Orange County
Board of Commissioners

Agenda

Regular Meeting
April 16, 2019
7:00 p.m.
Southern Human Services Center
2501 Homestead Road
Chapel Hill, NC  27514

Note: Background Material on all abstracts available in the Clerk’s Office

Compliance with the “Americans with Disabilities Act” - Interpreter services and/or special sound equipment are available on request. Call the County Clerk’s Office at (919) 245-2130. If you are disabled and need assistance with reasonable accommodations, contact the ADA Coordinator in the County Manager’s Office at (919) 245-2300 or TDD# 919-644-3045.

1. Additions or Changes to the Agenda

PUBLIC CHARGE

The Board of Commissioners pledges its respect to all present. The Board asks those attending this meeting to conduct themselves in a respectful, courteous manner toward each other, county staff and the commissioners. At any time should a member of the Board or the public fail to observe this charge, the Chair will take steps to restore order and decorum. Should it become impossible to restore order and continue the meeting, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed. The BOCC asks that all electronic devices such as cell phones, pagers, and computers should please be turned off or set to silent/vibrate. Please be kind to everyone.

Arts Moment – Ashley Harris is part of Hear & After, a group of individuals, former youth poets, activists, musicians, and community organizers who have come together to create spaces for community art and expression. We seek to empower the people through the tools of spoken and written word, performance, and artistic expression. Based in Chapel Hill, NC and serving the Triangle area, Hear & After's goal is to provide a platform to both its members and the community we serve.

2. Public Comments (Limited to One Hour)

(We would appreciate you signing the pad ahead of time so that you are not overlooked.)

a. Matters not on the Printed Agenda (Limited to One Hour – THREE MINUTE LIMIT PER SPEAKER – Written comments may be submitted to the Clerk to the Board.)

Petitions/Resolutions/Proclamations and other similar requests submitted by the public will not be acted upon by the Board of Commissioners at the time presented. All such requests will be referred for Chair/Vice Chair/Manager review and for recommendations to the full Board at a later date regarding a) consideration of the request at a future regular Board meeting; or b) receipt of the request as information only. Submittal of information to the Board or receipt of information by the Board does not constitute approval, endorsement, or consent.

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 (Three Minute Limit Per Commissioner)

4. Proclamations/ Resolutions/ Special Presentations
   a. Proclamation Recognizing Fredrick Lewis Battle
   b. County Government Month Proclamation
   c. Resolution in Response to Recent Acts of Racial and Ethnic Intimidation on the Campus of UNC-Chapel Hill

5. Public Hearings
   a. Unified Development Ordinance(UDO) Table of Permitted Uses

6. Regular Agenda
   a. Potential Addition of an Environmental Impact Section to Agenda Abstracts
   b. Letter to North Carolina Association of County Commissioners Expressing a Regional Preference for Medicaid Tailored Plans

7. Reports

8. Consent Agenda
   - Removal of Any Items from Consent Agenda
   - Approval of Remaining Consent Agenda
   - Discussion and Approval of the Items Removed from the Consent Agenda
   a. Minutes
   b. Resolution to Support Juvenile Crime Prevention Council Allocation Expansion
   c. Approval of Budget Amendment #7-E for Repair of the District Attorney Building
   d. Approval of Proposed Changes to the Affordable Housing Bond Program
   e. Lease Modification for Hillsborough Commons

9. County Manager’s Report

10. County Attorney’s Report

11. *Appointments
   a. Nursing Home Community Advisory Committee – Appointment
   b. Orange County Parks and Recreation Council – Appointments
   c. Orange County Planning Board – Appointments

12. Information Items
   - April 2, 2019 BOCC Meeting Follow-up Actions List
13. Closed Session

“To discuss matters related to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations,” NCGS § 143-318.11(a)(4).

Closed Session Minutes

14. Adjournment

Note: Access the agenda through the County’s web site, www.orangecountync.gov

*Subject to Being Moved to Earlier in the Meeting if Necessary

Orange County Board of Commissioners’ regular meetings and work sessions are available via live streaming video at orangecountync.gov/967/Meeting-Videos and Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).
SUBJECT: Proclamation Recognizing Frederick Lewis Battle

DEPARTMENT: BOCC

ATTACHMENT(S): Proclamation

INFORMATION CONTACT: Donna Baker, Clerk to the Orange County Board of Commissioners, 919-245-2130

PURPOSE: To consider a proclamation recognizing the life and services of Frederick (Fred) Lewis Battle for the people of Orange County.

BACKGROUND: Fred Battle was a leader in Orange County and throughout his life worked tirelessly to improve the quality of life for the people of Orange County and beyond.

Over the course of his life, Fred Battle fought for justice and social equality, starting as early as the 1960’s with a history making protest against Woolworth’s in Greensboro, North Carolina, pushing forward the nationwide civil rights movement.

Fred Battle fought the fight to move forward the human rights of all people for equality and social justice and in his words, “the struggle continues”.

FINANCIAL IMPACT: There is no financial impact associated with this item.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with consideration of the proclamation.

RECOMMENDATION(S): The Manager recommends that the Board approve the Proclamation Recognizing Frederick Lewis Battle and authorize the Chair to sign.
ORANGE COUNTY BOARD OF COMMISSIONERS

PROCLAMATION RECOGNIZING
FREDERICK LEWIS BATTLE

WHEREAS, Frederick (Fred) Lewis Battle was a leader in Orange County and throughout his life worked tirelessly to improve the quality of life for the people of Orange County and beyond; and

WHEREAS, our entire community mourns the passing of Fred Battle on April 1, 2019 and expresses our sincere sympathy to his family and friends; and

WHEREAS, over the course of his lifetime, Fred Battle fought for justice and social equality, starting as early as the 1960’s with a history making protest against Woolworth’s in Greensboro, North Carolina, pushing forward the nationwide civil rights movement; and

WHEREAS, as local activists, Fred Battle and Yonni Chapman co-founded the Orange County Rainbow Coalition of Conscience in 1982; and

WHEREAS, continuing the fight for social justice, Fred Battle founded the Chapel Hill-Carrboro Branch of the National Association for the Advancement of Colored People (NAACP) in 1987, and served as its president for over 20 years; and

WHEREAS, Fred Battle gave freely of his time, energy and talents in serving the community; and

WHEREAS, he helped to improve the way of life for area residents by serving on the Orange County Board of Health, the Orange Water and Sewer Authority Board of Directors, the Solid Waste Advisory Board, the Joint Orange Chatham Community Action Board, the Intergovernmental Parks Work Group, and the Chapel Hill-Carrboro Schools Board of Education; and

WHEREAS, in the 2015 Salute to Community Heroes, the Chapel Hill-Carrboro Chamber of Commerce recognized Fred Battle with the Irene Briggaman Lifetime Achievement Award; and

WHEREAS, Fred Battle fought the fight to move forward the human rights of all people for equality and social justice and in his words, “the struggle continues”;

NOW, THEREFORE, we, the Orange County Board of Commissioners, on behalf of the residents of Orange County, express our deep appreciation, gratitude and respect for the services rendered by Frederick Lewis Battle to the County and beyond over the course of his lifetime.

This the 16th day of April 2019.

_________________________________
Penny Rich, Chair
Orange County Board of Commissioners
SUBJECT: County Government Month Proclamation

DEPARTMENT: Community Relations

ATTACHMENT(S):
Proclamation

INFORMATION CONTACT:
Todd McGee, 245-2302

PURPOSE: To consider a proclamation designating April 2019 as County Government Month.

BACKGROUND: The National Association of Counties (NACo) celebrates National County Government Month each April in an effort to educate the public about county government. A proclamation to acknowledge the month of April 2019 as County Government Month is attached.

As part of National County Government Month, 2018-19 NACo President Greg Cox of San Diego County, Calif., has introduced the “Connecting the Unconnected” initiative, which focuses on focuses on how counties deliver “people-centered” services to their residents.

To highlight County Government Month, the Community Relations Department has coordinated a social media campaign to draw attention to the many programs and services offered by the county. Departments were asked to submit interesting facts and notes about their services, and a different item of information is posted on the County’s Twitter site each day during the month of April. Departments highlighted included Environment, Agriculture, Parks and Recreation (DEAPR), Board of Commissioners, Solid Waste, the Board of Elections, Human Resources, Animal Services, Aging, Information Technology and Economic Development.

FINANCIAL IMPACT: There is no financial impact associated with consideration of the proclamation.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with consideration of the proclamation. NACo’s County Government Month initiative for this year, “Connecting the Unconnected,” aligns with the goals and values of Orange County.

RECOMMENDATION(S): The Manager recommends that the Board approve and authorize the Chair to sign the proclamation.
WHEREAS, Orange County is one of 3,069 counties in the nation that provide cost-effective, essential services to create healthy, safe and vibrant communities; and

WHEREAS, through National Association of Counties (NACo) President Greg Cox’s “Connecting the Unconnected” initiative, NACo is demonstrating how counties deliver “people-centered” services to residents; and

WHEREAS, many Orange County departments offer programs and services that meet this initiative, including the departments of Health, Housing and Community Development, Criminal Justice Resources, Social Services, Aging, Sheriff’s Office, Child Support Services and many more; and

WHEREAS, Orange County’s motto is “Our Residents Come First,” which guides our employees to treat all residents with fairness, respect and understanding;

NOW, THEREFORE, BE IT RESOLVED THAT we, the Orange County Board of Commissioners, do hereby proclaim April 2019 as County Government Month and express our appreciation to the county employees who make our community such a special place to live, to work and to raise a family.

This the 16th day of April, 2019.

Penny Rich, Chair
Orange County Board of Commissioners
SUBJECT: Resolution in Response to Recent Acts of Racial and Ethnic Intimidation on the Campus of UNC-Chapel Hill

DEPARTMENT: Board of Commissioners

ATTACHMENT(S):
Draft Resolution in Response to Recent Acts of Racial and Ethnic Intimidation on the Campus of UNC-Chapel Hill

INFORMATION CONTACT:
Penny Rich, BOCC Chair, 245-2130
Donna Baker, 245-2130

PURPOSE: To consider a Resolution in Response to Recent Acts of Racial and Ethnic Intimidation on the Campus of UNC-Chapel Hill.

BACKGROUND: Orange County is home to many students, employees, and alumnae/-i of the University of North Carolina at Chapel Hill, including an estimated 29,000 undergraduate, graduate, and professional students. Much of the life of the southeastern portion of Orange County is intertwined with the life of the University.

Recently, there have been several incidents on the University campus which have created great concern, including the defacing of the Unsung Founders Memorial in McCorkle Place with racist graffiti; vandalism outside the Hanes Art Center with racist language; and persons associated with a white supremacist group carrying firearms and other weapons onto the UNC-Chapel Hill campus in violation of the North Carolina General Statutes and campus policy.

The attached resolution is proposed for Board consideration in response to both these events and the University’s current trespass warnings against student anti-racist activists.

FINANCIAL IMPACT: There is no financial impact associated with consideration of the resolution.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY
  The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.

RECOMMENDATION(S): The Manager recommends that the Board consider adoption of the attached draft resolution, and if adopted authorize the Chair to sign the resolution.
ORANGE COUNTY BOARD OF COMMISSIONERS
A RESOLUTION IN RESPONSE TO RECENT ACTS OF RACIAL AND ETHNIC INTIMIDATION
ON THE CAMPUS OF UNC-CHAPEL HILL

WHEREAS, Orange County is home to many students, employees, and alumnae/i of the University of North Carolina at Chapel Hill, including an estimated 29,000 undergraduate, graduate, and professional students, and the life of the southeastern portion of our County is intertwined with the life of the University; and

WHEREAS, on March 31, 2019, two persons desecrated the Unsung Founders Memorial in McCorkle Place on the UNC-Chapel Hill campus by defacing it with racist graffiti and with urine; and someone vandalized an installation outside Hanes Art Center with racist language; and

WHEREAS, on March 16, 2019, persons associated with a white supremacist group carried firearms and other weapons onto the UNC-Chapel Hill campus in violation of the North Carolina General Statutes and campus policy; and an Alert Carolina emergency notification was not issued; and no arrests were made and no citations or trespass notices were issued; and

WHEREAS, on April 10, 2019 a statement was released by UNC Hillel that a number of anti-Semitic flyers have been found in Davis Library with references to "an evil Jewish plot" and the missive, "do everything you can to fight the silent covert Jewish attempt to enslave and kill good Americans"; and

WHEREAS, student anti-racist activists have been prohibited indefinitely from entering certain areas of the campus, including McCorkle Place, despite having been found not guilty of the criminal charges related to their trespass notices or having had those charges dismissed; and

WHEREAS, the Chapel Hill-Carrboro Branch of the National Association for the Advancement of Colored People (NAACP), the Carolina Black Caucus, and others have called on UNC-Chapel Hill to take bolder action in response to acts of racial and ethnic intimidation and threats by white supremacists to the safety of the community; and

WHEREAS, the Orange County Board of Commissioners appreciates Interim Chancellor Kevin Guskiewicz’s statement that "we must nurture an environment where all people in our community can live, learn and work without fear"; and the Board is encouraged by the arrests on April 8 of the persons believed to have desecrated the Unsung Founders Memorial;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners urges its neighbor and partner, UNC-Chapel Hill, to rescind trespass warnings against student anti-racist activists; to press charges and issue trespass warnings against persons who on March 16 carried firearms onto the campus; to clarify when the community may expect the presence of an armed person on or near the campus to trigger an Alert Carolina emergency notification; and to invite community members not necessarily affiliated with the University to participate in the campus safety commission being convened by the interim chancellor.

BE IT FURTHER RESOLVED that the County wishes to partner with UNC-Chapel Hill in a shared commitment to helping students feel safe through better communications, education about the Orange County Sheriff’s Office and other law enforcement agencies, opportunities to participate in County programming and advisory committees, continued participation in the Good Neighbor Initiative, and other efforts.

BE IT FURTHER RESOLVED that the Board asks the Clerk to the Board to share this resolution with the interim chancellor of UNC-Chapel Hill and the members of the Chapel Hill Town Council, the Hillsborough Board of Commissioners, and the Carrboro Board of Aldermen.

This the 16th day of April, 2019.

Penny Rich, Chair
Orange County Board of Commissioners
ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: April 16, 2019

Action Agenda Item No. 5-a

SUBJECT: Unified Development Ordinance (UDO) Table of Permitted Uses

DEPARTMENT: Planning and Inspections

ATTACHMENT(S):
1. April 16, 2019 Public Hearing Legal Advertisement
2. Summary of Changes
3. Project Fact Sheet and Frequently Asked Questions
4. Memo from Staff Attorney on Burden of Persuasion Language
5. Excerpt of Draft Planning Board Minutes from March 3 and 20, 2019 Meetings and Signed Statement of Consistency
6. Statement of Consistency
7. UDO Text Amendment Package
   7-a – An Ordinance Amending the Unified Development Ordinance Of Orange County (Also available electronically at: http://www.orangecountync.gov/DocumentCenter/View/7012)
   7-b – UDO Amendment Package Notes (Also available electronically at: http://www.orangecountync.gov/DocumentCenter/View/7012)

(UNDER SEPARATE COVER)
7-c – Strikethrough/Delete/Underlined/Highlighted Text Amendments Pages from the UDO

INFORMATION CONTACT:
Michael D. Harvey, Planner III, (919) 245-2597
Craig Benedict, Director, (919) 245-2575

PURPOSE: To hold a public hearing, receive the Planning Board recommendation, and take action on Planning Director initiated Unified Development Ordinance (UDO) text amendments to the tables of permitted land uses and other sections as needed.
Specifically, the amendment collapses existing tables of permitted uses as contained in Section(s) 5.2.1 (general use zoning districts), 5.2.2 (EDD general use zoning districts), and 5.2.3 (Conditional Zoning districts) into a centralized table in order to clarify permitted and prohibited land uses consistent with recent court decisions. The amendment also updates existing regulations and addresses formatting issues to ensure legal sufficiency.

**BACKGROUND:** This project was initiated to address the findings of the State Supreme Court in *Byrd versus Franklin County* related to the delineation of prohibited land uses. The court, in rendering its decision, placed the onus on local governments to ‘spell out’ what land uses were allowable and prohibited within their respective jurisdictions. A copy of the Court’s ruling in the Franklin County case can be viewed at: [https://www.nccourts.gov/documents/appellate-court-opinions/byrd-et-al-v-franklin-county](https://www.nccourts.gov/documents/appellate-court-opinions/byrd-et-al-v-franklin-county).

Work on the project began in the spring of 2017 with staff focusing on collapsing the existing tables and creating an ‘exhaustive list’ of permitted and prohibited land uses. This was to address concerns from the Planning Director, Director of Economic Development, and several BOCC members over ensuring developers were readily able to ‘verify’ if a proposed land use was permitted within the County.

In August 2017, the BOCC held a work session with Planning staff and the County Attorney to review the status of this project and provided the following direction:

1. Abandon the concept of an exhaustive list of allowable land uses;
2. Collapse, where feasible, similar land uses into single categories;
3. Review existing definitions to eliminate the reliance on ‘example land uses’ with respect to outlining what constitutes a permitted land use within that category; and
4. Consolidate and eliminate, where feasible, duplicative references to regulations within the UDO.

The Planning Board Ordinance Review Committee (ORC) reviewed this item at several ORC meetings beginning in January 2017. Agenda materials from these various meetings can be viewed at: [http://www.co.orange.nc.us/AgendaCenter/Planning-Board-26](http://www.co.orange.nc.us/AgendaCenter/Planning-Board-26).

A total of four open house meetings were held soliciting public input and comment on the proposed amendments. Meetings were held on the evenings of July 25 and 27, 2017 and August 23 and 27, 2018. Notices of the meetings were placed on the County website, and further advertised through press releases issued through the County’s Community Relations Department.

Staff finalized an amendment package (Attachment 7 including 7-a, 7-b and 7-c) that:

a. Collapses existing tables as contained in Section(s) 5.2.1 (general use zoning districts), 5.2.2 (EDD general use zoning districts), and 5.2.3 (Conditional Zoning districts) into a centralized permitted use table.

b. Collapses similar land uses into single land use categories.

**STAFF COMMENT:** Current regulations, for example, define retail land uses differently within Section(s) 5.2.1 and 5.2.2.

There are different methodologies employed to denote various permitted retail land uses in both sections that appear to contradict one another.
All retail land uses have been collapsed into a single category versus listing out individual uses. Staff has also established development criteria within Article 5 to address the impacts of such development consistent with existing regulations (i.e. building size limits, operational requirements, screening, etc.).

The result is a streamlined table and a concise description of development requirements.

c. Modifies Article 10 Definitions of the UDO to incorporate new and/or revised definitions of various land uses, consistent with the proposed new table.

d. Incorporates modifications to the Economic Development Hillsborough (EDH) districts as discussed by the BOCC late in 2016.

e. Includes processes allowing for ‘reasonable accommodations’ as requested by the County Attorney’s office. As part of this request, staff added language clarifying the burden of proof for variance, interpretation, and special use permit applications including adding references to an applicant’s ‘burden of persuasion’.

Attachment 1 contains the legal advertisement for the April 16, 2019 public hearing. Attachment 2 contains a summary of the proposed changes for reference purposes. Attachment 3 is a project fact sheet, including frequently asked questions, concerning the impacts of this amendment package.

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

The amendments are necessary to address the legal sufficiency of the UDO with respect to the findings of *Byrd versus Franklin* by spelling out allowable and prohibited land uses. Staff is eliminating the unnecessarily repetitive, and often confusing, delineation of allowable land uses by creating a central table of permitted uses and has combined similar land uses into single categories to ensure uniformity with respect to application of development criteria and permitting.

**Planning Board Recommendation:** The Board began review of the finalized amendment package at its March 6, 2019 regular meeting, with continued discussion at a special meeting held on March 20 to allow for additional review on Attorney recommended language associated with the burden of persuasion for certain processes (i.e. variances, interpretations, and special use permits). The Attorney prepared a memo for Board review, which is contained in Attachment 4.

At the March 20 special meeting, the Planning Board voted 7-1 to recommend approval of the amendments with the elimination of language in Section(s) 2.10.3, 2.11.3, and 5.3.2 establishing a ‘burden of persuasion’ for those applying for a variance, interpretation, or special use permit. In recommending approval, members indicated they were not comfortable keeping language referencing an applicant’s ‘burden of persuasion’ as they were unpersuaded by the County Attorney’s arguments the language was necessary. An excerpt of the minutes from the March 3 and 20, 2019 meetings, as well as the Planning Board’s approved Statement of Consistency, are contained within Attachment 5.

**Planning Director Recommendation:** The Planning Director recommends approval of the Statement of Consistency (Attachment 6) and the Ordinance amending the UDO (Attachment 7
including 7-a, 7-b and 7-c) which includes the language within Section(s) 2.10.3, 2.11.3, and 5.3.2 establishing a ‘burden of persuasion’. Staff is recommending keeping language, as recommended by the County Attorney, concerning the ‘burden of persuasion’ in Section(s) 2.10.3, 2.11.3, and 5.3.2.

The Director believes the language is necessary to ensure the legal sufficiency of the UDO, as indicated by the County Attorney, by spelling out an applicant’s obligations when applying for a variance, interpretation, and special use permit.

It should be noted that Attachment 7 consists of three parts, with Attachments 7-a and 7-b attached to this abstract and also available electronically at: http://www.orangecountync.gov/DocumentCenter/View/7012.

Attachment 7-c containing the Strikethrough/Delete/Underlined/Highlighted Text Amendments pages from the UDO is only available electronically at http://www.orangecountync.gov/DocumentCenter/View/7012.

In addition, as noted in the Public Hearing Notice (Attachment 1), the full text of the amendments pages and other information has been available from the Orange County Planning Department.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- **GOAL: ESTABLISH SUSTAINABLE AND EQUITABLE LAND-USE AND ENVIRONMENTAL POLICIES**
  The fair treatment and meaningful involvement of people of all races, cultures, incomes and educational levels with respect to the development and enforcement of environmental laws, regulations, policies, and decisions. Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

FINANCIAL IMPACT: Consideration and approval will not create the need for additional funding for the provision of County services. Costs for the required legal advertisement for the text amendment were paid from FY2018-19 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process these amendments.

