowances and Tap Fees	\$ 533,000
Building Permit	\$ 81,000
Owner's Contingency – Owner Directed Changes	\$ 600,000
CMAR Contingency – Unknown Project Costs (2%)	\$ 625,399
Early Completion Bonus – 1% Cost of Work	\$ 342,940
CMAR FEE – 3.75% Cost of Work	\$ 1,286,026
Bonds and Insurance – 1.2% Cost of Work	\$ 431,077
TOTAL GUARANTEED MAXIMUM PRICE	\$ 36,354,082

Northern Campus Development Budget Comparison

Budget Model #1 with Cost Controls			
Subcontractor Bids	\$ 30,154,056	\$ 30,154,056	
Subcontractor Allowances	\$ 1,115,891	\$ 836,918	25% Reduction
General Conditions	\$ 1,184,693	\$ 1,184,693	
CM Allowances and Tap Fees	\$ 533,000	\$ 399,750	25% Reduction
Building Permit	\$ 81,000	\$ 81,000	
Owner's Contingency #1	\$ 600,000	\$ 300,000	50% Reduction
CMAR Contingency	\$ 625,399	\$ 312,700	50% Reduction
Early Completion Bonus	\$ 342,940	\$ 342,940	
CMAR FEE	\$ 1,286,026	\$ 1,286,026	

Bonds and Insurance	\$ 431,077	\$ 431,077	
GMP TOTAL	\$ 36,354,082	\$ 35,329,159	\$ (1,024,923)
Acquisition & Easements	\$ 419,050	\$ 419,050	
Furniture, Fixtures & Equipment	\$ 625,000	\$ 625,000	
Professional Fees	\$ 3,273,148	\$ 3,273,148	
Owner's Contingency #2	\$ 738,370	\$ 369,185	50% Reduction
ACQUISITION & FEE TOTAL	\$ 5,055,568	\$ 4,686,383	\$ (369,185)
TOTAL PROJECT BUDGET	\$ 41,409,650	\$ 40,015,542	\$ (1,394,108)

Northern Campus Development Budget Comparison

Budget Versus Budget Model #1 Cost Controls			
	Budget	Current Cost Estimate With Simulated Cost Controls	Difference
Acquisition	\$399,050	\$419,050	\$20,000
Construction + Energy Efficiency GMP	\$34,730,474	\$35,329,159	\$598,685
Furniture, Fixtures & Equipment	\$625,000	\$625,000	\$-
Owner Contingency	\$1,338,370	\$369,185	\$(969,185)
Professional Fees	\$3,112,712	\$3,273,148	\$160,436
TOTAL REVISED COST ESTIMATE	\$40,205,606	\$40,015,542	\$(190,064)

Northern Campus Guaranteed Maximum Price

- GMP and Notice to Proceed – Two Phases
 - GMP #1 - \$10,019,850
 - Site Work and Long Lead Time Materials
 - Avoid Winter Conditions
 - Notice to Proceed – September 9, 2019
 - Local Government Commission (LGC) Approval
 - Approves Financing for GMP #1
 - October 1, 2019
 - GMP #2 - \$26,334,232
 - Balance of GMP Costs
 - Notice to Proceed After LGC Approval
 - Project Financed as Cash Flow Dictates

Recommended Board Action

1. After comparing the advantages and disadvantages of using the construction management at risk method for this project versus those identified in NC General Statute 143-128(a1)(1) through NC General Statute 143-128(a1)(3), the Board

concludes that the construction management at risk method is in the best interest of the project and is the preferred project delivery method for this project.

2. Accept a total Guaranteed Maximum Price (GMP) of \$36,354,082 as presented by Bordeaux Construction (Attachment 1) for the development of the Orange County Northern Campus.
3. Authorize the County Manager to approve change orders for this project up to the authorized, budgeted amount.

Commissioner Greene commended Travis Myren on 21% contracted to minority-owned business.

Blair Bordeaux said these are initial percentages, and will likely go up.

Commissioner Price also thanked them for this percentage.

Commissioner Price referred to the revised site plan, and the lack of an entry on West Hill Avenue, and asked if the Sheriff approves.

Travis Myren said the Sheriff was consulted, and is in acceptance of the plan.

Commissioner Price referred to page 7 of PowerPoint (rendering of the EAC) and asked if “alternate 2 and 3” were related to budget.

Travis Myren said these alternates were presented as part of the bidding package, and were not accepted.

Commissioner Price said this will go into effect in October, with site preparation in September, and asked if the \$10 million will be paid back.

Travis Myren said the County will expend a little money, once the financing is approved, and when the bonds are sold the general fund will be reimbursed for those costs.

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

1. After comparing the advantages and disadvantages of using the construction management at risk method for this project versus those methods identified in North Carolina General Statute 143-128(a1)(1) through North Carolina General Statute 143-128(a1)(3), conclude that construction management at risk services is in the best interest of the project and is the preferred method of proceeding with the project;
2. Accept a total Guaranteed Maximum Price (GMP) of \$36,354,082 as presented by Bordeaux Construction (Attachment 1) for the development of the Orange County Northern Campus; and
3. Authorize the County Manager to approve change orders up to the total project budget amount.

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 Price, seconded by Commissioner Bedford to approve the remaining items on the agenda.