RECOMMENDATION(S): The Manager recommends the Board:

1. Receive the proposed amendments to the UDO as detailed in this abstract and attachments;
2. Conduct the public hearing and accept comment on the proposed amendments;
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 6);
5. Adopt the Ordinance as recommended by the Planning Director (Attachment 7 including 7-a, 7-b and 7-c – http://www.orangecountync.gov/DocumentCenter/View/7012), keeping language within Section(s) 2.10.3, 2.11.3, and 5.3.2 establishing the ‘burden of persuasion’ consistent with the recommendation of the County Attorney.
NOTICE OF PUBLIC HEARING
ORANGE COUNTY BOARD OF COMMISSIONERS

A public hearing will be held at the Southern Human Services Center, 2501 Homestead Road, Chapel Hill, North Carolina, on Tuesday, April 16, 2019 at 7:00 PM for the purpose of giving all interested residents an opportunity to speak for or against the following items:

1. **Unified Development Ordinance Text Amendments:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Director has initiated amendments to the Unified Development Ordinance (UDO) to:

   a. Combine the three existing tables of permitted uses for general use zoning districts, EDD general use zoning districts, and conditional zoning districts into a centralized permitted use table and amend other sections as necessary as a result of the combination;

   b. Modify Article 10 Definitions to incorporate new and/or revised definitions of various land uses, consistent with the proposed new table;

   c. Incorporate modifications to the Economic Development Hillsborough (EDH) zoning districts; and

   d. Include processes allowing for ‘reasonable accommodations’.

The following Sections of the UDO are proposed for amendment:

2.10 Variances
2.11 Interpretations
2.23 *Reasonable Accommodation* (new section)
3.8 Conditional Districts
5.1.1 Prohibited Uses
5.1.4 Conditional Uses
5.1.5 *Key to Permitted Use Table* (new section)
5.2 *Table of Permitted Uses*
5.3.2 Special Uses
5.4 Standards for Temporary Uses
5.5 Standards for Residential Uses
5.6 Standards for Commercial Uses (to also be renamed)
5.7 Standards for Recreational Uses
5.8 Standards for Childcare & Educational Facilities (to also be renamed)
5.9 Standards for Utilities
5.10 Standards for Telecommunication Facilities
5.11 Standards for Waste Management Facilities
5.12 Standards for Extractive Uses
5.13 Standards for Agricultural Uses
5.14 Standards for Manufacturing, Assembly & Processing (to also be renamed)
5.15 Standards for Manufacturing, Assembly, Processing, and Distribution Uses – Other than Food (new section)
5.16 Standards for Automotive/Transportation Related Uses
The amendments are necessary to address the legal sufficiency of the UDO with respect to the findings of NC Supreme Court case Byrd v. Franklin County by spelling out allowable and prohibited land uses. Additionally, the amendments seek to eliminate the unnecessarily repetitive, and often confusing, delineation of allowable land uses by creating a central table of permitted uses and combining similar land uses into single categories to ensure uniformity with respect to application of development criteria and permitting.

The Orange County Planning Board, which began review of this item at its March 6, 2019 regular meeting, continued discussion at a special meeting on March 20. At this special meeting, the Planning Board voted 7-1 to recommend approval of the amendments with the elimination of language in Section(s) 2.10.3, 2.11.3, and 5.3.2 establishing a ‘burden of persuasion’ for those applying for a variance, interpretation, or special use permit. Agenda materials from this meeting, including the recommended amendment language, can be viewed at: http://www.orangecountync.gov/AgendaCenter/ViewFile/Agenda/_03202019-826

Purpose: To review the item and receive public comment on the proposed amendments.

Substantial changes in items presented at the public hearing may be made following the receipt of comments made at the public hearing. Accommodations for individuals with physical disabilities can be provided if the request is made to the Planning Director at least 48 hours prior to the Public Hearing by calling one of the phone numbers below. The full text of the public hearing items may be obtained no later than April 12, 2019 on the County website www.orangecountync.gov at the County Commissioners Agendas link (http://www.orangecountync.gov/1707/BOCC-Agendas).

Information is also available now from the Orange County Planning Department (contact information below).

Questions regarding the proposals may be directed to the Orange County Planning Department located on the second floor of the County Office Building at 131 West Margaret Lane, Suite 201, Hillsborough, North Carolina. Office hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday. You may also call (919) 245-2575 or 245-2585 and you will be directed to a staff member who will answer your questions or you may e-mail questions to planningdept@orangecountync.gov.

PUBLISH: The Herald Sun News of Orange
April 3, 2019 April 3, 2019
April 10, 2019 April 10, 2019
<table>
<thead>
<tr>
<th>SECTION BEING MODIFIED</th>
<th>WHAT HAS CHANGED</th>
<th>WHY</th>
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<tbody>
<tr>
<td>2.10 Variances</td>
<td>1. Section 2.10.2 (B) (4) (Application Requirements) – updating references to renumbered UDO section (changing reference from Section 2.10.3 to Section 2.10.4);</td>
<td>County Attorney was concerned over the legal sufficiency of UDO without language outlining what the burden of proof of an applicant for a variance was.</td>
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<td>2. Adding a new Section 2.10.3 entitled ‘Burden of Proof’ including language establishing an applicant’s burden of persuasion;</td>
<td>Staff has added this language, which includes references to an applicant’s ‘burden of persuasion’ with respect to demonstrating a variance request complies with the various parameters of UDO, allowing same to be issued.</td>
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<td>3. Existing Section numbers being re-numbered to accommodate a new Section 2.10.3;</td>
<td>This language was added at the recommendation of the County Attorney.</td>
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<td>4. Renumbered Section 2.10.5 (Additional Criteria for Authorized Variances – Special Flood Hazard Areas) - updating references to renumbered UDO section (changing reference from Section 2.10.3 to Section 2.10.4);</td>
<td>This addition causes a re-numbering of existing section(s) and required updating of various section references.</td>
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<td>5. Renumbered Section 2.10.6 (E) (1) (Additional Criteria for Authorized Variances – Watershed Protection Overlay District) - updating references to renumbered UDO section (changing reference from Section 2.10.5 to Section 2.10.6);</td>
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<td>6. Renumbered Section 2.10.10 (A) (Findings of Fact) - updating references to renumbered UDO section (changing reference from Section 2.10.3 to Section 2.10.4).</td>
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<td>2.11 Interpretations</td>
<td>1. Adding a new Section 2.11.3 entitled ‘Burden of Proof’ including language establishing an applicant’s burden of persuasion;</td>
<td>County Attorney was concerned over the legal sufficiency of UDO without language outlining what the burden of proof of an applicant for an interpretation was.</td>
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<td>2. Existing Section numbers being re-numbered to accommodate a new Section 2.11.3.</td>
<td>Staff has added this language, which includes references to an applicant’s ‘burden of persuasion’ with respect to demonstrating an interpretation request complies with the various parameters of UDO, allowing same to be issued (i.e. overturn a staff decision).</td>
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<td>This language was added at the recommendation of the County Attorney.</td>
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<td>This addition causes a re-numbering of existing section(s) and required updating of various section references.</td>
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<td>2.23 Reasonable Accommodation</td>
<td>1. Elimination of existing regulations concerning development of a ‘Daycare Center in a Residence’; 2. Renaming Section to ‘Reasonable Accommodation’; 3. Adoption of new standards consistent with direction from the County Attorney.</td>
<td>Regulations governing the review/approval of a daycare in a residence have been moved to Article 5. Land use standards do not belong in a section intended to identify development review processes. This section is being re-purposed to address a concern from the Attorney over making reasonable accommodation for persons meeting Federal definition(s) of being disabled or handicapped. Per applicable State and Federal Law, local governments are required to make reasonable accommodation to land use regulations/policies to accommodate disabled or handicapped persons so they are not denied reasonable use of property. Proposed language addresses this concern and meets legal sufficiency consistent with direction from the County Attorney.</td>
</tr>
<tr>
<td>Section 3.8 Conditional Use Districts</td>
<td>Section references have been updated. Section 5.1.4 (existing language) is being changed to reference the new numbering scheme of the provision (i.e. Section 5.1.3 – the new language).</td>
<td>Amendment is necessary to ensure proper reference to renumbered section of the UDO.</td>
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<tr>
<td>Section 5.1.1 Prohibited Uses</td>
<td>1. Eliminating the word ‘not’; 2. Adding language ‘but not denoted’</td>
<td>The language is being modified to ensure consistency with Byrd versus Franklin. Prohibited uses are now listed within the table and are not identified as being allowed for development (i.e. there will be no symbol indicating the use is permitted in various zoning districts). Section 5.1.1 is being modified to ensure consistency with the revised table construct.</td>
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<tr>
<td>Section 5.1.4 (D) (1)</td>
<td><strong>Conditional Uses</strong></td>
<td>Section references have been updated. Section 5.1.4 (existing language) is being changed to reference the new numbering scheme of the provision (i.e. Section 5.1.3 – the new language). Amendment is necessary to ensure proper reference to renumbered section of the UDO.</td>
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</table>
| Section 5.1.5 Key to Permitted Use Table (Page 5-3 of the UDO) | 1. Creating a new section outlining the new symbology of the table of permitted uses, specifically:  
   a) Asterisk (*) indicates permitted by right;  
   b) A delta (Δ) indicates permitted subject to compliance additional standards;  
   c) An ‘A’ indicates Class A Special Use Permit required;  
   d) A ‘B’ indicates Class B Special Use Permit required;  
   e) ‘C’ indicates Conditional Use Permit required;  
   f) No symbols indicate land use is prohibited within that given district.  
   The new section is necessary to establish the meaning of proposed symbols within the revised table of permitted land uses. |                                                                                                                                 |
<p>| Section(s) 5.2.1; 5.2.2; 5.2.3 (table of permitted uses) | Existing tables for general use, economic development, and conditional zoning districts being deleted. All land uses for general use, economic development, and conditional zoning districts being combined into central table. | The proposed amendments are designed to standardize use of symbols as it relates to development review processes and requirements. Symbols establishing development standards (i.e. symbols indicating a ‘use may not be permitted as a Conditional Use District’ and/or a ‘use is allowed as more than one principal use if located on a bona fide farm’) are being eliminated with required language located throughout Article 5 to ensure legal sufficiency. Regulations governing Composting Operations (with and without grinding) have been combined (i.e. adherence to specific conditions). There was no reason to have two separate land use categories. |</p>
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<tr>
<td>New Table:</td>
<td>1. Updating of symbols;</td>
<td>Staff is eliminating the word ‘child’ to ensure the category encompasses care for all.</td>
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<tr>
<td>Renamed Care and Educational Facility land use category</td>
<td>2. Name of land use category changed from ‘Child Care and Educational Facility Uses’ to ‘Care and Educational Facility Use’;</td>
<td>Language added to Article 5 to address distinctions from a permitting standpoint, where necessary (i.e. adolescent, child, adult). This is part of the direction staff has received by the BOCC to consolidate land uses where possible.</td>
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<td>3. Change permitting of Care Facilities in EDB-1 and EDB-2 as a permitted use versus ‘special use’;</td>
<td>‘Care Facilities’ is recommended to be allowed within EDB-1 and EDB-2 as a permitted use versus through approval of a special use permit. This will ensure consistency with other EDD general use zoning district processes;</td>
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<td>4. Add Care Facilities land use to the EDH-3 general use zoning district as a permitted use;</td>
<td>There is no need to reference land uses in a plural sense. So ‘Libraries’ is becoming ‘Library’</td>
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<td>5. Language indicating land use is only ‘child care’ has been eliminated to ensure use captures all (i.e. adolescents, children, adults, etc.);</td>
<td>Several ‘school’ activities dealing with the performing arts, sports, and recreation activities have now been combined into a single land use category.</td>
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<td>6. Various land uses combined into a single category;</td>
<td>Staff has recommended renaming ‘Schools: Elementary, Middle, and Secondary’ to ‘Schools Preparatory’.</td>
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<td>7. Tense of land use categories have been updated (plural to single);</td>
<td>Expand where office and financial service land uses are permitted, including specific focus on the Hillsborough EDD districts, consistent with BOCC direction.</td>
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<td>8. The Non-profit Educational Cooperative land use is being eliminated. There are no such operations currently in the County and the use appears to have no relevance.</td>
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<td>9. Allow Schools Performing Arts, Sports, and Recreation within the EDH-4 general use zoning district.</td>
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<tr>
<td>New Table:</td>
<td>1. Updating of symbols;</td>
<td>Staff is combining several similar land uses into a single category consistent with direction staff has received to consolidate land uses, where possible, to avoid a complicated, exhaustive, table of permitted uses.</td>
</tr>
<tr>
<td>Government Uses land use category</td>
<td>2. Consolidate government land uses into a single land use category and avoid exhaustive list;</td>
<td>Language added to Article 5 to address distinctions from a permitting standpoint, where necessary.</td>
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<td>3. Split out ‘detention center’ and ‘military installation’ to allow for different review standards and limit which district(s) such uses are permitted within.</td>
<td>Identified land uses have been kept separate to ensure potential impacts are addressed through site plan review process.</td>
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<tr>
<td>New Table: Manufacturing, Assembly, Processing and Distribution Uses - Food</td>
<td>1. Update of symbols; 2. Rename existing land use category (i.e. Manufacturing, Assembly, Processing Uses) to include appropriate language identifying ‘what’ activities will be allowed; 3. Provide a distinction between food manufacturing land uses versus other non-food manufacturing operations; 4. Identify those food manufacturing land uses that require heightened permit review or are simply not permitted. As part of this proposal Animal Slaughtering and Processing (i.e. not on a farm); Seafood Preparation and Packaging (i.e. not on a farm); Tobacco Processing (i.e. not on a farm) would not be permitted for development within the County; 5. Allow for uses within the EDH-4 and EDH-5 general use zoning districts; 6. Consolidate existing land uses such as Winery (production only, with minor events, with major events) and Microbrewery (production only, with minor events, with major events) into single land use categories.</td>
<td>Staff is combining several similar land uses into a single category consistent with direction staff has received to consolidate land uses where possible to avoid a complicated, exhaustive, table of permitted uses. Language added to Article 5 to address distinctions from a permitting standpoint, where necessary. Identified land use categories (i.e. winery and microbrewery) have been combined to ensure consistency with BOCC direction and avoid unnecessary duplication. Regulations for each activity (i.e. (production only, with minor events, with major events) are now contained in Article 5 for each land use rather than have separate land uses outlining same. Expand where office and financial service land uses are permitted, including specific focus on the Hillsborough EDD districts, consistent with BOCC direction.</td>
</tr>
<tr>
<td>New Table: Manufacturing, Assembly, Processing and Distribution Uses - Other</td>
<td>1. Update of symbols; 2. Rename existing land use category to provide a distinction between food manufacturing land uses versus other non-food manufacturing operations; 3. Allow for additional uses within the EDH-4 and EDH-5 zoning districts; 4. Identify those manufacturing land uses that require heightened permit review or are not permitted. As part of this proposal Chemical Manufacturing and Processing – Other ; Firearm Manufacturing and Assembly ; Leather Hide Tanning and Finishing (i.e. not on a farm) ; Petroleum and Coal Product Processing ; Pulp, Paper, and Paperboard Mills would not be permitted.</td>
<td>Staff is combining several similar land uses into a single category consistent with direction staff has received to consolidate land uses where possible to avoid a complicated, exhaustive, table of permitted uses. Language added to Article 5 to address distinctions from a permitting standpoint, where necessary. Identify those land uses that require heightened level of permit review, are only allowed in identified districts, or are prohibited. Expand where office and financial service land uses are permitted, including specific focus on the Hillsborough EDD districts, consistent with BOCC direction.</td>
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<td>New Table:</td>
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<td>Medical Uses</td>
<td>1. Updating of symbols;</td>
<td>Staff is combining several similar land uses into a single category consistent with direction from the BOCC.</td>
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<td>2. Consolidate medical land uses (i.e. doctor, dentist, psychiatrist, etc.) into a single land use category and avoid exhaustive list;</td>
<td>There is no separate/distinct impact between various medical offices (i.e. podiatrist, general practitioner, pediatrician, dentist, etc.) requiring they be listed separately within the table of permitted uses.</td>
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<td>3. Create distinctions between a veterinary clinic (i.e. no overnight accommodation of animals requiring care) versus a veterinary hospital (i.e. possible overnight accommodation of animals requiring care);</td>
<td>Language added to Article 5 to address distinctions from a permitting standpoint, where necessary (i.e. size limits on offices, services offered – onsite lab or not, etc.).</td>
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<td>4. Establish distinction between hospital and other medical land uses.</td>
<td>Hospitals are required to adhere to specific requirements under State law to be permitted/developed. Creating the distinction is necessary to address this compliance point in State law.</td>
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<tr>
<td>Office and Financial Service Uses</td>
<td>1. Updating of symbols;</td>
<td>Staff is combining several similar land uses into a single category consistent with direction from the BOCC.</td>
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<td>2. Consolidate office land uses (i.e. lawyer, architect, real estate, contractor with no on-site storage of equipment, etc.) into a single land use category and avoid exhaustive list;</td>
<td>There is no separate/distinct impact between various professional offices requiring they be listed separately within the table of permitted uses.</td>
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<td>3. Allow for additional uses within the EDH-4 and EDH-5 zoning districts;</td>
<td>Language added to Article 5 to address distinctions from a permitting standpoint, where necessary.</td>
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<td>4. Create distinctions between land uses to ensure development concerns are addressed. Specifically staff is recommending creating a distinction between a building contractor’s office with and without on-site storage. Further staff is recommending Pawnshop or Payday Loan operations be prohibited.</td>
<td>Contractor’s office with on-site storage is being treated differently to ensure there is adequate buffering/screening of storage areas.</td>
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<td>Expand where office and financial service land uses are permitted, including specific focus on the Hillsborough EDD districts, consistent with BOCC direction.</td>
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| Recreational Uses      | 1. Updating of symbols;  
                        | 2. Move ‘retreat center’ to the proposed new Assembly land use category;  
                        | 3. Eliminate ‘public’ from the ‘Park’ land use category;  
                        | 4. Move ‘theater’ to the proposed new Assembly land use category. | Retreat Centers and Theaters are typically considered Assembly land uses. As part of this amendment package they are being moved to the appropriate land use category to ensure consistency. Existing regulations governing development of Retreat Centers are being relocated from within Article 5 as well. There is no separate/distinct impact between a public or private park requiring different permit review, which is why the word ‘public’ is being eliminated. |
| Residential Uses       | 1. Updating of symbols;  
                        | 2. Change reference from ‘mobile’ home to ‘manufactured’ home;  
                        | 3. Update language to ensure consistency with defined terms (i.e. Family Care Facility versus Family Care Home);  
                        | 4. Adding of new land use category ‘Group Home’;  
                        | 5. Combining various care facilities (i.e. rehab center, nursing home, etc.) into Health and Personal Care Facility;  
                        | 6. Eliminate the ‘Dormitory, Fraternity, and Sorority’ land use;  
<pre><code>                    | 7. Adding the Temporary Use of Residential Mobile Unit to the table. | The term ‘mobile home’ applies to structures built before July 15, 1976. Structures built after this date are considered ‘manufactured homes’. Staff is changing the reference to be consistent with what is permitted. New Group Home land use added for those instances where 6 to 15 people choose to live together but do not require a State license as with a Group Care Facility. Staff is combining several similar land uses into a single category consistent with previous direction from the BOCC. There is no separate/distinct impact between various elder care facilities requiring they be listed separately within the table of permitted uses. Language added to Article 5 to address distinctions from a permitting standpoint, where necessary. The ‘Dormitory, Fraternity, and Sorority’ land use is being deleted as it conflicts with other residential land uses denoted within the section. |
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<td>New Table: Automotive/Transportation Uses</td>
<td>1. Updating of symbols; 2. Elimination of unnecessary and confusing language within various Motor Vehicle land uses (i.e. repair (body shop); garage; (new and used); stations; surface and structure; etc.); 3. Combining Bus and Rail Passenger Shelter land uses into single use category; 4. Moving Petroleum Products Storage and Delivery to the Service land use category; 5. Elimination of Airports as an allowable use in the RB, AR, R-1 general use zoning districts. Staff is proposing the use only allowed within the I-1, I-2, and I-3 general use zoning districts (new allowance recommended by staff).</td>
<td>Staff as modified existing definitions of motor vehicle land uses to eliminate existing conflicts. As a result superfluous language is being eliminated from the table. Creation of parking lots is being listed as a permitted use. Staff is eliminating references to structural or surface parking as this is redundant language. Regardless of the type of parking (i.e. surface/structure) the activity is what we are regulating. Staff has combined similar land uses into single use categories. There is no distinction between a bus and rail passenger shelter. Petroleum Products Storage and Delivery is not a transportation related land use and is being moved. Airports have been deemed inappropriate for development within residential general use zoning districts. Staff is recommending they only be allowed in Industrial general use zoning districts (still subject to Class A SUP).</td>
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<td>New Table: Retail Uses</td>
<td>1. Updating of symbols; 2. Consolidation of individual retail operations into single land use category; 3. Keeping of the Country Store land use category.</td>
<td>Staff has combined the various separate retail land uses listed within the three existing tables into a single land use category. There is no separate/distinct impact between various retail land uses requiring they be listed separately within the table of permitted uses. Language added to Article 5 to address distinctions from a permitting standpoint, where necessary (i.e. size of building, etc.). Country Store is being kept in order to avoid potential impacts to previously reviewed/approved agricultural service amendments.</td>
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| New Table: Service Uses | 1. Updating of symbols;  
2. Consolidation of individual service related land uses into single land use category;  
3. Listing various service uses (i.e. *Body Art, Eating and Drinking Establishment*, etc.) within the table to ensure proper distinction of development requirements (i.e. where they are and are not permitted for development);  
4. Consolidation of various overnight accommodations into new land use categories:  
   a. **Short Term Rental Small – Host Occupied** (Dwelling occupied by a host providing up to three guestrooms for overnight rental or lease);  
   b. **Short Term Rental Large – Host Occupied** (Dwelling occupied by a host providing more than three guestrooms for overnight rental or lease);  
   c. **Short Term Rental – Non Host Occupied** (Dwelling providing guestrooms for overnight rental or lease not occupied by a host). | Staff has combined several service related land uses into a single land use category.  
Language added to Article 5 to address distinctions from a permitting standpoint, where necessary (i.e. size of building, use of outdoor storage, etc.).  
Several service uses ‘split out’ from central service category so they are processed consistent with existing development standards (i.e. cemetery, funeral home, garden center, etc.).  
Various overnight accommodation land uses (i.e. hotel, motel, motor court, bed and breakfast, bed and breakfast inn, country inn, etc.) were combined to avoid conflicts and unnecessary duplication of efforts.  
Proposed regulation(s) are consistent with existing standards governing Bed and Breakfast; Bed and Breakfast Inn; Country Inn; Hotels, etc.  
Number of allowable bedrooms consistent with current regulations. |
| Land Use Category Telecommunication Uses | 1. Updating of symbols;  
2. Adding of new land use ‘*ham radio tower*’; | State law was amended to include provisions allowing for erection of ham radio towers under certain height limits. |
| Land Use Category Utilities Uses | 1. Updating of symbols;  
2. Updating permit requirements for elevation storage tanks to allow them within the EDH-4 and EDH-5 general use zoning districts; | Expand allowable land uses consistent with BOCC direction. |
| Land Use Category Waste Management Uses | 1. Updating of symbols;  
2. Consolidate similar land uses to avoid repetition. | |
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<td>Wholesale Trade Uses</td>
<td>1. Updating of symbols; 2. Consolidate similar land uses to avoid unnecessary repetition; 3. Allow land uses within the EDH-4 and EDH-5 general use zoning districts.</td>
<td>The UDO currently breaks down and lists out wholesale trade uses for durable and non-durable goods. These land uses were permitted in the same fashion thereby eliminating the need for a detailed list. Staff has simply recommended combining the uses into a single use category. Expand allowable land uses consistent with BOCC direction, focusing on the Hillsborough EDD districts.</td>
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<tr>
<td>New Land Use Category</td>
<td>1. Updating of symbols; 2. New definition of terms for various assembly land uses to create distinctions: a) Assembly: A land use providing space, indoors or outdoors, allowing for the congregation of persons for the purpose of observing, listening, or engaging in a service, performance, or activity. b) Club or Lodge: An assembly land use, operated by a non-profit group, for members and guests. c) Community Center: An assembly land use, operated by a non-profit group, as a non-commercial activity. d) Place of Worship: An assembly land use primarily providing meeting areas for the support or religious activities, services, and study. e) Retreat Center: An assembly land use operated as a commercial activity. 3. Retreat Center and Theater moved from Recreation Uses to this land use category; 4. Allow Retreat Center in the NC-2; CC-3; GC-4; EDB-1; EDE-1; and EDH-4 general use zoning districts; 5. Community Center is now permitted in EDB-1 and EDE-1 as permitted use versus SUP.</td>
<td>In attempting to simplify the UDO, staff created a new land use category to combine ‘assembly’ uses. Assembly uses are now broken down on the nature of their operation, specifically: • Gathering of members of a specific organization for assembly purposes; • Gathering of the general public for assembly purposes operated as a non-commercial activity; • Gathering of the general public for assembly purposes focused on religious observation; and • Gathering of the general public for commercial activities. Expand allowable land uses consistent with BOCC direction.</td>
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<tr>
<td>Land Use Category</td>
<td>Majority of uses relocated into different land use categories consistent with new format.</td>
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<tr>
<td>Miscellaneous Uses</td>
<td>To address legal sufficiency concerns, staff is adding language to ensure proper identification of applicant requirements associated with the processing of a special use permit.</td>
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<td>Section 5.3.2 Special Uses</td>
<td>Modification of Section 5.3.2 (A) (1) to add language concerning the 'burden of persuasion' for special use permit applications.</td>
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<td>Section 5.4.1 Yard Sale and Section 5.4.2 Temporary Fund Raising Activity</td>
<td>Eliminating contradictory language to ensure uniformity within the UDO related to the use of headers.</td>
<td>Addressing legal sufficiency by eliminating redundant and unnecessary language associated with the identification of ‘standards of evaluation’ for the identified land uses.</td>
</tr>
<tr>
<td>Section 5.4.3 Special Events</td>
<td>1. Updating existing language to ensure property format with other sections of the UDO (i.e. adding ‘Use Standards’ heading ; ‘Standards of Evaluation’ ; ‘Submittal Requirements’; etc.); 2. Moving of regulations currently contained in definitions to the appropriate section of the UDO (See Section 5.4.3 (B) (1) (a)) to ensure we are properly identifying an enforcement standard; 3. Elimination of redundant language (i.e. plot plan submittal requirements are already addressed in the UDO and do not need to be repeated here); 4. Elimination of references to a special use permit (there is no special use permit required under the current ordinance).</td>
<td>Addressing legal sufficiency of the UDO by eliminating redundant and unnecessary language, ensuring consistent use of header references throughout the document, and ensuring regulations are moved from definitions into the actual 'standards' associated with a specific land use.</td>
</tr>
<tr>
<td>Section 5.4.4 Temporary Use of a Residential Mobile Home ; Section 5.4.5 Buildings for Temporary Uses ; Section 5.5.1 Accessory Structures and Uses</td>
<td>Eliminating contradictory language to ensure uniformity within the UDO related to the use of headers.</td>
<td>Addressing legal sufficiency by eliminating redundant and unnecessary language associated with the identification of ‘standards of evaluation’ for the identified land uses.</td>
</tr>
<tr>
<td>New Section 5.5.2 Campgrounds</td>
<td>Adding language referencing what provisions govern the development of a campground.</td>
<td>To address legal sufficiency concerns, staff is adding language to ensure proper identification of permit requirements.</td>
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| Section 5.5.3 Efficiency Apartment; Section 5.5.4 Home Occupations; Section 5.5.5 Home Parks; Section 5.5.6 Existing Home Parks; Section 5.5.7 Mobile Homes on Individual Lots; Section 5.5.8 Group Care Facility | 1. Renumbering of UDO sections;  
2. Eliminating contradictory language to ensure uniformity within the UDO related to the use of headers. | Addressing legal sufficiency by eliminating redundant and unnecessary language associated with the identification of 'standards of evaluation' for the identified land uses. |
| New Section 5.5.9 Group Home                                                         | 1. New regulation designed to address 6 to 15 people choosing to live together BUT is not a licensed Group Care Facility as defined in the UDO;  
2. Updating existing language to ensure property format with other sections of the UDO (i.e. 'Use Standards' heading; 'Standards of Evaluation'; 'Submittal Requirements'; etc.);  
3. New land use defined as: A residential living arrangement providing housing for six to 15 unrelated individuals other than a Group Care Facility | Use shall be processed in a similar fashion to a Group Care Facility (i.e. Class B Special Use Permit).  
Purpose of amendment is to provide flexibility with respect to housing BUT require same level of permit review as similar facilities in the County allowing for 6 to 15 people living together.  
Amendment designed to eliminate existing discrepancy in living situation and ensure enforcement of UDO standards. |
| New Section 5.5.10 Health and Personal Care Facility                                    | Catch all category for care facilities (i.e. rehabilitative living center, nursing home, assisted living, etc.). |                                                                                      |
| Deletion of existing regulations associated with Residential Hotel, Dormitory, Fraternity, Sorority, and Religious Quarters | Land use has been eliminated from the table. As a result the standards governing development of same are being eliminated. | Standards and uses are redundant.  
Such uses are either permitted as part of a 'College' (i.e. Class A SUP) or constitute multi-family housing as already detailed within the UDO. |
| Section 5.5.11 Temporary Custodial Care Units; Section 5.5.12 Multi-family            | 1. Renumbering of UDO sections;  
2. Eliminating contradictory language to ensure uniformity within the UDO related to the use of headers. | Addressing legal sufficiency by eliminating redundant and unnecessary language associated with the identification of 'standards of evaluation' for the identified land uses. |

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<td>New Section 5.6 Standards for Service Uses</td>
<td>1. Renumbering of UDO sections to accommodate modifications; 2. Eliminating contradictory language to ensure uniformity within the UDO related to the use of headers; 3. Section 5.6.1 – Establishment of base land use development criteria for general service land uses in accordance with existing limitations identified in the current UDO; 4. Section 5.6.2 – relocation of existing regulations governing development of a Cemetery; 5. Section 5.6.3 – New category combining all existing forms of restaurants, bars, and pubs into a central land use category with breakdown if development criterial in various general use zoning districts; 6. Section 5.6.4 and 5.6.5 - relocation of existing regulations governing development of a Funeral Home and Garden Center respectively; 7. Section 5.6.6 and 5.6.7 – update of headers/titles of section, relocation of development standards previously identified in the current table (i.e. conditional use district); 8. Section 5.6.8 – updating of language in Class II Kennels; 9. Section(s) 5.6.9 through 5.6.11 – creation of Short Term Rental land uses; 10. Relocation of Microbrewery and Winery regulations to new Manufacturing land use category; 11. Section 5.6.12 – identification of land use regulations associated with a Storage of Goods land use; 12. Section 5.6.13 – adding language originally captured as part of the table of permitted uses.</td>
<td>Addressing legal sufficiency by eliminating redundant and unnecessary language associated with the identification of ‘standards of evaluation’ for the identified land uses. Identification of existing/new land use development standards consistent with new UDO format. As previously indicated, various overnight accommodation land uses (i.e. hotel, motel, motor court, bed and breakfast, bed and breakfast inn, country inn, etc.) were combined to avoid conflicts and unnecessary duplication of efforts. Proposed regulation(s) are consistent with existing standards governing Bed and Breakfast; Bed and Breakfast Inn; Country Inn; Hotels, etc. Number of allowable bedrooms consistent with current regulations. Staff has eliminated identified discretionary consistent with County Attorney direction. Staff is eliminating references to ‘re-approval of an expired SUP’. If an SUP expires, current regulations require a resubmittal of the application. There is no reason why a Short Term Rental should be treated any differently.</td>
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<td>Section 5.7 Standards for Recreational Uses</td>
<td>1. Renumbering of UDO sections to accommodate modifications; 2. Eliminating contradictory language to ensure uniformity within the UDO related to the use of headers; 3. Section 5.7.5 – elimination of references to Retreat Center, which is being moved to the Assembly land use category. Elimination of reference in Section 5.7.5 (A) (2) (b) to the site plan showing the distance to the nearest residential structure. This language, which is part of the site plan submittal, has been moved to Section 5.7.5 (A) (1) (d); 4. Elimination of Theater, which is being moved to the Assembly land use category.</td>
<td>Addressing legal sufficiency by eliminating redundant and unnecessary language associated with the identification of 'standards of evaluation' for the identified land uses. Identification of existing/new land use development standards consistent with new UDO format. Movement of existing standards to more appropriate section(s) as identified herein.</td>
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<td>New Section 5.8 Standards for Care and Educational Facilities</td>
<td>1. Renumbering of UDO sections to accommodate modifications; 2. Eliminating contradictory language to ensure uniformity within the UDO related to the use of headers; 3. Section 5.8.1 and 5.8.2 – Elimination of references to ‘Daycare’ or ‘Child’. Proposed revisions to the UDO allow for ‘care’ in a residence in general. Development standards are also proposed; 4. Section 5.8.3 – existing regulations associated with the development of a Non-profit Educational Cooperative are being repurposed to govern development of Schools: Universities, Colleges, and Institutes.; 5. Section 5.6.4 – renaming of use category consistent with revised table; 6. Section 5.8.5 – Establishment of regulations governing Technical, Trade, and Skill training schools.</td>
<td>Addressing legal sufficiency by eliminating redundant and unnecessary language associated with the identification of 'standards of evaluation' for the identified land uses. Identification of existing/new land use development standards consistent with new UDO format.</td>
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| Section 5.9 Utilities and Section 5.10 Telecommunication Facilities | 1. Renumbering of UDO sections;  
2. Eliminating contradictory language to ensure uniformity within the UDO related to the use of headers.  
3. Under Section 5.10 (new Section 5.10.10) adding new regulations governing erection and use of Ham Radio Towers. | Addressing legal sufficiency by eliminating redundant and unnecessary language associated with the identification of ‘standards of evaluation’ for the identified land uses.  
As previously indicated herein, State law was amended creating allowances for the erection/use of ham radio towers.  
Staff is modifying the UDO to reference these same standards. |
| Section 5.11 Waste Management Facilities and Section 5.12 Extractive Uses | 1. Renumbering of UDO sections;  
2. Eliminating contradictory language to ensure uniformity within the UDO related to the use of headers. | Addressing legal sufficiency by eliminating redundant and unnecessary language associated with the identification of ‘standards of evaluation’ for the identified land uses. |
| Section 5.13 Agricultural Uses | 1. Renumbering of UDO sections;  
2. Eliminating contradictory language to ensure uniformity within the UDO related to the use of headers;  
3. Incorporation of use regulations currently identified in the table of permitted uses, specifically:  
   a) Uses shall not be permitted as a Conditional Use District;  
   b) Use not permitted within the Rural Buffer; and  
   c) Use may be permitted as more than 1 principal use if located on a bona fide farm.  
4. Section 5.13.5 – adding language concerning composting operations with grinding activities. This has allowed for the collapsing of two existing land use categories into one. | Addressing legal sufficiency by eliminating redundant and unnecessary language associated with the identification of ‘standards of evaluation’ for the identified land uses.  
Updating language allowing for the collapsing of existing land uses into one central use category consistent with BOCC direction. |
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<td>Section 5.14 Manufacturing, Assembly, Processing, and Distribution Uses – Food</td>
<td>1. Renumbering of UDO sections to accommodate modifications; 2. Eliminating contradictory language to ensure uniformity within the UDO related to the use of headers; 3. Eliminating of existing non-food manufacturing land uses from this Section. These uses are being moved to Section 5.15 of the revised UDO; 4. Incorporation of use regulations currently identified in the table of permitted uses, specifically: a. Uses shall not be permitted as a Conditional Use District; b. Use not permitted within the Rural Buffer; and c. Use may be permitted as more than 1 principal use if located on a bona fide farm. 5. Section 5.14.1 – Establishment of base land use development criteria for general food manufacturing land uses in accordance with existing limitations identified in the current UDO; 6. Section(s) 5.14.2 and 5.14.3 – relocation of regulations governing Microbrewery and Winery.</td>
<td>Addressing legal sufficiency by eliminating redundant and unnecessary language associated with the identification of 'standards of evaluation' for the identified land uses. Identification of existing/new land use development standards consistent with new UDO format. Updating language for a Microbrewery and Winery allowing for the collapsing of existing land uses into single use categories consistent with BOCC direction.</td>
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<td>Section 5.15 Manufacturing, Assembly, Processing, and Distribution Uses – Other than Food</td>
<td>1. Renumbering of UDO sections to accommodate modifications; 2. Eliminating contradictory language to ensure uniformity within the UDO related to the use of headers; 3. Relocation of existing non-food manufacturing land uses development standards from various sections of the current UDO; 4. Section 5.15.1 - Establishment of base land use development criteria for general food manufacturing land uses in accordance with existing limitations identified in the current UDO.</td>
<td>Addressing legal sufficiency by eliminating redundant and unnecessary language associated with the identification of 'standards of evaluation' for the identified land uses. Identification of existing/new land use development standards consistent with new UDO format.</td>
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<td>Section 5.16 Automotive/Transportation Related Uses</td>
<td>1. Renumbering of UDO sections to accommodate modifications; 2. Eliminating contradictory language to ensure uniformity within the UDO related to the use of headers; 3. Section 5.16.1 – relocation of existing Airport regulations from the Miscellaneous land use category; 4. Incorporation of use regulations currently identified in the table of permitted uses, specifically: a) Uses shall not be permitted as a Conditional Use District.</td>
<td>Addressing legal sufficiency by eliminating redundant and unnecessary language associated with the identification of ‘standards of evaluation’ for the identified land uses. Identification of existing/new land use development standards consistent with new UDO format.</td>
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<td>Section 5.17 Medical Uses</td>
<td>1. Renumbering of UDO sections to accommodate modifications; 2. Eliminating contradictory language to ensure uniformity within the UDO related to the use of headers; 3. Section 5.17.2 – Establishment of base land use development criteria for general medical land uses in accordance with existing limitations identified in the current UDO; 4. Incorporation of use regulations currently identified in the table of permitted uses, specifically: a) Uses shall not be permitted as a Conditional Use District. 5. Elimination of the Veterinary Clinic, Mobile land use.</td>
<td>Addressing legal sufficiency by eliminating redundant and unnecessary language associated with the identification of ‘standards of evaluation’ for the identified land uses. Identification of existing/new land use development standards consistent with new UDO format. Mobile vet clinic eliminated as same was not a principal use of property and was already captured as a ‘special event’ or a customary accessory use to a non-residential land use.</td>
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<td>Section 5.18 Assembly Uses</td>
<td>1. Renumbering of UDO sections to accommodate modifications; 2. Eliminating contradictory language to ensure uniformity within the UDO related to the use of headers; 3. Section 5.18.1 – Moving of existing occupancy limit for assembly land uses being developed in the Rural Buffer; 4. Section 5.18.1 (C) – establishment of occupancy limits in various general use zoning districts consistent with existing land use regulations; 5. Relocation of Retreat Center and Theater land use regulations.</td>
<td>Addressing legal sufficiency by eliminating redundant and unnecessary language associated with the identification of ‘standards of evaluation’ for the identified land uses. Identification of existing/new land use development standards consistent with new UDO format. Relocation of existing regulations governing retreat centers and theaters as these are now deemed to be ‘assembly’ land uses.</td>
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<td>Section 5.19 Government Uses</td>
<td>1. Renumbering of UDO sections to accommodate modifications; 2. Eliminating contradictory language to ensure uniformity within the UDO related to the use of headers; 3. Incorporation of use regulations currently identified in the table of permitted uses for a military installation, specifically: a) Uses shall not be permitted as a Conditional Use District.</td>
<td>Addressing legal sufficiency by eliminating redundant and unnecessary language associated with the identification of ‘standards of evaluation’ for the identified land uses. Identification of existing/new land use development standards consistent with new UDO format.</td>
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<td>Section 5.20 Offices and Financial Services</td>
<td>1. Renumbering of UDO sections to accommodate modifications; 2. Eliminating contradictory language to ensure uniformity within the UDO related to the use of headers; 3. Section 5.20.1 – Establishment of base land use development criteria for general office and final service land uses in accordance with existing limitations identified in the current UDO; 4. Section 5.20.2 – establishment of specific development standards for building/trade contractor offices that have outdoor storage or equipment/materials.</td>
<td>Addressing legal sufficiency by eliminating redundant and unnecessary language associated with the identification of ‘standards of evaluation’ for the identified land uses. Identification of existing/new land use development standards consistent with new UDO format.</td>
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<td><strong>Section 5.21 Retail</strong></td>
<td>1. Renumbering of UDO sections to accommodate modifications; 2. Eliminating contradictory language to ensure uniformity within the UDO related to the use of headers; 3. Section 5.21.1 – Establishment of base land use development criteria for general retail land uses in accordance with existing limitations identified in the current UDO; 4. Section 5.21.2 – relocation and preservation of existing County Store development regulations.</td>
<td>Addressing legal sufficiency by eliminating redundant and unnecessary language associated with the identification of ‘standards of evaluation’ for the identified land uses. Identification of existing/new land use development standards consistent with new UDO format.</td>
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<td><strong>Section 5.22 Miscellaneous Uses</strong></td>
<td>1. Renumbering of UDO sections to accommodate modifications; 2. Eliminating contradictory language to ensure uniformity within the UDO related to the use of headers; 3. Maintaining existing regulations for Major Subdivisions.</td>
<td>Addressing legal sufficiency by eliminating redundant and unnecessary language associated with the identification of ‘standards of evaluation’ for the identified land uses. Identification of existing/new land use development standards consistent with new UDO format.</td>
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<td><strong>Section 6.9.7 Off-street Parking Standards</strong></td>
<td>Updating parking requirements for various land uses. This includes changing names of land uses to be consistent with proposed table of permitted uses.</td>
<td>Addressing legal sufficiency by ensuring consistency with revised table.</td>
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<tr>
<td><strong>Article 10 Definitions</strong></td>
<td><strong>Apparel Manufacturing</strong> (new) - New definition: Land uses involved with the manufacturing of garments, which can include ready-to-wear and custom garments.</td>
<td>New definition to ensure term is property defined in the context the County staff proposes to see the use regulated as.</td>
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<td><strong>Assembly Use</strong> (new) - New definition: A land use providing space, indoors or outdoors, allowing for the congregation of persons for the purpose of observing, listening, or engaging in a service, performance, or activity.</td>
<td>New definition to ensure term is property defined in the context the County staff proposes to see the use regulated as.</td>
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<td><strong>Elimination of the definition of ‘Auditorium’</strong> - Definition being eliminated. Made redundant by the proposed definition of ‘Assembly Use’.</td>
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<td>Center in a Residence (existing modified)</td>
<td>Use type located within <strong>a</strong> residence in which offering temporary <strong>child</strong> care to clients, including children, adolescents, and adults, for no more than eight hours in a 24 hour period <strong>is provided</strong>, which is located on a public state maintained road, and which provides child care for more than three but, no more than <strong>12</strong> children.</td>
<td>Revised definition to ensure term is property defined in the context the County wished to see regulated. <strong>Red Bold Underlined Strikethrough Text</strong> is existing language being eliminated as part of this proposal.</td>
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| Child Care Facility (existing modified) | Use type offering temporary care to clients, including children, adolescents, and adults, for no more than eight hours in a 24 hour period. Care can be offered regardless of the time of day and whether or not operated for profit. **Term** includes child care centers, and any other child care arrangement not excluded by General Statute 110-86(2), that provides child care.  
  a) A child care center is an arrangement where, at any one time, there are three or more pre-school children or nine or more school-aged children receiving child care.  
  b) A family child care home is a child care arrangement located in a residence where, at any one time, more than two children, but fewer than nine children, receive child care. | Revised definition to ensure term is property defined in the context the County staff wishes to see the land use regulated as.  
Definition modified as indicated. |
| Chemical Manufacturing and Processing – Other than Pharmaceutical and Medicine (new) | New definition:  
A land use involved with the transformation of organic and inorganic raw materials by various processes for the formulation of non-pharmaceutical and non-medical products including the creation of base chemicals, dyes, gasses, resins, etc. | New definition to ensure term is property defined in the context the County staff proposes to see the use regulated as. |
| Elimination of the definition of ‘Church’ | Definition being eliminated. Replaced by the term ‘Place of Worship’ as recommended by staff. | The term ‘Church’ has a specific connotation to it that could be construed as limiting other places of worship that do not ‘fit’ within the concept of how some would define the plain meaning of the word.  
Staff is recommending a term that is more encompassing to avoid narrow interpretation. |
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<td>Club or Lodge (existing revised)</td>
<td>Definition revised to read as follows: <strong>An assembly land use, operated by a non-profit group, for members and guests.</strong></td>
<td>Revised definition to ensure term is property defined in the context the County wishes to see the use regulated as. Assembly land uses are going to be regulated/permitted based on the commercial versus non-commercial aspects of their operation.</td>
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<td>Community Center (existing revised)</td>
<td>Definition revised to read as follows: <strong>An assembly land use, operated by a non-profit group, as a non-commercial activity.</strong></td>
<td>Revised definition to ensure term is property defined in the context the County staff wishes to see regulated as. Assembly land uses are going to be regulated/permitted based on the commercial versus non-commercial aspects of their operation.</td>
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| Concrete Processing, Preparation, and Distribution (new) | New definition: **A land use primarily engaged in the following:**  
(a) Manufacturing portland, natural, masonry, pozzolanic, and other hydraulic cements;  
(b) Batch or mixing plants;  
(c) Manufacturing of concrete pipe, brick, and block; or  
(d) Manufacturing other concrete products. | New definition to ensure term is property defined in the context the County staff proposes to see the use regulated as. |
<p>| Converted Paper Product Manufacturing, Assembly, and Processing (new) | New definition: <strong>Land uses involved with the converting of paper or paperboard into finished products. Use does not involve the actual manufacturing of paper or paperboard material on-site.</strong> | New definition to ensure term is property defined in the context the County staff proposes to see the use regulated as. |
| Elimination of the definition of ‘Day Care Home Large’ | Definition being eliminated. This is an outdated land use category that was not included in the table reorganization. | The land use conflicts with limits already established within the UDO for care operations located within a residential general use zoning district. Staff is eliminating a category that no longer has viability. |
| Eating and Drinking Establishments (new – combines several existing land uses) | New definition: <strong>Land uses providing for the consumption of food and/or drink to its clientele on or off site.</strong> | New definition incorporating existing definitions of restaurant. |</p>
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<td>Family Care Facility (new revised)</td>
<td>Existing definition being revised to read as follows:</td>
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<td><em>A residential facility as defined in NCGS 168-21 limited to six unrelated occupants not counting staff.</em></td>
<td><em>Red Bold Strikethrough Underlined text</em> eliminated. <em>Red Underlined text</em> represents new definition.</td>
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<td><em>A facility which meets the definition of a family care home in NCGS 168-21.</em></td>
<td>The existing definition could have been construed as being inconsistent with State law. The definition was modified to reference the State law specifically without embellishments.</td>
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<td>Elimination of the definition of ‘Family Daycare Home’</td>
<td>Definition being eliminated.</td>
<td>From a construction standpoint, land uses not expressly listed and ‘prohibited’ for development are deemed to be permitted by right. Staff does not believe it was the County’s intention to ‘regulate’ the care of no more than three children in a household. Further, the State does not recognize this situation as requiring a license from such operations. Staff believes this should not be a use we require a permit for.</td>
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<td>Financial Services (new)</td>
<td>New definition:</td>
<td>New definition to ensure term is property defined in the context the County staff proposes to see the use regulated as.</td>
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<td><em>Land uses providing economic and financial services to a clientele.</em></td>
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<td>Foundry (new)</td>
<td>New definition:</td>
<td>New definition to ensure term is property defined in the context the County staff proposes to see the use regulated as.</td>
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<td><em>A land use involved with the production of castings or products through pouring molten metal into molds or casts.</em></td>
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| Group Care Facility (existing revised) | Existing definition being revised to read as follows: **A facility licensed by the appropriate state agency, as a group care facility for from seven to fifteen unrelated individuals excluding supervisory personnel, who are handicapped, aged or disabled and are undergoing rehabilitation, or extended care, and are provided services to meet their specific needs. This category includes group homes for all ages, half-way houses, foster and boarding homes. The following shall not be eligible for admission to a group care facility:**
   a) Persons addicted to or recuperating from the effects of an addiction to drugs or alcohol;
   b) Persons adjusting to non-prison life, including but not limited to, pre-release, work release, probationary programs and juvenile detention centers. A facility licensed by the appropriate State agency providing room and board for seven to 15 unrelated individuals, excluding staff, who as a result of age, illness, handicap or some specialized program require personalized services or a supervised living arrangement in order to assure their safety and comfort. | **Red Bold Strikethrough Underlined text** eliminated. **Red Underlined text** represents new definition. The existing definition could have been construed as being inconsistent with the various provisions of State law. The definition was modified to simplify the term from a land use enforcement perspective. |
<p>| Group Home (new) | New definition: <strong>A residential living arrangement providing housing for seven to 15 unrelated individuals other than a Group Care Facility</strong> | New definition to ensure term is properly defined in the context the County staff proposes to see the use regulated as. Designed to create a distinction between a facility requiring a State license and a group of people desiring to live together. |</p>
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<td>Health and Personal Care Facility (new)</td>
<td>New definition: A public or private facility, establishment, or institution providing housing for 16 or more unrelated individuals who are furnished meals and health/personal care on a continuing basis. Term includes: convalescent homes, nursing homes, rest homes, assisted living facility, sanatoria, homes for the elderly, handicapped, disabled, youthful offenders, addicted to alcohol or drugs, requiring professional health care, adult supervision, or rehabilitation.</td>
<td>New definition to ensure term is property defined in the context the County staff proposes to see the use regulated as. Designed to create a catchall category for all ‘group’ living situations for 16 or more people as well as consolidate all elder care operations into a single land use category.</td>
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<td>Elimination of the definition of ‘Hotel, Motel, Motor Lodge, Motor Inn, Inn Tourist Court’ and ‘Hotel, Residential’</td>
<td>Definitions being eliminated and captured as part of the new Short Term Rental construct consistent.</td>
<td>Overnight accommodation(s) are now handled through the permitting and definition of Short Term Rental.</td>
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<td>Elimination of the definition of ‘Industrial, Light’, ‘Industrial, Medium’, and ‘Industrial, Heavy’</td>
<td>Definitions are being eliminated.</td>
<td>The County cannot rely on definitions to establish land use regulations. As a result, the information has been incorporated into the table.</td>
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<td>Elimination of the definition of ‘Kennel Class I’</td>
<td>Definition being eliminated. Land use category is being eliminated.</td>
<td>As currently listed, a Kennel Class I could be developed as a principal use of property (i.e. the housing of animals with no other land use). Staff is of the opinion it would not be prudent to allow for this to use to be developed as a principal, sole, use of property. It should be considered a customary accessory use to a single-family residence. The use was, apparently, originally included to mirror language with Orange County Animal Services regulations, which at one point apparently had a Kennel Class I permit. This no longer exists. The term and land use category are now redundant.</td>
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<td>Leather and Allied Product Manufacturing (new)</td>
<td>New definition:&lt;br&gt;Land uses involved in the transformation of previously finished leather into products for eventual sale or distribution. This includes products, except for apparel, made from leather substitutes including rubber, plastics, or textiles. This does not include the transforming of raw product to allow for the development of a product. Please refer to Leather and Hide Tanning and Finishing.</td>
<td>New definition to ensure term is properly defined in the context the County staff proposes to see the use regulated as.</td>
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<tr>
<td>Leather and Hide Tanning and Finishing (new)</td>
<td>New definition:&lt;br&gt;Land uses involved in the transformation of hides into leather through tanning or curing. Does not include the manufacturing of leather into products for eventual sale or distribution.</td>
<td>New definition to ensure term is properly defined in the context the County staff proposes to see the use regulated as.</td>
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<td>Manufacturing Assembly, Processing, and Distribution Use (existing modified)</td>
<td>Existing definition modified as follows:&lt;br&gt;An establishment engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products. The assembling of component parts into a final product can also be considered part of this category. This term encompasses two different categories of land uses, namely: Manufacturing, Assembly, Processing, and Distribution Uses – Food and Manufacturing, Assembly, Processing, and Distribution Uses – Other.</td>
<td>Red Underlined text represents proposed new language.</td>
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<td>Motor Vehicle Maintenance and Repair (existing modified)</td>
<td>Existing definition modified as follows:&lt;br&gt;Motor Vehicle Maintenance and Repair&lt;br&gt;An establishment where the following services are available:&lt;br&gt;a) Body work,&lt;br&gt;b) Straightening of body parts,&lt;br&gt;c) Painting, and&lt;br&gt;d) Welding,&lt;br&gt;e) Storage of motor vehicles not in operating condition.</td>
<td>Red Bold Strikethrough Underlined text eliminated. Red Underlined text represents new definition.</td>
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Staff is recommending modification of all definitions and land use standards associated with Motor Vehicle land uses to provide for greater clarity as to what is permitted to occur.