VOTE: UNANIMOUS

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

a. Minutes

The Board approved the minutes from June 4, 6, 11, 18 and July 23, 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 fourteen taxpayers with a total of nineteen 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 forty-nine (49) taxpayers with a total of seventy-five (75) 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 nine untimely applications for exemption/exclusion from ad valorem taxation for nine bills for the 2019 tax year.

e. Tax Collector's Annual Settlement for Fiscal Year 2018-19

The Board received the Tax Collector's annual settlement on current and delinquent taxes, and consider voting to approve by Resolution the accounting thereof, and upon acceptance of the reports, issue the Order to Collect for Fiscal Year 2019-2020.

f. Fiscal Year 2019-20 Budget Amendment #1

The Board approved budget, grant, and capital project ordinance amendment for fiscal year 2019-20 for the Criminal Justice Resource Department; Department of Social Services; Health Department; Animal Services; Planning and Inspections; DEAPR; Department on Aging; Community Relations; Tax Administration; Miscellaneous-Non Departmentals; Community Loan Fund/Historic Rogers Road Neighborhood Infrastructure Capital Project; Sheriff's Office; Phillip Nick Waters Emergency Services Building Remediation Capital Project; and County Manager-Arts Commission.

g. Application for North Carolina Education Lottery Proceeds for Chapel Hill – Carrboro City Schools (CHCCS) and Contingent Approval of Budget Amendment #1-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 2019-20 debt service payments for Chapel Hill – Carrboro City Schools (CHCCS) and authorized the Chair to sign, and to approve Budget Amendment #1-A (amended School Capital Project Ordinances), contingent on the NCDPI's approval of the application.

h. Acceptance of Grant for Electric Vehicle Infrastructure and Approval of Budget Amendment #1-B

The Board accepted \$147,247 in reimbursement from the North Carolina Clean Energy Technology Center (NCCETC) through its "Clean Fuel Advanced Technology (CFAT)" grant program to purchase a solar electric vehicle charging station, and update twelve (12) of the County's original electric vehicle charging stations, and lease the County's first plug-in electric passenger vehicle; approve Budget Amendment #1-B; and authorize the County Manager to sign the associated funding agreement and any other necessary documentation for the successful completion of this project pending final review by the County Attorney's Office.

i. Approval of FY 2019-20 Forest Service Contract

The Board approved the annual agreement between Orange County and the North Carolina Forest Service, a division of the North Carolina Department of Agriculture and Consumer Services (DACS), for protection, development, reforestation, management and improvement of forestlands in Orange County and authorized the Chair to sign.

j. Finalization of Property Exchange Between the County and Holloways

The Board authorized the County Manager to complete all required documentation and take necessary action to affect a land exchange between the County and the Holloway family related to the development of the County's Northern Campus, subject to final review by the County Attorney; and approved and authorized the Chair to sign the Resolution to Exchange Real Property.

k. Northern Campus Easement Acquisition

The Board authorized the acquisition/dedication of utility easements to facilitate extension of public sewer to the Northern Campus Project.

l. Resolution of Approval – Conservation Easement on Triangle Land Conservancy-McQueen Property

The Board approved a Resolution, which is incorporated by reference, to approve the acceptance by Orange County of a conservation easement for Triangle Land Conservancy's McQueen Property and authorized the Chair to sign.

m. Adoption of Policies Related to North Carolina Housing Finance Agency (NCHFA) – 2019 Urgent Repair Program (URP19) Grant Award

The Board adopted and authorized the Chair to sign the Assistance and Revised Procurement and Disbursement Policies for the NCHFA 2019 Urgent Repair Program (URP19) Grant Award and authorize the County Manager and Housing and Community Development (H&CD) Department staff to make any required changes as requested by the North Carolina Housing Finance Agency (NCHFA).

n. Approval of Correction to Language in the Resolution Authorizing the Orange County FY 2017-2018 HOME Program Design

The Board approved a Resolution, which is incorporated by reference, correcting language in Resolution 2017-037 adopted by the Board on June 6, 2017 that authorized the Orange County FY 2017-2018 HOME Program Design.

9. County Manager's Report

Bonnie Hammersley introduced the Asset Management Services Director Steve Arndt, and provided the following updates:

Projected September 10, 2019 Special Meeting Items

Public Hearing and Decision Regarding an Economic Development Recruitment Incentive for Project Tomorrow

Projected September 10, 2019 Regular Work Session Items

Budget Amendment Process

Discussion Regarding the Regulation of the Discharge of Firearms in Areas of the County with a High Residential Unit Density

10. County Attorney's Report

John Roberts said the Legislature has not been passing much legislation lately, and still awaits a budget. He said there are some regulatory reform and farm act bills that may still potentially impact local government.

11. *Appointments

a. Orange County Climate Council – Appointment

The Board will consider appointing one position on the newly formed Orange County Climate Council.

A motion was made by Commissioner Greene, seconded by Commissioner Marcoplos to appoint Jonas Monast to the newly formed Orange County Climate Council.

VOTE: UNANIMOUS

Commissioner Marcoplos said he is thrilled with this group, and it is full of excellent people. He said the roster is coming together. He said he attended the North Orange NAACP meeting, and it is looking to fill slots. He said the Orange County School Board is doing the same, but he has not heard back from the Chapel Hill-Carrboro City Schools Board yet. He said Hillsborough and Carrboro are working on representatives.

Chair Rich asked if anyone has reached out to UNC.

Commissioner Marcoplos said he has, and UNC is in the midst of hiring a new sustainability director.

12. Information Items

- June 18, 2019 BOCC Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis
- Tax Collector's Report – Measure of Enforced Collections
- Tax Assessor's Report – Releases/Refunds under \$100
- Memorandum – NCDOT Corridor Updates – NC-54 West, S. Churton Street and Orange Grove Road Extension

**13. Closed Session
NONE**

14. Adjournment

A motion was made by Commissioner Price, seconded by Commissioner Marcoplos to adjourn the meeting at 10:25 p.m.

VOTE: UNANIMOUS

Penny Rich, Chair

Donna Baker
Clerk to the Board