In this instance, motor vehicle maintenance will mean a land use engaged in activities designed to maintain or enhance the vehicle.
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<tr>
<td>Motor Vehicle Repair Garage (existing modified)</td>
<td>Existing definition modified as follows: Motor Vehicle Repair <strong>Garage</strong>&lt;br&gt;An establishment where the following services are available:&lt;br&gt;&lt;br&gt;a) Major mechanical repairs, including engine overhaul, <strong>and</strong>&lt;br&gt;b) Transmission work. Repair garages can also offer services similar to service stations.&lt;br&gt;c) <strong>Sale and servicing of spark plugs, batteries and/or distributors and ignition systems parts</strong>;&lt;br&gt;d) <strong>Sale, servicing and repair of tires, but not recapping or re-grooving</strong>;&lt;br&gt;e) Replacement of mufflers, tail pipes, water hoses, fan belts, brake fluid, light bulbs, windshield wipers and blades, grease retainers, wheel bearings and the like;&lt;br&gt;f) <strong>Radiator cleaning, flushing and fluid replacement</strong>;&lt;br&gt;g) Provision and repair of fuel pumps, oil pumps and lines;&lt;br&gt;h) Adjustment and repair of carburetors;&lt;br&gt;i) Adjustment and repair of brakes;&lt;br&gt;j) Adjustment and repair of wiring;&lt;br&gt;k) State motor vehicle inspections; and&lt;br&gt;l) Temporary storage of motor vehicles not in operating condition while work is being performed onsite.</td>
<td><strong>Red Bold Strikethrough Underlined text</strong> eliminated. <strong>Red Underlined text</strong> represents new definition.&lt;br&gt;Staff is recommending modification of all definitions and land use standards associated with Motor Vehicle land uses to provide for greater clarity as to what is permitted to occur.&lt;br&gt;In this instance, staff is recommending taking existing language contained within the definition of Motor Vehicle Service Station and incorporating same within Motor Vehicle Repair. This land use will become what is identified as a ‘repair garage’.</td>
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### SECTION BEING MODIFIED
Motor Vehicle Service Station (existing modified)

### WHAT HAS CHANGED
Existing definition modified as follows:

**Motor Vehicle Service Station**
An establishment where gasoline, diesel oil and/or other fuel for internal combustion engines is supplied and dispersed at retail and where, in addition, the following services may be rendered:

- **a)** Sale and servicing of spark plugs, batteries and/or distributors and ignition systems parts;
- **b)** Sale, servicing and repair of tires, but not recapping or regrooving;
- **c)** Replacement of mufflers, tail pipes, water hoses, fan belts, brake fluid, light bulbs, windshield wipers and blades, grease retainers, wheel bearings and the like;
- **d)** Radiator cleaning, flushing and fluid replacement;
- **e)** Washing and polishing supplies;
- **f)** Greasing and lubrication;
- **g)** Provision and repair of fuel pumps, oil pumps and lines;
- **h)** Minor adjustment and repair of carburetors;
- **i)** Adjustment and repair of brakes;
- **j)** Emergency repair of wiring;
- **k)** Minor motor adjustments not involving removal of the head or crankcase;
- **a)** Sales of beverages, packaged foods, tobacco products and similar convenience goods for customers, as accessory and incidental to the principal operations; and
- **b)** Provision of road maps and other travel information to customers;
- **n)** Provision of restroom facilities; and
- **o)** State motor vehicle inspections.

**A service station is not a repair garage nor a body shop. Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles or trucks not in operating condition or other operations involving noise, glare, smoke, fumes or other characteristics to an extent greater than normally found in service stations.**

### WHY
Staff is recommending modification of all definitions and land use standards associated with Motor Vehicle land uses to provide for greater clarity as to what is permitted to occur.

In this instance, staff is recommending the revised Motor Vehicle Service land use be viewed as a ‘gas station’.

Under this new scenario, the County will have distinctions between:

- Gas station,
- Repair, and
- Maintenance

Of motor vehicle land uses.
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<tr>
<td>Elimination of the definition of 'Non-profit Educational Cooperative'</td>
<td>Definition being eliminated. Land use category is being eliminated.</td>
<td>Red Bold Strikethrough Underlined text eliminated. Red Underlined text represents new definition. Staff is recommending keeping the term and referencing it as being part of this new land use to ensure readers are properly advised.</td>
</tr>
<tr>
<td>Nursing Home (existing modified)</td>
<td>Existing definition be modified as follows: <strong>A facility, licensed by the appropriate state agency for the care of aged or infirmed individuals, that meet the requirements set forth in this Ordinance.</strong> See Health and Personal Care Facility.</td>
<td>This use is now a part of the Health and Personal Care Facility land use category. Staff is recommending keeping the term and referencing it as being part of this new land use to ensure readers are properly advised.</td>
</tr>
<tr>
<td>Office Use (existing modified)</td>
<td>Existing definition be modified as follows: <strong>A use of property</strong> A land uses providing for professional and clerical activities associated with the operation of a business or provision of professional services to clientele.</td>
<td>Red Bold Strikethrough Underlined text eliminated. Red Underlined text represents new definition. Existing definition being modified to ensure clarity.</td>
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<tr>
<td>Office and Personal Services (existing deleted)</td>
<td>Existing Office and Personal Services Class 1, 2, and 3 are being eliminated in their entirety.</td>
<td>The County cannot rely on definitions to establish land use regulations. Existing definitions are designed to establish 'land use' criteria as to what is and is not allowed (i.e. number of trips per day). We are no longer going to have different classed of 'office' land uses. The information contained within the definition, specifically intensity of office uses, has been incorporated into Article 5 of the UDO as square footage limitations on the size of office/personal services uses permitted within given general use zoning districts.</td>
</tr>
<tr>
<td>Paperboard Containers and Box Manufacturing, Assembly, and Processing (new)</td>
<td>Definition of a new land use: **A land use engaged in converting previously manufactured paperboard into containers. Does not include the actual manufacturing of the paperboard product. Please refer to Pulp, Paper, and Paperboard Mills as defined herein.</td>
<td>Red Underlined text represents new definition. To ensure clarity with respect to how staff will view this particular use.</td>
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| Petroleum and Coal Product Processing, Preparation, and Distribution (new) | Definition of a new land use:  
A land use engaged in the transformation of crude petroleum and coal into usable products, including the separation of crude petroleum into component products through such techniques as cracking and distillation. Allowable activities include manufacturing of asphalt for paving or roofing, manufacturing of asphalt shingles and coating. This activity does not include the manufacturing of Petroleum and Lubricating Oil and Grease Manufacturing or Petroleum Refinery operations as defined herein. | Red Underlined text represents new definition.  
To ensure clarity with respect to how staff will view this particular use. |
| Petroleum and Lubricating Oil and Grease Manufacturing (new)  | Definition of a new land use:  
A land use engaged in the blending or compounding of refined petroleum to make lubricating oils and greases and/or re-refining used petroleum lubricating oils. | Red Underlined text represents new definition.  
To ensure clarity with respect to how staff will view this particular use. |
| Petroleum Product Storage and Distribution (new)            | Definition of a new land use:  
The storage of finished/refined petroleum products for sale and distribution including retail and wholesale activities. | Red Underlined text represents new definition.  
To ensure clarity with respect to how staff will view this particular use. |
| Petroleum Refinery (new)                                   | Definition of a new land use:  
A land use engaged in refining crude petroleum into refined petroleum products involving one or more of the following activities: (1) fractionation; (2) straight distillation of crude oil; and (3) cracking. | Red Underlined text represents new definition.  
To ensure clarity with respect to how staff will view this particular use. |
| Place of Worship (new)                                     | Definition of a new land use:  
An assembly land use primarily providing meeting areas for the support or religious activities, services, and study. | Red Underlined text represents new definition.  
To ensure clarity with respect to how staff will view this particular use.  
This new term is taking the place of ‘church’. |
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| Pulp, Paper, and Paperboard Mills (new) | Definition of a new land use: 
   *Land uses engaged in the manufacturing of pulp, paper, or paperboard from raw materials.* | Red Underlined text represents new definition. 
To ensure clarity with respect to how staff will view this particular use. |
| Race Track (new) | New definition of an existing land use: 
   *A facility built for racing of vehicles, athletes, or animals (e.g. horse racing or greyhound racing) which may feature grandstands or concourses.* | Red Underlined text represents new definition. 
This is an existing land use within Orange County that lacked a definition. 
Staff is adding the term to the Definitions section of the UDO. |
| Recycling of Materials (new) | New definition of an existing land use: 
   *A facility that converts waste or discarded materials into new materials or objects for sale and/or use off site. Activities can include the breaking down of asphalt/concrete into stone/gravel, chipping of wood/wood materials into mulch, composting, etc. Recycled materials can be sold on-site. The term does not include the salvaging of metal or motor vehicles. Please refer to ‘Junkyard/Salvage’ as defined herein.* | Red Underlined text represents new definition. 
This is an existing land use within Orange County that lacked a definition. 
Staff is adding the term to the Definitions section of the UDO. |
| Research Facility with and without Manufacturing (existing modified) | The existing term is being modified to ensure consistency with how the land use is identified within the table of permitted uses. 
   *Now identified as: Research Facility Without Manufacturing and Research Facility With Manufacturing.* | Modification necessary to ensure consistency with proposed amendments to the table of permitted land uses. |
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<td>Deletion of the terms <strong>Restaurant Carry-Out</strong>, <strong>Restaurant Drive-In</strong>, <strong>Retail Class 1, 2, and 3</strong></td>
<td>Existing land use categories are being eliminated in their entirety. As a result definitions are being eliminated as well</td>
<td>The County cannot rely on definitions to establish land use regulations. Existing definitions establish ‘land use’ criteria as to what is and is not allowed (i.e. number of trips per day) or what services are permitted. We are no longer going to have different classed of ‘retail’ and ‘restaurant’ land uses. The information contained within these definitions has been incorporated into Article 5 of the UDO addressing how each land use is developed within a given general use zoning districts. Further, all ‘retail’ and ‘restaurants’ have been combined into single land use categories (i.e. retail and eating establishments).</td>
</tr>
<tr>
<td>Retail Use (existing modified)</td>
<td>Existing definition modified as follows: An establishment focused on selling goods or merchandise to the general public for personal or household consumption and the rendering of services incidental to the sale of merchandise. <strong>Sale of goods or merchandise</strong> can be completed either by <strong>direct on-site purchase</strong> or through the receipt of a request/order of an item that is mailed or picked up by the purchaser. <strong>Term includes the rental of durable/convenience goods, merchandise, and equipment.</strong></td>
<td><strong>Red Underlined text</strong> represents new definition. Additional information is necessary in order to ensure clarity and legal sufficiency with how the County will be looking at retail operations.</td>
</tr>
<tr>
<td>Retreat Center (existing modified)</td>
<td>Existing definition modified as follows: An <strong>assembly land use</strong> <strong>new or existing facility operated by a corporation or association of persons or churches for providing social and recreational purposes amenities, services, and activities to its clientele</strong> operated as a commercial activity. <strong>A retreat center may be owned by a profit or not-for-profit corporation.</strong></td>
<td><strong>Red Bold Strikethrough Underlined text</strong> eliminated. <strong>Red Underlined text</strong> represents new definition. Existing definition being modified to ensure clarity with respect to how the County will view a ‘retreat center’.</td>
</tr>
<tr>
<td>Rural Guest Establishment (existing definition deleted)</td>
<td>Existing definitions of ‘Rural Guest Establishments’ which includes: Bed and Breakfast, Bed and Breakfast Inn, and Country Inn are being deleted. These uses are now part of the <strong>Short Term Rental</strong> land use.</td>
<td>Existing definition is being eliminated to ensure consistency with respect to how the use is going to be classified within the revised table of permitted uses.</td>
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<td>School – Preparatory (new)</td>
<td>New definition of land use: <strong>A land use providing academic courses designed to satisfy curriculum requirements/standards established by the State of North Carolina Department of Public Instruction including pre-school through 12th grade/pre-college activities provided by either public or private institutions. The term includes kindergarten, elementary/secondary and high schools, schools for the mentally and/or physically disabled, military academies, schools for the deaf or visually impaired, and alternative schools.</strong></td>
<td><strong>Red Underlined text</strong> represents new definition. Definition of updated term to ensure we are capturing what is considered to be a part of the land use category. The definition addresses a legal sufficiency issue with respect to creating appropriate distinctions between the various ‘school’ uses allowed within the County.</td>
</tr>
<tr>
<td>School – Performing Arts, Sports and Recreation (new)</td>
<td>New definition of land use: <strong>A land use providing instruction and/or training in the arts, such as music, art, or dance, and/or athletic activities, such as martial arts but not approved by the North Carolina Department of Public Instruction.</strong></td>
<td><strong>Red Underlined text</strong> represents new definition. Definition of updated term to ensure we are capturing what is considered to be a part of the land use category. As a reminder this land use category now includes several previously separate land uses. The definition addresses a legal sufficiency issue with respect to creating appropriate distinctions between the various ‘school’ uses allowed within the County.</td>
</tr>
<tr>
<td>School – Technical, Trade, and Skill Training (new)</td>
<td>New definition of land use: <strong>Land use(s) engaged in offering a variety of technical, trade, continuing education, vocational and skills training. Includes facilities providing workforce education and college transfer academic programs and may include institutions that maintain athletic teams and offer on-site living accommodations (i.e. dormitories) but not approved by the North Carolina Department of Public Instruction.</strong></td>
<td><strong>Red Underlined text</strong> represents new definition. Definition of updated term to ensure we are capturing what is considered to be a part of the land use category. As a reminder this land use category now includes several previously separate land uses. The definition addresses a legal sufficiency issue with respect to creating appropriate distinctions between the various ‘school’ uses allowed within the County.</td>
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| Short Term Rentals (new definitions) | New definition of the various categories of *Short Term Rental*:  
  **Short Term Rental Small** – A dwelling occupied by a host which provides up to three guestrooms for overnight rental or lease.  
  **Short Term Rental Large – Host Occupied**: A dwelling occupied by a host which provides more than three guestrooms for overnight rental or lease.  
  **Short Term Rental – Non-host Occupied**: A dwelling which provides guestrooms for overnight rental or lease but is not occupied by a host. | Red Underlined text represents new definition.  
All overnight accommodation land uses are being combined into a single land use construct.  
Proposed limits on these uses are consistent with existing policies enforced within the UDO.  
Uses are being combined to ensure clarity with respect to what is and is not allowed in a given general use zoning district as it relates to an overnight accommodation. |
| Starch, Vegetable Fats, and Oils Manufacturing (new) | Definition of new land use:  
*Establishments primarily engaged in creating a finished oil based product by:*  
(a) Wet milling corn and vegetables;  
(b) Crushing oilseeds and tree nuts;  
(c) Refining and/or blending vegetable oils;  
(d) Manufacturing shortening and margarine; and/or  
(e) Blending purchased animal fats with vegetable fats | Red Underlined text represents new definition.  
To ensure clarity with respect to how staff will view this particular use. |
| Storage of Goods (new) | New definition of existing land use:  
*A land use where secured space, indoors or outdoors, is rented to tenants for the safeguarding and/or keeping of general merchandise, refrigerated goods, and other personal items on a short or long term basis.* | Red Underlined text represents new definition.  
To ensure clarity with respect to how staff will view this particular use. |
| Textile Mills (new) | Definition of new land use:  
*Land uses involved with the transformation of a basic fiber, natural or synthetic, into a final product further manufacturing into usable items off-site.* | Red Underlined text represents new definition.  
To ensure clarity with respect to how staff will view this particular use. |
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| Theater (new)          | New definition of existing land use:  
|                        | A building or outdoor area in which performances are preformed or shown. The term does not include structures primarily constructed to support the holding and/or staging of sporting events where outdoor performances may be held as an accessory use. | Red Underlined text represents new definition.  
|                        | To ensure clarity with respect to how staff will view this particular use. |
| Tourist Home (existing deleted) | Existing term being deleted | The use is now a part of the Short Term Rental land use category construct. |
| Veterinary Clinic (existing modified) | Existing definition being modified as follows:  
|                        | A facility staffed by at least one licensed veterinarian for the care and treatment of large and/or small animals not involving overnight care. Such facilities may include grooming and short-term boarding as incidental uses. | Red Bold Strikethrough Underlined text eliminated. Red Underlined text represents new definition.  
|                        | Existing definition being modified to ensure clarity with respect to how the County will view a ‘vet clinic’. Specifically we are creating a distinction between a clinic and a vet hospital, where animals will more than lively have overnight care as the result of medical procedures. |
| Veterinary Clinic, Mobile (existing deleted) | The land use category has been deleted. | This is not necessarily a land use but rather an accessory use or ‘special event’ use that is permitted consistent with the various provisions of the UDO.  
|                        | There is no need to define the term or list as a ‘permitted’ use of property. |
| Veterinary Hospital (existing modified) | Existing definition being modified as follows:  
|                        | A facility staffed by at least one licensed veterinarian for the specialized treatment of large and/or small animals, which may involve overnight care. Said facilities may provide emergency medical services during and outside of normal business hours. Overnight care may be provided when it is necessary for the medical treatment of the animal. | Red Bold Strikethrough Underlined text eliminated. Red Underlined text represents new definition.  
|                        | Existing definition being modified to ensure clarity with respect to how the County will view a ‘vet hospital’.  
|                        | Staff is also proposing to eliminate repetitive language. There is no reason to ‘spell out’ that overnight care is allowed twice within the same definition. |
| Wholesale Trade (new) | New definition of existing land use:  
|                        | A land use involved, without transformation or alteration of the product, with the sale of merchandise to clientele in bulk. | Red Underlined text represents new definition.  
|                        | To ensure clarity with respect to how staff will view this particular use. |
SUMMARY OF TABLE OF PERMITTED USE PROJECT FACTS
AND QUESTIONS ASKED:

1. **What exactly is going on?**
   At the direction of the Board of County Commissioners, staff is collapsing the three existing tables within the Unified Development Ordinance (UDO) outlining the various permitted land uses allowed in various zoning districts into a central table.

   Specifically, staff is combining the existing tables in Section(s):
   - 5.2.1 (general use zoning districts),
   - 5.2.2 (economic development district general use zoning districts), and
   - 5.2.3 (Conditional Zoning districts)

   and into a centralized table listing out permitted and prohibited land uses.

2. **Why was this project initiated?**
   When a development proposal is submitted, staff ascertains if the use is either specifically listed (i.e. single-family residence, church, restaurant, etc.) or falls into an established land use category (i.e. paper manufacture allowed in light industrial) in order to make the determination if the use is permitted or not.

   If the use is permitted, the applicant is required to submit required development applications for processing. If the use is deemed not permitted, the applicant is informed of same.

   Recent court decisions, most notably action by the State Supreme Court in *Byrd versus Franklin County*, placed the responsibility on local governments 'spell out' allowable and prohibited land uses so individuals could make a reasonable determination on what would and would not be allowed in a given zoning district.

   As part of its ruling on this case, the State Supreme Court rejected the argument that the mere omission/listing of a particular land use within a table of permitted uses constituted a prohibition of same. The Court stated: ‘…. law favors uninhibited free use of private property over government restrictions’.

   In consultation with the County Attorney’s office, staff has determined the permitted use table(s) need to be modified to ensure compliance with the aforementioned court case clarifying allowable/prohibited land uses and ensuring uniformity with the delineation of ‘permitted’ and ‘prohibited’ land uses.

   After a review of the matter, the Board of County Commissioners (BOCC) directed staff to consolidate the three tables into a central list and provide sufficient detail on what was and was not permitted for development in Orange County.

3. **Why does the County have three separate tables outlining allowable land uses in the first place?**
Before 2011, the year the UDO was adopted, land use regulations were contained in multiple documents.

For example, development within the various Economic Development (EDD) general use zoning districts (i.e. Buckhorn, Hillsborough, Eno) was completed in accordance with the Economic Development District Design Manual. This Manual contained a separate, independent, list of allowable and prohibited uses for the various EDD zoning districts. Specific terminology was utilized is listing/denoting allowable uses. This language differed from other general use zoning districts throughout the County.

When land use development regulations were combined into the UDO in 2011, separate tables identifying allowable land uses had to be created due to the scope of work to which staff was limited.

At that time, staff indicated there would be to be further review of the various tables to address conflicts with the ultimate goal of creating a centralized table listing out permitted and prohibited land uses.

This project is the result of this previously identified need made timely by the State Supreme Court action in Byrd.

4. **What are the anticipated or perceived benefits of this project?**

Right now, references to permitted and prohibited land uses within the three existing tables are handled differently.

For example:

- Section 5.2.1 *Table of Permitted Uses – General Use Zoning Districts* combines several ‘Manufacturing, Assembly, and Processing’ land use types into 1 of 3 ‘industrial’ categories (i.e. light, medium, and heavy), namely:

  - **Light Industrial (I-1)** defined as: *Manufacturing & processing operations that occur entirely indoors and have limited impacts on surrounding properties, including, but not limited to, production of the following: food products (i.e. commercial bakery, candy, and beverages, including bottling); surgical, medical and dental instruments; wood cabinets, furniture and upholstery; light machinery, including household appliances; toys, sporting and athletic equipment, excluding firearms and ammunition; and, paper products, such as bags, containers, and cardboard.*

  - **Medium Industrial (I-2)** defined as: *Manufacturing & processing operations that may occur indoors or outdoors and have limited impacts beyond the boundaries of the zoning district, including, but not limited to, the following: heavy household, commercial and industrial appliances; manufactured homes, recreational vehicles and related components; automotive, farm and construction machinery; and, commercial building components.*
Heavy Industrial (I-3) defined as: Manufacturing & processing operations with a greater potential to impact surrounding properties, where a majority or large component of the operation may occur in the open air. Such uses may include, but not be limited to, the following: asphalt mixing plants; cement manufacturing or processing; commercial food processing (packing and rendering) plants, including meat, poultry and fish; and, concrete mixing plants.

Staff is responsible for determining where a proposed use is permitted based on the existing definition(s) of each district as identified herein.

- Section 5.2.2 Table of Permitted Uses – Economic Development Districts specifically lists out ‘Manufacturing, Assembly, and Processing’ land uses, identifying which EDD district a proposed use is allowed to be developed.

It is this inconsistency in how allowable land uses are listed/categorized that represents an issue to be addressed to ensure compliance with Byrd. Further, this inconsistent listing of permitted and prohibited uses has created confusion for both staff and the development community with respect to ‘where a given use can be located’.

The ‘perceived benefit’ is to ensure transparency in land use decisions and eliminate confusion by having a single, central, table of permitted land uses outlining what is and is not permitted for development within the County.

5. How does the amendment to the tables of permitted uses impact development of land uses within master planned districts (MPD) such as Harts Mill and Settlers Point?

There will be no impact. As part of the review of any Master Plan Development Conditional Zoning (MPD-CZ) project, applicants are required to provide a comprehensive list of anticipated land uses for County review and action.

If these projects are approved by the BOCC, they are limited to those land uses proposed by the applicant.

If a developer wishes to revise the allowed uses within an MPD-CZ project, he or she will be required to request an amendment to the project.

This means an entirely new public hearing process, as detailed within the UDO, requiring:

- A neighborhood meeting to review the changes,
- Planning Board review/recommendation, and
- A public hearing held by the BOCC

all advertised consistent with the requirements of the UDO.
6. **Will additional work be necessary?**

Yes. The UDO is a living, breathing document designed to change over time as development opportunities/constraints/philosophies change.

Staff has completed what is considered to be a ‘necessary step’ to:

- Consolidate existing regulations,
- Eliminate unnecessary repetition,
- Reduce, to the greatest extent possible, conflicts with respect to the listing of permitted and prohibited land uses, and
- Develop a new format for the listing of permitted and prohibited land uses.

Through this consolidation effort, and creation of the new format, additional efforts will be taken to analyze and refine permitted and prohibited of land uses throughout the County.

7. **Does this project create new zoning districts?**

No. This project does not create new zoning districts.

This project does, however, create an environment where existing districts can be re-evaluated to ascertain if further consolidation is possible.

For example, there are currently 9 EDD zoning districts throughout the County. There has been interest in exploring the possibility of having fewer districts that would be applicable to all EDDs.

By establishing this new methodology for listing permitted and prohibited uses, there is opportunity to consolidate these districts thus helping to further streamline existing processes and helping to eliminate confusion for local residents/property owners with respect to what is permitted for development on their property.

8. **Will this project modify or change development regulations?**

This project will not impact existing development standards/criteria.

Setbacks, density limits, impervious surface requirements, stream buffer standards, floodplain development standards, etc. are not impacted by the consolidation of the three existing tables into a central table.

9. **What about review processes for various land uses. Will this project impact established review processes?**

There will be no major impact to development review processes for various land uses.

Land uses permitted by right (i.e. staff review and action on a development application), through special use permit (i.e. review by the Board of Adjustment as a Class B or by the BOCC as a Class A), etc. are remaining the same.
A single-family residence, for example, is still permitted by right in the various general use residential zoning districts, subject to staff review and approval. A use requiring a special use permit, such as a retreat center or a telecommunication tower, is still required to go through that process.

Proposed amendments do not alter required review timeframes either.

Uses permitted by right will still take approximately 7 to 30 days to review, depending on the proposed activity (i.e. single-family residence versus a non-residential land use).

Uses permitted through the special use permitting process will continue to take approximately 2 ½ to 4 months to review depending on which process is required (i.e. Class B versus Class A).

10. **Does this proposal alter allowable land uses within various districts?**

   Yes. In many non-residential zoning districts, additional land uses are going to be permitted consistent with the previously defined nature and intent of the district.

   For example, staff has expanded allowable land uses within the Economic Development Hillsborough Office/Retail (EDH-4) and the Economic Development Hillsborough Research and Manufacturing (EDH-5) general use zoning districts consistent with direction from the BOCC received in the fall of 2016.

   These districts have the following purpose/intent:

   - **EDH-4:** provide locations for high intensity office uses and supporting retail and service uses in the designated Hillsborough Economic Development District.
   - **EDH-5:** provide locations for a wide range of research, assembling, fabricating and light manufacturing activities, and such ancillary industrial activities as warehousing and distribution in the designated Hillsborough Economic Development District.

   Additional land uses were added consistent with defined ‘purpose’ of each district.

11. **Does this amendment establish regulations on farm operations?**

    No. Proposed amendments do not establish new regulations inconsistent with applicable State law relating to agricultural/farming operations.

12. **I am concerned about the location of an asphalt plant in Orange County. How will they be treated if the new table is adopted?**

    Under current regulations, an asphalt plant could be located within the Heavy Industrial (I-3) general use zoning district.
Under the proposed amendment, an asphalt plant would be considered part of the proposed *Petroleum and Coal Product Processing, Preparation and Distribution* land use category.

As currently recommended by staff, this land use would **not be permitted** within any general use zoning district. The activity would be considered a prohibited land use. Please note there have been comment(s) made that such land uses should continue to be allowed within the I-3 general use zoning district consistent with existing regulations.

There are, however, allowances for concrete/asphalt plants to be located within public rights-of-way associated with a State or Federal highway development/widening project.

13. **How are lodging units/motels handled under the current ordinance?**

   Under the Current UDO, these land uses are addressed as follows:

   a. **Hotel, Motel, Motor Lodge, Motor Inn, Inn, Tourist Court defined as:** A building or group of attached or detached buildings containing, in combination, ten or more lodging units, or ten or more dwelling units intended primarily for rental or lease to transients by the day or week, as distinguished from multi-family dwellings, rooming houses and residential hotels in which rentals and leases are for weekly or longer periods and occupants are generally residents rather than transients.

   These activities are permitted within the following general use zoning districts subject to the review and approval of a site plan (i.e. administrative review and approval by staff):

   - Community Commercial (CC-3),
   - General Commercial (GC-4),
   - Office Research and Manufacturing (O/RM),
   - Economic Development Buckhorn Low Intensity (EDB-1),
   - Economic Development Eno Low Intensity (EDE-1),
   - Economic Development Eno High Intensity (EDE-2),
   - Economic Development Hillsborough Linear Office (EDH-1),
   - Economic Development Hillsborough Limited Office (EDH-2), and
   - Economic Development Hillsborough Office (EDH-3).

   The use is permitted within the Economic Development Buckhorn High Intensity (EDB-2) subject to the issuance of a Conditional Use Permit (i.e. approval of a rezoning petition and a Class A Special Use permit).

b. **Hotel, Residential defined as:** A building or group of attached or detached buildings containing, in combination, ten or more lodging units available for occupancy only for periods of thirty days or longer, provided, however,
that temporary lodging units for guests of regular tenants may be provided in any residential hotel, with number of such units limited to 10% of the number of tenant lodging units.

These activities are permitted within the following general use zoning districts subject to the review and approval of a Class A Special Use Permit (i.e. acted upon by the BOCC):

- High Intensity Residential (R-5, R-8, and R-13),
- Community Commercial (CC-3),
- General Commercial (GC-4),

c. Rooming House defined as: A building or group of attached or detached buildings containing, in combination, from three to nine lodging units for occupancy for weekly or longer periods, with or without board, for residents, as distinguished from hotels and tourist homes in which rentals are generally for daily or weekly periods and occupancy is by transients.

These activities are permitted within the following general use zoning districts subject to the review and approval of a site plan (i.e. administrative review and approval by staff):

- Medium Intensity Residential (R-4),
- High Intensity Residential (R-5, R-8, and R-13).

d. Rural Guest Establishment defined as: A temporary lodging facility that is compatible to the primary land use of agriculture, forestry, open space, or otherwise rural residential activities. Rural guest establishments consist of three subcategories based on intensity and permit requirements, Bed and Breakfast, Bed and Breakfast Inn, and Country Inn, which are further defined below.

A. Bed and Breakfast: A private, owner-occupied dwelling in which the frequency and volume of paying guests is incidental to the primary use of the building as a private residence. One to three guestrooms are made available to transient visitors. The establishment shall not contain restaurant facilities, but may provide food service for transient guests only. (Zoning Permit)

B. Bed and Breakfast Inn: A business operated in a structure which is used primarily for providing overnight accommodations to the public, even though the owner or manager lives on the premises. The number of guestrooms may range from four to no more than eight. The establishment shall not contain restaurant facilities, but may provide food service for transient guests only. (Class B SUP)

C. Country Inn: A business, which offers accommodations and dining in a predominately rural area. Overnight accommodations are available, and a full-service restaurant provides breakfast,
lunch and dinner to guests and the general public. The number of guestrooms may range from four to no more than 24. The restaurant shall contain no more than 60 seats. (Class A SUP)

These activities are permitted as follows:

- Bed and Breakfast: Permitted within the Rural Buffer (RB), Agricultural Residential (AR), Rural Residential (R-1) general use zoning district subject to site plan submittal and approval (i.e. administrative review and approval by staff).

- Bed and Breakfast Inn: Permitted within the Agricultural Residential (AR) and Rural Residential (R-1) general use zoning district subject to the issuance of a Class B Special Use Permit (i.e. acted upon by the Board of Adjustment).

- Country Inn: Permitted within the Agricultural Residential (AR) and Rural Residential (R-1) general use zoning district subject to the issuance of a Class A Special Use Permit (i.e. acted upon by the Board of County Commissioners).

e. Tourist Home defined as: A building or group of attached or detached buildings containing, in combination, three to nine lodging units for occupancy for daily or weekly periods, with or without board, and primarily for occupancy by transients, as distinguished from rooming houses, in which occupancy is primarily by residents rather than transients.

These activities are permitted within the following general use zoning districts subject to the review and approval of a site plan (i.e. administrative review and approval by staff):

- Medium Intensity Residential (R-4),
- High Intensity Residential (R-5, R-8, and R-13).

14. **Will these land uses be changed as part of the new table of permitted uses?**

Yes. Staff is proposing to combine these activities into a new land use category, specifically ‘Short Term Rental’ further defined as follows:

- **A. Short Term Rental Small** – A dwelling occupied by a host which provides up to three guestrooms for overnight rental or lease.

- **B. Short Term Rental Large – Host Occupied**: A dwelling occupied by a host which provides more than three guestrooms for overnight rental or lease.

- **C. Short Term Rental – Non-host Occupied**: A dwelling which provides guestrooms for overnight rental or lease but is not occupied by a host.

The following table helps to illustrate the transition:
<table>
<thead>
<tr>
<th></th>
<th>Short Term Rental – Small (1-3 bedrooms)</th>
<th>Short Term Rental – Large (more than 3 bedrooms)</th>
<th>Short Term Rental – Non-host occupied</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and Breakfast</td>
<td>X (RB, AR, and R-1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Reviewed and approved by staff (i.e. administrative review)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast Inn</td>
<td></td>
<td>X (AR and R-1) Reviewed through the Class B Special Use Permit process.</td>
<td></td>
</tr>
<tr>
<td>Country Inn</td>
<td>X (AR and R-1)</td>
<td>Reviewed through the Class A Special Use Permit process</td>
<td></td>
</tr>
<tr>
<td>Hotel/Motel, etc.</td>
<td></td>
<td></td>
<td>X (CC-3, CG-4, O/RM, EDB-2, EDE-2, EDH 1 through 5, MPD-CZ) Typically reviewed and approved by staff (i.e. administrative review)</td>
</tr>
</tbody>
</table>

The proposed amendments contain development standards governing the development of **Short Term Rental – Small** and **Short Term Rental – Large** within general residential zoning districts consistent with existing regulations.

Please note these changes are not intended to address the rental of a house for single-family residential purposes. Additional information on this concern is addressed below.

In addition to the changes outlined above, staff is also recommending:

- **Short Term Rental – Non-host occupied:**
  - Should not be permitted within the EDB-1 and EDE-1 general use zoning districts given the overall intent and purpose of the district;
o Be permitted by right within the EDB-2 general use zoning district rather than through the Conditional Use permitting process as currently required;

o Be permitted by right within the EDH-4 and EDH-5 general use zoning districts consistent with direction received from the BOCC in 2016. Currently the use is not permitted within either of the districts.

The existing Tourist Home land use category is being eliminated as part of this process.

The existing Rooming House land use category shall continue to be permitted under the 'Residential Land Use' category in the same general use zoning districts as detailed herein.

15. **Is the rental of a house for single-family residential purposes impacted by the proposed amendments?**

The rental of a house for use as a single-family residence is not impacted by these proposed amendments.

16. **What about rental of a house for use as an Airbnb?**

There are concerns over what authority Orange County has to regulate this activity, which can be summarized as follows:

- Regulations controlling the duration of a private lease, or the nature of occupancy of a private residence, go beyond regulating a property’s use. Such regulations could be construed as restraining the manner in which the property is owned, which is prohibited by North Carolina case law.

- It is unlawful to regulate residential rental property by implementing permitting programs or by requiring homeowners to pay a special fee.

- There is a State law, specifically the North Carolina Vacation Rental Act, appearing to preempt local regulation of vacation rental agreements in residential properties. The Act defines “vacation rental” as being the “[t]he rental of residential property for vacation, leisure, or recreation purposes for fewer than 90 days . . ..”

From a regulatory standpoint, the proposed Ordinance amendment package impacts rental of a residence as an Airbnb as follows:

- **Short Term Rental – Non-host Occupied** is defined as follows: A dwelling which provides guestrooms for overnight rental or lease but is not occupied by a host;

  - The land use is not permitted for development within residential zoning districts;
c. If a residence is rented (i.e. nightly/weekly), without the owner being present on the property, we have a violation of local land use regulations through the created of an unpermitted land use.

As currently recommended by staff, this activity would not be permitted within residential general use zoning districts and would only be permitted in identified non-residential general use zoning districts.

It should be noted this is consistent with current regulations as embodied within the UDO.

17. **How are airports being handled?**

An airport is currently permitted within the Rural Buffer (RB), Agricultural Residential (AR) and Rural Residential (R-1) general use zoning districts subject to the issuance of a Class A Special Use Permit.

As part of these proposed amendments, staff is recommending:

- The use is eliminated as a permitted use of property within the RB, AR, and R-1 general use zoning districts.
- Airports be allowed within the industrial general use zoning districts (i.e. I-1, I-2, and I-3) subject to the issuance of a Class A Special Use Permit.

Staff is also recommending further study of the existing development standards and permitting requirements associated with airports.

18. **I am confused about the term ‘assembly’ as it relates to the Assembly land use category. How is this new land use category going to be used?**

The ‘Assembly’ land use category is defined as follows:

>A land use providing space, indoors or outdoors, allowing for the congregation of persons for the purpose of observing, listening, or engaging in a service, performance, or activity.

Land uses permitted under this category are further defined as follows:

- Club or Lodge: An assembly land use, operated by a non-profit group, for members and guests.
- Community Center: An assembly land use, operated by a non-profit group, as a non-commercial activity.
- Place of Worship: An assembly land use primarily providing meeting areas for the support or religious activities, services, and study.
- Retreat Center: An assembly land use operated as a commercial activity.

With the new construct, staff is proposing to breakdown various assembly land uses based on the nature of the operation (i.e. commercial versus non-commercial).
The permissibility of a given land use is directly related to the nature of same. For example, the County will still be allowing places of worship (i.e. church, mosque, synagogue, temple, etc.) as a permitted use in virtually all established general use zoning districts (residential and non-residential). Assembly land uses that are characterized as a commercial venture (i.e. retreat center) will continue to be heavily regulated and require a heightened level of permit review in residential general use zoning districts (i.e. reviewed and acted upon through the Class B Special Use Permit process).

19. **Does this mean development opportunities for wedding venues or other similar ‘retreat center’ activities are being expanded?**

A ‘wedding venue’ is still being considered a ‘Retreat Center’ and will be permitted accordingly.

Such land uses will be allowed in the following general use zoning districts:

- Rural Buffer (RB), Agricultural Residential (AR), and Rural Residential (R-1) general use zoning districts through the review and approval of a Class B Special Use Permit.

  **STAFF COMMENT:** This is consistent with existing regulations and no changes are being recommended.

- Neighborhood Commercial (NC-2), Community Commercial (CC-3); General Commercial (GC-4); Economic Development Buckhorn Low Intensity (EDB-1); Economic Development Eno Low Intensity (EDE-1); and Economic Development Hillsborough Office/Retail (EDH-4) general use zoning districts through site plan review process (i.e. staff review with no public hearing).

  **STAFF COMMENT:** This is a modification as requested by the Planning Director to allow for additional commercial activities within various non-residential general use zoning districts.

20. **Why is the term ‘assembly’ being used and won’t that cause confusion with the proposed ‘Manufacturing, Assembly, Processing’ land use category?**

Staff is recommending the use of the term ‘assembly’ because that is the best term to describe/summarize the land use category: a gathering or a group of people for a specific purpose.

Staff does not anticipate any conflicts or confusion based on recommended definitions and the context of word usage within the UDO.
To: Planning Board  
Michael Harvey, Current Planning Supervisor  
Craig Benedict, Planning & Inspections Director

From: James Bryan, Staff Attorney

Date: March 20, 2019

Re: Staff Summary of Planning Board Concerns Over “Burden of Persuasion”

This memorandum is offered to provide the Planning Board with more detail related to “burden of persuasion” and its inclusion in the latest draft of text amendments to the UDO’s Table of Permitted Uses. In order to give a comprehensive and structured response, this memo will first give an overview and then follow with the specific questions as summarized by staff.

The UDO must be clear and unambiguous in order to regulate a use.

In 2015 the NC Supreme Court reaffirmed that zoning was a derogation of property rights and thus requiring local governments to be clear regarding prohibitions and that any uncertainty would be resolved against the prohibition. Many jurisdictions had utilized a Table of Permitted Uses which was either malleable (uses were to be included in the nearest similar category) or restrictive (non-listed uses were prohibited), both of which risked land use categories to be allowed by right under this principle despite their intention to be regulated.

Current UDO is drafted with old mindset of describing what is allowed, rather than what is prohibited.

Staff’s amendments were aimed at clarifying the land use categories and their definitions. As an example, the current definition of a “Large Day Care Home” includes: “...provides day care for more than five but fewer than 16 children, within a residence.” A property with a land use that provides day care for 17 or more children does not meet this definition. Being outside of an existing land use category’s definition, such a use would be prohibited under a restrictive perspective. However, when viewed in the perspective of requiring clear and certain regulations, that same use could be argued as permitted by right as an unregulated use.

Group homes have always been a difficult set of uses to adequately describe and regulate.

A particularly cumbersome grouping of land use categories dealt with those uses that may be generally described as ‘group homes.’ These uses have a long history of regulation and associated litigation. The statutory landscape made it particularly difficult even without consideration of whether of ToPU was malleable, restrictive or clear. Federal law had the Americans with Disabilities Act and Fair Housing Act, while State law had its own Fair Housing Act and particular statutes for “family care homes.” The terminology and standards overlap but
do not align. Durham was one of several jurisdictions which have adapted by utilizing a “reasonable accommodation” provision. Staff adopted this approach as a way to reconcile Federal and State laws, as well as the realignment of the ToPU.

Utilizing an approach adopted by other jurisdictions saves staff from reinventing the wheel.

It is often the case that jurisdictions will copy regulatory language from one another. This is particularly the case in complex matters which have been highly litigated or are anticipated to be litigated. Ordinances are generally unique and require individual review by the courts, but may avoid that where they are identical to previously litigated ordinances. Durham’s “reasonable accommodation” provision includes a section on burdens of proof. The closer Durham’s provision is replicated in its entirety and verbatim, the more likely that jurisdictions may rely upon any future court review.

But Durham’s description of ‘burden of proof’ doesn’t exactly match the OC UDO.

An ordinance must be read in its whole, and thus simply inserting a provision (such as Durham’s reasonable accommodations) may have unintended consequences. For instance, the description of burden of proof is dissimilar to other sections. Whereas the Durham language is explicit in naming it “burden of proof”, the OC UDO instead describes it without label (i.e. states that the applicant must produce the evidence); and Durham delineates burden of presenting evidence from the burden of persuasion, while the OC UDO is silent.

Words have meaning and discrepancies may have impact.

At first blush these discrepancies may appear as a ‘distinction without a difference.’ However, it is important to recognize that the law has canons of construction which may give merit to alternative interpretations. One such canon is to avoid rendering words or phrases as superfluous or mere surplusage. In other words, every word matters and was not adopted by accident. Another principle is that were language is used in one section but omitted in another, it is to be generally assumed that this was done intentionally and purposefully for disparate inclusion or exclusion.

Staff made choices; mostly verbatim adoption and some change to existing provisions.

Staff balanced several interests while drafting the present language. A strictly verbatim inclusion from Durham could alter the intended meaning of existing provisions while a deviation would reduce the potential reliance should it be tested in court. Staff chose a sort of middle ground. Durham’s notice provision is not included while existing sections were modified to align more so (but not exactly) with Durham’s burden of proof.
1. The Board does not understand what ‘persuasion’ means in this context and is worried it is establishing an undue burden on applicants. Further the Board is concerned over the ‘burden of persuasion’ for an individual who does not have the ‘means’ to hire ‘a better attorney’;

Words are to be understood in their ordinary, everyday meanings. An ordinance may define a term to give it a specific meaning.

The dictionary defines “persuasion” as: the condition of being persuaded. It likely should be read in context and in conjunction with other requirements, such as specific standards (i.e. in harmony with the area) and the requirement that the evidence be “substantial.” The requirement for “substantial” evidence is found in both the UDO and the enabling statutes, and is that which a reasonable mind would regard as being sufficient to support a specific conclusion.

2. The need for this language is questioned given ‘how’ the UDO is structured with respect to Variances, Interpretations, and SUP’s;

The explicit description of burden of proof may not be necessary given the statutory language that requires substantial evidence in the record. There may already be implicit that the applicant bears this burden. However, procedural requirements included in the UDO must be adhered to and will be construed by the courts. The courts will use canons of construction when construing statutes and ordinances. In essence, words have meaning and discrepancies may have impact such that describing a burden proof in one section but omitting it (or describing it differently) in another section may have unintended consequences.

3. Board members are concerned requests could be denied because someone decides, even with expert testimony and evidence, ‘you have not convinced me’;

By statute “[e]very quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record.” Case law indicates that “[w]hen an applicant has produced competent, material, and substantial evidence tending to establish the existence of the facts and conditions which the ordinance requires for the issuance of a special use permit, prima facie he is entitled to it.” Furthermore, “[a] denial of the permit should be based upon findings contra which are supported by competent, material, and substantial evidence appearing in the record.” In that way, the burden can be seen as shifting—from the proponent to the opponent once a mere sufficiency has been met.

Generally an exception is found where the standard is so general that it makes production impossible or unduly difficult. One example of that is the standard of a project not harming the public health, safety or welfare. There the initial burden is on the opponents to demonstrate that the standard would not be met.

In addition, these can be altered by local ordinance as the procedural rules are binding, particularly those designed to provide procedural safeguards for fundamental rights.

However, the designation of burden of proof to a particular party may be viewed separately from the requirements that the supporting evidence be competent, material and substantial. In particular, “substantial evidence” is that which a reasonable mind would regard as being sufficient to support a specific conclusion.
In other words, the “burden of proof” in this instance appears to assigns *who* must make a demonstration of evidence; while the standards describe *what* must be demonstrated by the evidence (e.g. be in harmony with the area); and, “substantial evidence” requires it to be enough in amount and quality so that it appears to be a rational decision.

The burden of proof is sometimes segmented into ‘burden of production’ and ‘burden of persuasion’. In these cases the burden of production is generally the evidence itself: testimony and documents, while the burden of persuasion is the amount necessary to meet a standard such as a “preponderance of evidence” (as opposed to “beyond a reasonable doubt”). The context may alter the meaning, such as where it is segmented in one instance but not in another or where only one segment is included.

4. **Why the sudden need and so what if other jurisdictions are doing/have done this. Has there been a change in State law mandating this?**

It is unclear what is being referred to as “sudden.” The 2015 court case prompting staff to amend the ToPU actually reaffirms a longstanding principle of law and cites both common law and half-century old case law. Likewise, the Federal and State protections related to group homes have existed for some time. However, the inclusion of reasonable accommodations is a relatively new approach and was discussed at a Continuing Legal Education conference in 2018. The legal department relayed that information to staff which at the time had not yet developed a comprehensive approach to ‘group home’ land use categories. Staff had initially indicated that they intended to use the Durham approach verbatim, but a legal review revealed the omission of the burden of proof section. After a discussion regarding the implications (reliance on potential court proceedings and impact on construing other provisions) staff chose to make further amendments which resulted in the last known edits.

5. **Shouldn’t we have ‘standards’ outlining what persuasion means and how it should be evaluated when making a decision?**

There are several considerations as previously discussed above. There are certain canons of construction, such as words being given their normal meaning. Any deviation would have a corresponding impact when looking at relying on courts interpreting other similar ordinances. While the current text amendment may be legally sufficient, there are certainly innumerable other additions, revisions and edits which may just as legally sufficient while having a different balance of considerations. Staff had indicated a preference for a single section describing a universal ‘burden of proof’ but abstaining because of the time involved with drafting it and the potential for further unforeseen impacts—all of which seems like reasonable considerations.

6. **So does this mean staff also has the burden of persuasion and why is that not referenced?**

Unlikely. A burden of proof is typically singular, although it may shift. Here it seems the burden is generally on the applicant. This is appropriate. It would be peculiar to have staff placed with a burden of persuasion for anything other than for an appeal of an interpretation or notice of violation.
MEMBERS PRESENT: Lydia Wegman (Chair), At-Large Chapel Hill Township Representative; Alexander Gregory (Vice-Chair), Chapel Hill Township Representative; Adam Beeman, Cedar Grove Township Representative; Carrie Fletcher, Bingham Township Representative; Laura Nicholson, Eno Township Representative; Patricia Roberts, Cheeks Township Representative; Paul Guthrie, At-Large Chapel Hill Township; Randy Marshall, Bingham Township Representative; 

MEMBERS ABSENT: Hunter Spitzer, At-Large; David Blankfard, Hillsborough Township Representative; Buddy Hartley, Little River Township Representative; Kim Piracci, At-Large; 

STAFF PRESENT: Craig Benedict, Planning & Inspections Director; Michael Harvey, Current Planning Supervisor; Tina Love, Administrative Assistant III 

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL 
Chair Lydia Wegman called the meeting to order. 

AGENDA ITEM 2: INFORMATIONAL ITEMS 
   a. Recognition of Members Rotating Off the Board this Month 
   b. Planning Calendar for March and April 2019 

AGENDA ITEM 3: APPROVAL OF MINUTES 
February 6, 2019 Regular Meeting 
February 6, 2019 Ordinance Review Committee Notes 

MOTION by Laura Nicholson to approve the February 6, 2019 Regular Meeting Minutes and the February 6, 2019 Ordinance Review Committee Notes. Seconded by Carrie Fletcher. 

VOTE: Unanimous 

AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA 

AGENDA ITEM 5: PUBLIC CHARGE 
Chair Lydia Wegman waived the reading of the Public Charge 

AGENDA ITEM 6: CHAIR COMMENTS 
No Comments 

AGENDA ITEM 7: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – REORGANIZATION OF TABLES OF PERMITTED USES – To make a recommendation to the BOCC on proposed amendments to the UDO that would reorganize the Tables of Permitted Uses in response to the Byrd v. Franklin County judicial decision and modify other sections to ensure consistency within the ordinance. These amendments are scheduled for BOCC public hearing on April 2, 2019. 

PRESENTER: Michael Harvey, Current Planning Supervisor 

Michael Harvey directed the board to a packet of replacement pages which he mentioned he would review. He advised the board that all motions recommending approval should be considered consistent with the Ordinance Amendment package as modified by the staff. Mr. Harvey quickly reviewed the history behind the amendments which were also mentioned were included in the abstract. He explained that the revised Table of Permitted Uses is
intended to give laypeople a way to easily understand what they are able to do with their property. In August of 2017, during a work session with elected officials, the Planning Director, and the County Attorney, staff was advised to abandon the comprehensive listing of every allowable land use and to instead condense land use categories as much as possible in creating the new table. Mr. Harvey stated the staff had created a fact sheet outlining the changes, pages, and reasons why amendments were made to aid the Board in their review.

Mr. Harvey addressed replacement page 25 (A) and explained that the County Attorney's office had asked staff to include a provision in the Unified Development Ordinance (UDO) for reasonable accommodations for individuals with handicaps. Mr. Harvey explained it was common place to have a provision in the ordinance providing handicapped individuals with opportunities to seek variances from development criteria that could impact their ability to use their property. It had been advised by the County Attorney's office that Section 2.25, a reasonable accommodation rule, be adopted. In reviewing changes, the County Attorney identified a concern relating to not only the granting of variances for reasonable accommodations but also variances, interpretations and Special Use Permits in general. Although there had been sufficient language within the UDO addressing burden of proof, Mr. Harvey informed the board that the Attorney's office had requested to add specific language which he referred to on page 25 (A) in the variance section. Mr. Harvey explained that the recommended language stated the applicant shall have the burden of establishing by competent material and substantial evidence in the form of testimony, exhibits, documents, models, plans and other materials that the application meets the requirements for approval of a variance and furthermore, the applicant shall have the burden of persuasion on those issues justifying the approval of a request.

Lydia Wegman asked Mr. Harvey to clarify the meaning and he responded that the applicant now has the responsibility of persuading the board that they are correct and that the request should be granted. Michael Harvey explained that the language was referenced within applicable State statutes and was beginning to appear in other local government ordinances to help applicants understand what their obligations under the variance, interpretation, and special use permit review processes were. He said applicants have to prove their case to the board and persuade members the competent material evidence and testimony offered justified the approval of the request. Mr. Harvey advised that the attorney had an interest in adding the language "burden of persuasion" to Section 2.11; Section 2.11.13, dealing with interpretations; and in Section 5.3.2.

Lydia Wegman questioned the meaning of the phrase and asked what the County Attorney's interpretation of the phrase was as well. Mr. Harvey explained he only had the ability to explain his interpretation of the phrase, reiterate what had been discussed, and commented that the felt the language was clear in that applicants always had the burden to persuade review board's they should receive approval for their requests. The amendment merely seeks to add the phrase to the UDO.

Lydia Wegman read from the packet, establishing by competent material and substantial evidence, and stated she felt this covers what is required. She expressed disapproval for the language and found it to be vague and uncommon.

Craig Benedict stated that applicants only had to explain what they are trying to prove along with items they are submitting. He commented that he didn’t believe an applicant had to go too far in adding an explanation of how the standard is being achieved.

Michael Harvey reminded the board that variance interpretation and Special Use Permits are carried on in a different format than a typical legislative hearing. He explained that the language is designed to ensure there is proper and adequate dissemination of what is expected from applicants with the applicant bearing the burden of proof and with having to persuade to the board that they are correct thereby justifying approval of the request.

Randy Marshall remarked that decisions should be made based on agreed upon facts, and he disapproved of language found in the packet. He felt the applicant would not have any recourse for not being able to persuade the board on their case and remarked the language would render verdicts based on opinions. Carrie Fletcher agreed with Mr. Marshall.
Michael Harvey expressed that he did not desire to lead the board in any one direction and remarked that it was perfectly acceptable for the board to ask the County Attorney to provide something in writing before acting on any Ordinance Amendment they felt uncomfortable with.

Lydia Wegman found the remark an intelligent suggestion.

Carrie Fletcher asked whether the language was leading to applicants having to retain legal guidance. Mr. Harvey informed the board that state law does not mandate an applicant have an attorney nor does the ordinance but stated it to be advisable for applicants entering a quasi-judicial hearing or a hearing requesting a variance observing a fair trial standard to have the advice, counsel, or representation of an attorney.

Carrie Fletcher remarked that from a layperson’s perspective, she felt the language was pushing civilians to have legal representation.

Paul Guthrie commented that it could go both ways and stated it would be difficult situation if a person wanted to litigate and had the means to do so.

Michael Harvey requested for Mr. Guthrie to elaborate on his comment so he could respond adequately and asked whether Mr. Guthrie’s concern was based on appeals or whether it would more difficult to deny projects. Mr. Guthrie responded that he felt there would be a lot of litigation if the County Commissioners don’t state in similar language reason behind an applicant’s denial.

Michael Harvey reminded the board that both the Board of Adjustments and the County Commissioners is represented by the attorney’s office. He explained the attorney representatives work with their boards to craft decisions consistent with the evidence in the record. Mr. Harvey informed the board that once a public hearing is closed on any Special Use Permit, variance application, or interpretation, the staff can no longer engage with the board and only the County’s appointed legal counsel can engage with them in crafting the appropriate decision based on the Board’s interpretation of the evidence and testimony in the record.

Paul Guthrie commented that it was quite conceivable for a court on appeal to find issue with the persuasion language. He stated he found he language to be vulnerable to judicial attack.

Michael Harvey sought clarification on the boards’ concerns, outlining them follows:

1. The board does not understand the rational for including the phrase “the applicant shall have the burden of persuasion on those issues”.
2. The board did not understand the plain meaning or impact of the term persuasion in this context;
3. The board wondered if there needed to be a standard specifically outlining what the applicant had to do to persuade the Board of Adjusting or the BOCC an application should be approved;
4. The BOCC’s review; the implications of appeals during litigation;
5. The implications of the phrase on the County’s land use planning program; and
6. The boards’ concerns regarding the findings of fact in denying or approving an action.

Lydia Wegman asked to add in, and why it is necessary. She further explained that even though the planning board comes in earlier, a recommendation is still needed on the Special Use Permits and this becomes difficult for the planning board.

Paul Guthrie stated he would feel a little bit better if there was another sentence added to indicate that if the boards feel they have not been persuaded that they would meticulously document which items there were not persuaded on.

Michael Harvey clarified that he thought something of that nature was already in the ordinance. He acknowledged that the language was not sitting well with the board and stated he was well aware that the board did not understand the ramifications of the language and acknowledged that the board was not comfortable without the attorney providing in person or writing some reason as to why it had to be added. Various members on the board agreed with
Michael's statements. Ms. Fletcher remarked that she was not comfortable with the phrase. Ms. Wegman requested clarification other than other jurisdictions have included this language.

Paul Guthrie question how burden is measured in litigation. Mr. Harvey acknowledged that this was another area of concern for the board.

Adam Beeman commented that if all required items were checked off and an applicant had sound evidence, that the boards could still deny their request if they decided they didn't like the project. He stated there needs to be a goal to reach for and explained that an applicant should be able to reach for XYZ to get a variance. It should not be based on the ability to convince someone to pass the applicant's problem.

Randy Marshall added the applicant needs to understand what the boards were not persuaded on to give them a basis for appeal. Adam Beeman stated that he understood Randy Marshall's comment.

Michael Harvey reminded the board that every decision by either the County Commissioners or the Board of Adjustment on Special Use Permits, variances, or appeals are automatically appealable within 30 days to the Orange County Superior Court.

Randy Marshall expressed his desire to have the boards give reason for not being persuaded on an applicant's case. He stated there should be a responsibility on the basis of the board members who don't agree to give a reason why.

Adam Beeman agreed. He expressed that this could pose an undue burden on the average homeowner. He remarked that it would be a burden on an applicant to have to take the case to the Supreme Court of the County and appeal because it didn't pass.

Alexander Gregory stated he was okay as it was originally written but expressed that there was some confusion with the language upon hearing the concerns of the other board members. He explained that when he originally read the language he understood it to mean that a person could have all their pieces together but that would not mean someone on the board would agree with that person, and so they would have to take it a step further to explain and try to convince somebody who would be voting on it.

Adam Beeman questioned what the reason would be for denying an applicant. Alexander Gregory stated that someone could have their own personal reasons for denying the applicant. He again stated that he understood it to mean that they should be prepared even if they have everything in order.

Michael Harvey resumed his explanation of the amendments. He explained that 25 (B-F), articulated in the table, is a renumbering of sections to make them now compliant with the flow. The next change on page 25 (G) is the same burden of proof language in interpretations. He then moved to Page 29 and explained it was included for consistency. He explained that he made a change on page 30 in an attempt to keep the flow of pages correct. Page 29 updates a reference to the provision of the UDO. He explained as pages are added and deleted, citations change so instead of 5.1.4, it's now 5.1.3. He stated that the language on Page 30 has been there since the beginning, but he had shown it as existing text, meaning it had not been highlighted in any way shape or form. It is new text and has to be identified as new text, that's the change and that's the reason for footnotes. The note will also appear in the master table provided to the board.

Michael Harvey mentioned that there were other changes to be discussed and continued to Page 56, under recreation, Land Use, camp retreat. He explained that because of changes having to be made to the Assembly Land Use, retreat centers would be split from recreation into assembly. Mr. Harvey explained that retreat had to come out of recreation because of the character and the scope of the use and guided the board to this on page 56. He further explained that they were also seeing the deletion of sweepstakes, cafe and parlor and stated that state law prohibits them. The attorney has decided that if it's prohibited by state law, to let state law tell people it's prohibited and illegal. When and if state law is ever changes this, an ordinance amendment will have to be done, but there will be a legal basis for establishing a regulatory standard for that land use at that time. He explained that theaters were also being moved as it is considered an assembly use. He explained that the board would also notice a renumbering as pages are deleted or moved around.
Craig Benedict questioned what a camp was by itself without a retreat center. Mr. Harvey responded that a camp is basically like a boy scout or summer camp. Mr. Benedict sought reassurance that it was not an assembly. Mr. Harvey replied, no, and remarked it was a recreation activity.

Randy Marshall inquired if it was similar to Camp New Hope. Mr. Harvey replied that Camp New Hope would be considered a retreat center. Mr. Harvey explained that Camp New Hope was established before the requirement for a Special Use Permit. Per the ordinance, Mr. Harvey said, they have what is deemed to be a de facto Special Use Permit. He explained that the camp is considered to be conforming and further explained that changes don’t impact anybody who had a Class B Special Use Permit for a retreat center in the county. He stated it does not undermine any of the existing regulatory requirements that would grant the ability for someone to be considered conforming that did a permit in the 60s or 70s.

Randy Marshall asked if conforming meant they would have to change to be the New Hope Retreat Center. Mr. Harvey replied, no.

Michael Harvey continued to the next change and guided the board to page 57. He spoke on the references to dormitories, fraternities, and sororities and explained that those reference were being deleted because they are either a rooming house or a multi-family land use. He stated they were already covered under the code so there would be no reason to repeat it. Additionally, he explained that dormitories, fraternities, and sororities are also connected to university operations which are required to get Special Use Permits under the code. He stated that there are none in Orange County, so it was being deleted. Mr. Harvey informed that board that he had met with a few commissioners the in the previous week and brought the concerns of airports to their attention. He mentioned that the commissioners liked the notion of deleting the airports from the residential districts but did not find it appropriate to move them into an industrial as recommended. He stated they liked the idea of doing further study to find better ways to handle airports than what’s currently in the code. He brought an additional concern the board and asked them to consider what to do with someone who has a heliport or an airfield as an accessory use on their property.

Craig Benedict commented that these airports are allowed as accessory use to residential if it is for a private party.

Michael Harvey remarked, yes, and stated that the commissioners he had met with addressed that there needs to be some thought about adopting some minimal standards for those types of activities.

Michael Harvey moved to page 61 and reminded the board that this was a topic they had touched on. He explained that there used to be two categories wholesale trade durable and wholesale trade nondurable goods which were both permitted in the same zoning districts and added that they are now being combined into one group, wholesale trade.

Michael Harvey explained the changes to assembly uses and stated that the recommendation is to eliminate the overall category and splitting it out per use. He defined assembly use as a gathering of people for a purpose and then explained the differences between various assemblies, such as places of worship, clubs, lodges, community centers, theaters and retreat centers. Mr. Harvey informed the board that the changes were made to clarify the distinction between the various types of assemblies. He stated that the changes addressed some of the loop hole issues, but it was decided that they needed to rid of the over-arching category and splitting it per use. He addressed the changes to special events as defined in the ordinance and asked the board to note the definition on the table that had been provided. Mr. Harvey pointed out a regulatory standard which had been added into the definition of a special event and informed everyone it had been moved to the appropriate section in the UDO.

Randy Marshall voiced his concern that anyone could say they were gathering to worship. Mr. Harvey asked him to remember that determinations would be performed on a case-by-case basis, and he then reiterated the definition of a place of worship. He explained that if a person is proposing a land use, the first task would be to determine whether or not that person meets the requirements for what constitutes a place of worship.

Randy Marshall stated that he could argue that the categories that were just listed are exclusionary as opposed to inclusive. He voiced that the felt this was a loophole being left open.
Michael Harvey asserted that it would be the totality of all the definitions, standards and framework that would establish the County with the authority to say they are a place of worship and reiterated it would have to be done on a case-by-case basis.

Randy Marshall asked whether the Rams club would be considered a place of worship. Mr. Harvey stated that for some people, yes, but it would be considered a club with respect to the construction of the UDO. Randy stated that that was his pointed and commented that it was in the mind of the beholder. Mr. Harvey replied that he understood but stated that it would be a club based on the current definition.

Alexander Gregory remarked that he thought there to enough logic there in the case-by-case basis.

Michael Harvey commented that Randy had a valid point but stated there would be larger issues involved if everything remained in one central category. He explained it would be difficult to handle and try to make exclusions instead of just splitting it out.

Craig Benedict commented that he felt as though there was something missing in regard to someone wanting to put an assembly facility for retreat uses in a commercial area. He stated that this type of situation would have previously been captured by the general category.

Michael Harvey remarked that if the board wanted to add retreat center as a permitted use in any commercial district, they could do so and then staff could incorporate. Mr. Harvey recommended that since the board was already going to ask the County Attorney for direction prior to voting, that they might want to add for the staff to consider allowing retreat centers in commercial zoning districts as well. Mr. Benedict mentioned that they sort of had that and stated he couldn’t think of anything else to call it in the table.

Michael Harvey spoke on special events and mentioned that it was split out. He explained there was now a distinction between rural special events and special events and stated that rural special events by definition have to happen on a farm. He continued to page 69 (A) through 73 and stated there were only formatting changes. He then reminded everyone of the provision he spoke of earlier regarding the burden of persuasion in section 5.3.2. He then moved to page 74 which eliminates all the regulatory standards for governing how we approve dorms, fraternity, and sororities. He stated 74 (A) had changes in formatting. He briefly spoke of the change performed on page 79 dealing with Class 2 kennels and explained any changes that occurred.

Michael Harvey then guided the board to pages 79 through 83 regarding short term rentals. He said they had lumped everything into term short-term rentals and explained that they had eliminated all the discretionary standards of evaluation per the attorney's requirements. Additionally, Mr. Harvey mentioned they had eliminated some of the language listed for short term rental large referencing that it had to demonstrate a compliance with parking which was already mandated by the ordinance.

Lydia Wegman, asked Mr. Harvey if he meant for rentals. Mr. Harvey replied, yes and explained that a site plan would have to be submitted and it would have to demonstrate compliance with the code.

Michael Harvey stated there has been questions raised about how this impacts Airbnb. Mr. Harvey stated that the current ordinance does not allow for nonhost occupied structures in the residential zoning districts. He stated, if you want to go through a Special Use Permit, you can technically have a non-host occupied structure, but you can’t have an Airbnb. Furthermore, if you don’t have a host then it’s not a short-term rental and therefore is not permitted. In fact, Mr. Harvey stated, it would be a nonhost occupied short-term rental which is not permitted in residential districts and that is consistent with the current code. This does not impact the rental of a house for use as a single-family residence.

Randy Marshall, does this knock down the arboretums desire to use that house as an Airbnb

Michael Harvey conveyed that there would still be existing impacts on the Keith Arboretum from the current code. Mr. Harvey said that it didn’t add any heightened level of complexity to their ability to do that and questioned whether or not the lease allows it to happen in the first place.
Randy Marshall sought clarification on whether they were proposing that would be an Airbnb without a host.

Michael Harvey confirmed and stated that this knocks that down but commented that he would argue it already knocked down under the current code.

Patricia Roberts questioned the time difference between renting a single-family home versus being an Airbnb. Mr. Harvey responded that both short term rental small and large talk about rental by the week. He stated they were not likely to get into the policing business to find out how long occupants have rented if onsite and further stated the problem usually arises when the occupant is not home.

Paul Guthrie asked about faculty renting out when they go on a sabbatical somewhere.

Michael Harvey responded this would be the rental of a house as a single-family residence. He then mentioned the facts table provided in the packet. He commented that the goal was not to prevent the rental of housing for use as housing. The goal would be to prevent the conversion of a residence into a mini hotel in an established neighborhood.

Michael Harvey continued on the amendments and guided the board to pages 83, 84, 99 and explained those to be just formatting updates. He stated page 100 to be the move of retreat center standards to eliminating retreat as a camp and explained that page 104 deals with theater as it gets moved to assembly. Mr. Harvey stated that page 145 describes the assembly uses; the general use standard, setback standards, the size limitations. Then, he moved to page 153 to touch on the retreat center standards in terms of submittal and SUP requirements and explained that the new section 5.18.4. concerning rural special events was not changed. The term theater had now been added, since it was moved from recreation.

Lydia Wegman asked Mr. Harvey if retreat center remained the same. Mr. Harvey replied, yes, but stated with one notable exception; the deletion of camp sites. In the standards of evaluation for both, he stated there was a standard of evaluation involving a site plan requirement which is why it was moved to submittal requirements for both camp and retreat. Mr. Harvey also conveyed that the subdivision provisions for special use permits and telecommunications regulations would probably be gutted as they are redundant.

Lydia Wegman sought clarification on why Mr. Harvey thought they were superfluous and asked if they were covered elsewhere. Mr. Harvey confirmed they were in three different sections.

Michael Harvey guided the board to page 174 and informed them that he definition of assembly use had been altered. He explained that since assembly has been split out and retreat center has been moved to assembly land uses, it would no longer be needed.

Craig Benedict questioned where wedding fits into assembly uses. Mr. Harvey replied, retreat center.

Craig Benedict commented that if weddings are retreat centers, then they needed to be in more commercial area locations so people can have a wedding in some sort of hall. Michael Harvey remarked that the board could make that recommendation. He responded to Mr. Benedict and stated he had never heard this comment from him before. Craig replied that it had been covered by the whole assembly uses except as listed below and stated it was permitted in multiple areas.

Lydia Wegman questioned whether there was anything specific about wedding venues anymore. Michael Harvey, replied, no, and said it was all covered under the retreat center concept.

Michael Harvey said that club or lodge, was amended as relayed earlier, as was community center. He moved to page 182 involving family care facilities and read the recommended definition. He stated that upon further consideration, the County Attorney decided the language should say as defined as under state statute.
Lydia Wegman questioned if that was the definition. Mr. Harvey replied, yes, and informed them that the new definition would now read as a facility which meets the definition of a family care home and North Carolina General Statute 168. Ms. Wegman inquired if state law already says this, whereas Mr. Harvey agreed.

Michael Harvey informed the board that they had already seen the definitions for group care and group facility/group home. He continued on to page 197 and 198 which he pointed out was the area where the place of worship definition had been added. On page 199, Mr. Harvey explained a typo in the term recreation vehicle. He then spoke on the modifications listed on page 202 involving retreat centers and then moved to the rooming house definition previously discussed. On page 204, Mr. Harvey mentioned the modifications to the reference of the North Carolina Department of Public Instruction formerly the North Carolina Department of Education. He then proceeded to the short term rental and explained his reasoning for deleting the umbrella definition he had previous created. Mr. Harvey then guided the board to the topic of vet clinic on page 210.

Patricia Roberts asked why it would matter if the dog or cat stayed overnight. Michael Harvey answered that it would depend on where it is permitted in terms of what could be the ancillary impacts to adjacent property owners.

Patricia Roberts commented that she couldn’t imagine having a veterinary clinic that didn’t have overnight accommodations in situations where surgery didn’t go well.

Lydia Wegman read the definition of a retreat center and asked Mr. Harvey to clarify that was the entire definition. Mr. Harvey remarked, yes.

Lydia Wegman asked for where information on assembly land use was located. Mr. Harvey explained that assembly land use would be defined in the code and proceeded to read the definition. He stated the definition was modified to eliminate references to wedding venues and referenced the packet.

Randy Marshall asked if wedding venues would actually appear in the ordinance. Mr. Harvey replied, no, and specified that the reason was because it was not just wedding venues. While some in the community want wedding venues specifically listed so we can regulate them, the impact of a wedding verses a graduation party verses a bat mitzvah is the same. They are all described as a gathering of people for “X” purpose. He explained that instead of regulating wedding facilities, they would regulate the totality of the activity which is the reason for the change in the retreat center definition.

Laura Nicholson asked Mr. Harvey if it would be possible to separate all the other changes. Mr. Harvey replied that he would not be comfortable advising the board to recommend moving this forward with the items eliminated as the County Attorney specifically asked for them to be included. Mr. Harvey furthermore reiterated that based on the boards’ comments, he understood that the board would not be interested in approving it without further explanation. He then asked the board if they were in agreement whereby there was an agreed consensus by several board members.

Lydia Wegman questioned whether the board should postpone voting until next month or if it was something that could be addressed with the County Attorney and then to the board through mail. Mr. Harvey conveyed an urgency in completing the project, but stated he was sensing the board to be unhappy and unlikely to act without further explanation.

Lydia Wegman replied that that is certainly how she felt about the burden of persuasion language.

Carrie Fletcher I would have an issue finalizing this unless I’m clear on that particular item. I think that’s a strong enough decision maker that I would like clarification on that.

Michael Harvey remarked the litany of concerns would be recorded in the minutes.

Carrie Fletcher asked if conversations and approval could be done by email so there was no time lost. Mr. Harvey stated he didn’t see a way to get an approval via email. Mr. Harvey voiced a concern that everyone might not come to a consensus causing there to be a holdup.
Carrie Fletcher asked the members of the board if everyone would be okay with it if the sentence was struck. Ms. Wegman replied that she would want to know why the attorney was comfortable striking it having felt strongly about putting it in.

Michael Harvey reminded the board that they could recommend approval as amended and then further amend that the term burden of persuasion get removed. He mentioned to them that he thinks the County Attorney may show up at that public hearing and say the language has to be added back in.

Carrie Fletcher questioned whether the burden of persuasion language could be made clearer. She even suggested possibly listing it out.

Michael Harvey replied that he didn’t disagree but pointed out that it could possibly be referred right back to them to modify language. Mr. Harvey addressed their unease and reiterated no one was happy with the burden of persuasion based on it’s not understood, they don’t like it, they don’t feel it’s been adequately explained, and they want the attorney to give more understanding as to why it’s needed.

Alexander Gregory commented that the likes the point that it makes.

Randy Marshall asked whether there was pressure to complete this. Mr. Harvey stated, yes.

Alexander Gregory stated his faith in the attorney’s judgement but questioned if they attorney would make the final call or if it would make a full circle.

Michael Harvey provided the option that they could technically adjourn the meeting to a day time certain reconvene in two weeks in order to get the attorney’s comments.

Adam Beeman asked whether they would have a chance to discuss their concerns with the attorney or just receive comments. Mr. Beeman voiced his desire to have a discussion with the County Attorney. Michael Harvey replied that they could request the attorney be present and reiterated the option of reconvening to March 20th.

Paul Guthrie spoke on burden and stated it could only be valued by the vote of the commissioners. Mr. Harvey replied that Mr. Guthrie was correct. Mr. Guthrie described it as a self-serving definition. Mr. Harvey stated it certainly would be up to the Board of Adjustment members and Board of County Commissioners to determine if that burden had been met.

Paul Guthrie question why it was not said that way instead of the other way around. Mr. Harvey, acknowledged that it was a good question but stated he did not have an answer.

Michael Harvey asked if everyone would be available in two weeks and asked for confirmation that he was hearing that it was the board’s interest to adjourn the meeting to March 20th at 7:00 p.m. in order to ask the attorney to be present to answer questions or if absent, to provide sufficient documentation articulating why burden of persuasion is necessary.

Lydia Wegman clarified that they not only wanted a statement, but an addition to the ordinance clarifying the meaning and why he felt compelled to add it.

Michael Harvey asked whether he was also hearing that the board is interested in modifying the UDO to expand retreat center activities in commercial districts.

Adam Beeman remarked he would motion that.

Lydia Wegman stated she would agree to that.

Carrie Fletcher stated she felt more strongly about the first than the second.
Michael Harvey questioned whether that was the interest of the board members.

Lydia Wegman stated she would support that.

Alexander Gregory stated he agreed.

Michael Harvey asked if there was a motion.

Adam Beeman stated that he motioned that they be allowed in the commercial districts.

Michael Harvey gathered clarification on the motion from the group and noted that the board’s desire to:

1) Adjourn till March 20th at 7:00 p.m. meeting in the Planning Conference Room room 204 to have the County Attorney present and discuss why and potential changes to address the concern of what the term burden of persuasion means.

2) To have staff include additional opportunities for retreat centers in commercial districts.

Lydia Wegman stated she would second.

Carrie Fletcher asked if that would finalize everything Mr. Harvey needed. Mr. Harvey agreed, but then responded that it would depend on the board’s comfort with the attorney’s response.

Lydia Wegman commented that they trusted Mr. Harvey would express to the attorney their discomfort with the language as it is.

Michael Harvey said he understood both the attorney’s rationale and the boards’ concerns. He stated he felt he had provided the best explanation he could offer but understands that they would like to have a discussion with the person recommending the language.

Lydia Wegman expressed that if the attorney feels persuaded that the language is necessary that he gives some further thought to expressing it more clearly so that the standard is clearer to applicants, the BOCC, and Board of Adjustment.

Carrie Fletcher commented that that is the reason we have a citizen board, so citizens are represented, not just attorneys.

Alexander Gregory asked if either Mr. Harvey or Mr. Benedict foresaw any issues that could arise with the burden of proof or if they had heard of any issues arising from the other jurisdictions currently using the language. Mr. Harvey replied, no, and reassured them that if he couldn’t dissuade their concerns he would provide them with an opportunity to have their concerns addressed.

Craig Benedict provided an example for the use of burden of persuasion to the board.

Adam Beeman expressed his disapproval with the language and found it to be unfair. He expressed that the situation should be binary and not at the whim of person listening to the story, nor should a person have to pay more money to fight their cause when they may not be financially able to do so.

Lydia Wegman asked Mr. Harvey if there needed to be a motion and a vote.

**MOTION** by Adam Beeman to adjourn this meeting until the attorney can come back and talk to us on March 20th at 7:00 p.m. in this room on the 2nd floor of the Planning Department and to add the wedding retreat status to the commercial districts.
Lydia Wegman requested to add that the board would like an explanation from the attorney related to the burden of persuasion language and we would prefer to see additional language explaining what is meant if he is persuaded that that language is necessary. Seconded by Randy Marshall.

**VOTE: UNANIMOUS**

Tina Love asked Mr. Beeman if he accepted the addition, whereas Mr. Beeman accepted.

**AGENDA ITEM 8: ADJOURNMENT**

The meeting was adjourned by consensus.

Lydia N. Wegman, Chair
MEETING MINUTES
ORANGE COUNTY PLANNING BOARD
MARCH 20, 2019
SPECIAL MEETING

MEMBERS PRESENT: Lydia Wegman (Chair), At-Large Chapel Hill Township Representative; Kim Piracci, At-Large; Adam Beeman, Cedar Grove Township Representative; Carrie Fletcher, Bingham Township Representative; Patricia Roberts, Cheeks Township Representative; Paul Guthrie, At-Large Chapel Hill Township; Randy Marshall, Bingham Township Representative; Hunter Spitzer, At-Large; David Blankfard, Hillsborough Township Representative;

MEMBERS ABSENT: Buddy Hartley, Little River Township Representative; Laura Nicholson, Eno Township Representative;

STAFF PRESENT: Craig Benedict, Planning & Inspections Director; James Bryan, Staff Attorney; Michael Harvey, Current Planning Supervisor; Tina Love, Administrative Assistant III

AGENDA ITEM 1: CALL TO ORDER
Chair Lydia Wegman called the meeting to order.

AGENDA ITEM 2: PUBLIC CHARGE
Chair Lydia Wegman waived the reading of the Public Charge

AGENDA ITEM 3: CHAIR COMMENTS

AGENDA ITEM 4: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – REORGANIZATION OF TABLES OF PERMITTED USES – To continue review of and make a recommendation to the BOCC on proposed amendments to the UDO that would reorganize the Tables of Permitted Uses in response to the Byrd v. Franklin County judicial decision and modify other sections to ensure consistency within the ordinance. These amendments are scheduled for BOCC public hearing on April 16, 2019.

PRESENTER: Michael Harvey, Current Planning Supervisor

Michael Harvey: I’m going to make a very brief summary. So obviously, you have an abstract outlining why we are here this evening. There are tweaks that have been made to the packet and I want to review them very quickly. You also have a revised attachment one that spells out the changes that have occurred within the proposed table. At your last meeting there were concerns over the term burden of persuasion and what it meant. There were questions asked which I forwarded to the attorney’s office. I’ll let Mr. Bryan speak to those in a moment. There was also a request to allow retreat centers in additional non-residential zoning districts as permitted use, so you’ll note from the abstract we’ve allowed them within the neighborhood commercial, community commercial, general commercial, Economic Development Buckhorn low intensity, Economic Development Eno low intensity, Economic Development Hillsborough office retail districts at the request of the Planning Director. There are tweaks to Section 2.10.3 and this is where we start getting into the discussion on modifications adding language associated with an applicant’s burden of proof. As pointed out at the last meeting the sentence reads as follows, ‘applicants shall have the burden of establishing by competent material and substantial evidence in the form of testimony, exhibits, documents, models, plans and other materials, that the application meetings the requirements for approval of a Variance it’s application meets’. So that is in Section 2.10.3 and 2.11.3 what I would like the Board to do before we get into the discussion of burden of persuasion, because regardless of whatever happens with burden of persuasion, I’d like there to be a motion to accept the amendment to Section 2.10.3 and Section 2.11.3 replacing meetings with meets.

Randy Marshall: So moved

MOTION by Randy Marshall to accept the amendment to Section 2.10.3 and Section 2.11.3 replacing meetings with meets. Seconded by Carrie Fletcher.

VOTE: Unanimous
Michael Harvey: I would also like there to be a motion acknowledging and accepting the changes to the Table of Permitted Uses that you saw last month to include Retreat Centers in the districts I named.

Randy Marshall: So moved

MOTION by Randy Marshall to acknowledging and accepting the changes to the Table of Permitted Uses to include Retreat Centers in neighborhood commercial, community commercial, general commercial, Economic Development Buckhorn low intensity, Economic Development Eno low intensity, Economic Development Hillsborough office retail districts. Seconded by Hunter Spitzer

VOTE: Unanimous.

Michael Harvey: Let me introduce Mr. James Bryan of the county attorney's office to discuss burden of persuasion.

James Bryan: I'm a staff attorney here in Orange County. Michael mentioned to me that there were some particular concerns you have been wrestling with regarding the Table of Permitted Uses. I drafted a memo. The last two pages are the actual questions that Michael forwarded to me with the answers, but I thought it would be easier to just work from the beginning. Let's start at the beginning of why staff came up with changes to the Table of Permitted Uses.

There was a court case in 2015, Franklin vs. Byrd, in which the state said all the local governments along with the state have been doing this wrong for a long time. Zoning is a derogation of property rights and anything ridding of somebody's property rights is a higher standard than normal stuff, so you have to be clear when you do that. Our current UDO is written similarly to many jurisdictions in the state where the state says we're going to tell you what you can and can't do. The Byrd court said, no, you don't tell people what they can do, it's assumed they can do whatever they want, and you have to tell them what they can't do. You have to very clear and when there's ambiguity it will go in favor of the property owner. You can think of the Table of Permitted Uses as things you can and can't do. There is also a middle ground that says these are the different categories and we're going to bump you in to whatever is closest to it. If you want to prohibit something, you have to be clear about it. An example of how the UDO was constructed for that is with the definition of large daycare homes which provides daycare for more than 5 but fewer than 16 children within a residence. The idea was it was regulating within the definition; 17 children wouldn't be captured by that definition since it's 5 to 16. Under the current UDO if you have 17 children in the home, we were presuming that you weren't allowed because you didn't fall under the definition. Byrd flips that and says if you're not a large daycare home, which you are not with 17 kids, then you're not regulated and not listed in the Table of Permitted Uses so it's assumed that you can go about your business. Group homes have always been a difficult subset of Land Use Categories because there's state and federal laws about group homes like halfway homes and addiction centers. Both the state and federal have particular regulations for group homes through the ADA, Americans with Disabilities Act and through fair housing. The problem is they overlap. Under the old system where you said, I'll tell you what you can do, it's okay to regulate them like that. With this one, it's going to be tough to have a very explicit set of uses for that. A lot of other jurisdictions have added something to their development ordinance which you can call reasonable accommodation which the law requires for ADA and fair housing. It's a great time to address that because it also addresses the idea that we want broad categories, so they are regulated. The federal and the states are saying you can't be so broad with these protected classes, so we're being broad but also giving them an escape of reasonable accommodations. Durham and Ashville have adopted this, and now staff is proposing this. There are different ways to approach this. You could have very precise definitions of land use categories to meet state and federal guidelines, or you could develop your own reasonable accommodation section. It is both common and useful to steal from other jurisdictions as Durham has already adopted this so go ahead and steal from them. This helps serve two purposes; the first is saving staff time and the other is when something is complex and can lead to litigation, you look to the court to see whether it is applicable to you. Durham and Ashville has been untested so it's more of a prospective use. Having it match as closely as possible influences the reliance on it. Durham's reasonable accommodation has a section on burden of proof which includes burden of persuasion. When first reviewed with Michael, he had eliminated that section, and I told him if there's any change that's going to impact how it's relied upon later, maybe it makes a difference, I don't know? Michael stated he would put it back in, but by putting it back in, it doesn't line up with the rest of our UDO as the rest of the UDO has different processes for Special Use Permits, Appeals, Interpretations, and others. It talks about what is basically burden of proof, but it doesn't use the same words in the same way that Durham did for theirs. When reading our UDO, it has different words for the same process. There's construction, the way the courts are going to read this when reviewing it which says words have meaning and purpose and when they are done differently in different sections that's
intentional for different purposes. So, staff met in the middle and used the Durham one, I think verbatim, and then changed the other sections of the UDO. It’s important to know because there’s a context of it that the words have meaning and has to be the same in different places. The first, is the construction in which words have their normal every day meaning and unless defined will be from the dictionary. I would believe that persuasion here has to be looked at in the context of that it is usually used in a board’s determination for a quasi-judicial determination. I don’t think you have a burden of persuasion for a staff level determination in the UDO. You are probably going to rely on the fact that in the statutes the language talks about substantial evidence where you need competent, material, and substantial evidence sufficient to make your proof. Material is something related to the thing at hand and competence is that which could be used in a court, it’s reliable. Substantial is that which a reasonable mind would regard as being sufficient to support a specific conclusion which can be found on the third page under 1, the last sentence. Substantial evidence is that which a reasonable mind would regard as being sufficient to support a specific conclusion. This to me is a fairly low bar. Reasonable minds can disagree, but there are some things that are just not disagreeable. It is what a reasonable mind would regard as being sufficient to support a specific conclusion. The next question forwarded by Michael is, the need for language in the question given; how the UDO is structured with respect to Variances, Interpretations, and SUPs. This is again the idea that discrepancies can have major impact. If you say staff such as Michael and Craig Benedict in multiple sections and then say staff such as Michael, this is candid construction and there’s an omission. Craig was left off on that last one and you might say Craig hadn’t been hired when that part was drafted, but the court upon reviewing it will see it as a purposeful omission, something that was meant for Michael but not Craig. This is the reason the different sections should be as uniform as possible. The greater the variance between the different sections the more ambiguous and less likely it is to be upheld. The third concern; Board members are concerned that requests could be denied because someone decides even with expert testimony in the evidence you have not convinced me. By statute, everything has to be based upon competent material and substantial evidence and local rules have to be followed. It can be tinkered with to create more procedures and processes and can be exhaustive in description, but you run the risk of not doing it perfectly and anything in the definitions will be upheld. If you don’t say anything, you can likely rely on the statutes and precedent.

Lydia Wegman: I don’t have a problem with the burden of proof, but what is puzzling to me is that the applicants have the burden of the competent material, substantial evidence, what meets the requirements for approval of the variance. I don’t understand what the burden of persuasion language adds, and it seems to confuse the issue. Although Durham has put it in, it has not been legally tested, and is not persuasive to me.

James Bryan: My job is to work for the Board when they’re considering this, that it is legally sufficient, and that they’re aware of the risks. My concern is that you all understand this and understand the risk involved.

Lydia Wegman: I’m not understanding what the risk is of not having the sentence, further the applicant shall have the burden of persuasion on those issues.

James Bryan: If you don’t have Durham’s verbatim, you can’t rely on it.

Lydia Wegman: But Durham’s has never been tested, this is their creative approach.

James Bryan: Right.

Lydia Wegman: What if ours was tested first?

Hunter Spitzer: Do you know what they have done to justify doing this?

James Bryan: No.

Carrie Fletcher: So, we are just following them just because?

James Bryan: No, I don’t believe so. One reason we are following them is because staff has been working on this for years. We could come up with a whole new one but then Michael would have to come up with all new language, it would have to be reviewed by me, he would have to bring to you, and it would be a longer process. This is a quick process, and I’ve told Michael that what Durham does is legally sufficient.
Lydia Wegman: What would make it legally insufficient to leave out the sentence about the burden of persuasion. I understand you to say that we are just going to follow what they are doing.

Hunter Spitzer: Why it is insufficient without the burden of persuasion, it is because then we can't rely on their standard?

James Bryan: It is not legally insufficient.

Lydia Wegman: It would not be legally insufficient if we deleted that sentence, is that correct?

James Bryan: Yes.

Lydia Wegman: I understand why you need a statement about burden of proof and where it falls, but it's that last sentence that's hanging me up.

James Bryan: I would encourage you to allow me to explain burden of proof, burden of persuasion, and burden of production. It's one thing to think it's legally sufficient so we can do it, but we should all have our own reason. If I had my way, we would just rely on the statutory language, but that is not how our UDO is set up. Our UDO is hundreds of pages reiterating and expanding upon the statutes. We talk about burden of proof, but we don't use those words so much and use the statutory language some but it's really a modification of everything. Durham has their own modification, different but fairly similar. The burden of proof is an umbrella term that is usually broken down into burden of production and burden of persuasion. Production could be the tangible items, the witness or the documents, and the persuasion could be the arguments that support that. It could also be in different context that the burden of production is when the burden shifts. If you were in civil court in the state of North Carolina, you would file a lawsuit with the first motion of summary judgement. You would have a hearing to ask the judge to throw out the case just based upon what you have because you don't need a trial. This has a different standard for it than a trial. There you have a different burden of production than you would have at the trial. In that context, it has a different meaning, so you have to look at what you have here. I think what Durham does is fine. It is a little wordy, not very user friendly, and has too much legalese, but I don't believe ours to be the gold standard either. There are hundreds of pages in the UDO and there are a lot of things that I don't think are best practices, but if it's not being changed right now it has opened up a Pandora's box to mess with everything. By peeling away at the UDO, you bring up other issues and that's how the reasonable accommodation came in. I think the staff has done a good job about addressing the problems that came up and the next thing was this burden of persuasion and how to get it to either to match Durham's or to meld with ours.

David Blankfard: In our UDO is there a definition for burden of persuasion? When I looked it up, there is an article from Law Cornell that says the definition for burden of persuasion. Can we have that put in as this is what this means, along with the need for factuals, information, and for it to be presented?

James Bryan: Yes, but I recommend against it. It makes sense to clarify, but if you have a definition of it, you are defining a term used by Durham and Durham might define it differently and you therefore lose that benefit from it. If you are silent then you could say, yes, that is what we meant. I think you are not at a risk when you say, yes, that is what we meant because I think burden of persuasion and burden of proof is so well established in the law that is it competent, material, substantial evidence for the standards found in the UDO.

Hunter Spitzer: I am still confused with how burden of persuasion is distinct from burden of proof. How is adding persuasion something more than just burden of proof? What does it add that we wouldn't have without it, and what makes that different than just the regular burden of proof defined in case law?

James Bryan: I think what I am hearing is that you've added that the burden of proof is broken down into production and persuasion. Production is the documents and persuasion is the arguments. In the UDO, we are explicit that the burden is on the applicant to produce the documents but didn't say anything about the arguments. It was implicit and this is making it explicit.

Hunter Spitzer: This definition is only added in 2.10.3 and 2.11.3?
Michael Harvey: No, it was added to 2.10.3, 2.11.3, 5.3.2, the sections dealing with Variances, Interpretations and Special Use Permits.

Hunter Spitzer: Okay.

Carrie Fletcher: Part of the comments were to keep it so the average person could do it on their own without legal assistance and to keep it cost effective. You understand the terminology, but the average person may not and therefore you are going to end up requiring the applicant to hire legal help.

James Bryan: I understand that, and I think you are defeating the purpose if you don't expand it. It's 600 pages and not user friendly to begin with. If you were to leave the burden of persuasion out and leave it implicit, then those wily attorneys are going to be only ones able to pick that out while the average person wouldn't look for the loopholes. This is closing the loopholes and making it harder for attorneys to get around the system.

Randy Marshall: This seems to create loopholes. If there is no concrete criteria for persuasion, any attorney can challenge not being persuaded when there is no criteria or definition for persuasion. It is left up to the governing board to say, whatever you put out there, I am not persuaded. It provides an undue decision-making authority on the governing board who rules. I would prefer to see Orange County go in its own direction and then if there's a problem with that, it will surface. I can't see that someone would come and say they will take us to court because we didn't add the phrase.

James Bryan: Either John or I are at the boards and we would advise against those arguments. The enabling statutes say that someone has to have substantial material and competent evidence and case law indicates that once you have that you have a right to the permit. That is the burden of proof. The different parts of it about the production of documents and persuasive arguments are subparts to that.

Adam Beeman: I have applied for permits in this County since 2008, and I just don't see is as being a fair process to someone who can't afford deep pockets to get out of it. If you just scratch persuasion off, I am happy. But you are telling me I have to persuade you yet don't give me any concrete steps to hit. That is a problem for me. It seems objectified. I read your paragraph that if I provide all of this stuff then I deserve it, so then scratch out persuasion because I have accomplished all of that. Why do I have to persuade you? If I come in and present my evidence and testimony, I have either persuaded you or not.

James Bryan: It is a problem with semantics, but I am telling you what the law says. The law says you are always persuading the Board. The Board has discretion.

Adam Beeman: That is my problem. It seems like a backdoor to say no to any project regardless if I qualify or not.

James Bryan: It can't be that.

Adam Beeman: It sounds like it. I am a layperson not a legalese, and it doesn't make sense to me. When I read it, it sounds like you are discouraging me from doing it. I am at the mercy of presenting my case instead of handing you the facts.

James Bryan: The facts aren't the facts.

David Blankfard: I have an example of the facts aren't the facts. I was on the Board of Adjustment and we had an applicant come in and say they wanted to have a kennel put in. They had their own realtor come in and say it's going to maintain or enhance their property, but the neighbors had another expert say, no, it is not going to. We had to pick between the two on who was most persuasive.

Randy Marshall: Persuasive or factual?

David Blankfard: They were both qualified but just had different opinions.
Michael Harvey: They drew different conclusions from the facts.  

Adam Beeman: And that is the problem with persuasion that I have. Mr. Harvey mentioned earlier that any time you go for these permits, you would be advised to have a lawyer. You are setting me up right out of the gate to have to spend money. 

Craig Benedict: I don't know if this is an operable solution. One suggestion was to put a definition and James said probably not. Sometimes in state construction of statutes there are some unknowns and what is done later is they ask for an attorney general opinion on what that really means. Could the attorney's office put an attorney's opinion of how we operate that burden of persuasion in an argument and explain? If we could get some sort of attorney opinion outside of it that says this is what we mean by the argument. This is a typical argument that should go with the proof to have the whole package; the production, the argument, and the overarching burden of proof. 

Randy Marshall: This hasn't been in there before. How we have suffered by not having this clause in our UDO? 

James Bryan: There's always the potential of litigation for ambiguity or not following local ordinance. 

Randy Marshall: But we have not had any challenge up to this point that would seem to suggest that we to have this in there. 

James Bryan: To my knowledge, we have not. 

Randy Marshall: How do you define reasonable? 

James Bryan: Up until that last clause, I think that's spot on. Going back to David's example regarding the kennel. David and his co-members on the Board had to vote, and one of them could have said I think it's going to decrease the value while four of them could have said it would increase the value. If they give the applicant the permit and it gets appealed to Superior Court, the court will review the decision and ask if they had competent material and substantial evidence. If the applicant did, then the court would find in their favor. It is a discretionary decision that the Board is allowed to make. 

Randy Marshall: If we allow the clause to stay, what prevents us from adding another clause that says whoever is not persuaded has to provide us with the reasons they are not persuaded? 

Michael Harvey: That already does happen. 

Randy Marshall: You have to put it in there so whoever reads it has it concretely in front of them and it's not implied that they have it. If someone says they are not persuaded, after the burden of proof has been met, I think they should have an obligation to the applicant to delineate the reasons why they are not persuaded which provides recourse to contest the decision preventing them from getting what they are seeking. 

Kim Piracci: Is this is one issue we have tonight? 

Lydia Wegman: Yes. 

Kim Piracci: I'm a gemologist; and at some point, it's not up to me to give a gemology lessons to my clients if that person has hired me for my expertise. There's a hang up on the word persuasion, and he has said several times that it is not the legal standard. The legal standard is this other thing. These three professionals are kind of in agreement that these wordings should be in here and said it's an improvement over what we had. Michael has said it's already if you are not persuaded you have to say why and yet it seems to keep going back and forth. At some level, we have to trust our paid professionals and that's what I would like to do at this time. I don't see an end to this discussion. Even though I get your point, I trust him because he's a legal expert. 

Adam Beeman: I don't think we should be making it more difficult for normal people to understand and go through the process. You are making it to the point where I have to hire a lawyer to do this so they can interpret the law for me.
Kim Piracci: Is it not already that way?

Hunter Spitzer: From precedent it seems like this is already the expectation. It was an implied expectation that the applicant would have the burden of persuasion and now we are putting it into concrete text. If you are going for a Special Use Permit or a Variance you will probably need a lawyer anyway, so I believe the process is the same, and I don’t think this makes it any more difficult if you already have a lawyer.

Adam Beeman: No, but it can discourage someone from doing it in the first place. We can vote, but we will obviously we will not get anywhere with me.

Lydia Wegman: Where you say the applicant shall have the burden of persuasion on those issues. What issues are you referring to? If I’m understanding correctly James, you’re trying to say the first sentence is about the burden of production and the second sentence is about the burden of persuasion?

James Bryan: I don’t have it in front of me.

Lydia Wegman: When you were drawing the distinction, you were saying the burden of proof consists of the burden of production and the burden of persuasion.

James Bryan: I believe the first sentence was what’s currently in our UDO and what I believe is the definition of burden of production.

Lydia Wegman: We have this new burden of persuasion language which was not there before with reference to issues, but the first sentence doesn’t actually reference specific issues.

James Bryan: It should reference the standards for whatever section is applicable.

Lydia Wegman: It’s confusing for an applicant to know the issues. If we are going to keep the burden of persuasion language, I think it needs to be clarified.

James Bryan: It might have been a copy and paste from Durham where it should have been specified.

David Blankfard: Since burden of persuasion is a legal term that is not quite obvious to laypeople, is there a way that we can italicize it so people can Google “burden of persuasion” as opposed to Googling each word, because it means a whole host of legal implications.

James Bryan: I always recommend that ordinances be unaltered and just plain, simple rules. At 600 pages it will never be user friendly. What you do then is create forms and pamphlets to educate the public. I think forms like the application, a fill in the blank type of thing, along with pamphlets.

Kim Piracci: Does Michael have to go back and correct or improve that imperfection that you brought up?

Michael Harvey: You don’t want to know what Michael is thinking right now.

Kim Piracci: Can we call this to vote or do we have to come back for it because there’s an imperfection?

James Bryan: I would always advise against coming up with language on the spur of the moment, but if you were to say relevant issues I think that clarifies it. It’s one word and describes the issues.

Michael Harvey: I’m not signing off on that. I am not comfortable with that suggestion at this time.

Kim Piracci: So, we can’t vote on this tonight, anyway?

Lydia Wegman: We can vote on the language as it sits before us.
Michael Harvey: This was drafted after a 45-minute discussion between Mr. Bryan and myself to address concerns of legal sufficiency.

Craig Benedict: I like the brochure idea or something that explains how we implement this. If we cannot put it as a definition with an elaboration of it, which isn’t being suggested, then the language as it is would be useable with a brochure. This would explain what we are trying to achieve.

Michael Harvey: Are you going to come up with a brochure?

Lydia Wegman: The brochure also isn’t the standard of court with review. It could be helpful to applicants, but it won’t address the question if it were challenged. The brochure wouldn’t be admissible.

Craig Benedict: The brochure would be a help to the customer.

Lydia Wegman: It’s a good idea but doesn’t address our comfort with UDO language.

Craig Benedict: I agree.

Randy Marshall: Before we vote, I am going to say anything with the burden of persuasion language I’m voting against. I’m not persuaded that we have to have it because Durham had it. We’ve never had it in here and it’s never been a problem.

Paul Guthrie: Has any court of competent jurisdiction defined what we’re now saying seems to be a problem?

James Bryan: I haven’t looked. It’s pretty well settled law because the statute is explicit about competent material and substantial evidence. What is substantial has been litigated extensively but questioning the very foundation has not. Franklin vs. Byrd is how this came up. There is always a chance that the foundation gets torn up, but this is how it’s been going for a long time.

Paul Guthrie: What worries me is the turmoil that might occur over trying to justify and accept these definitions. You may find that the rulings will take on and destroy further protections than we have and not just those under the court’s view at that time. It seems like an issue that is one of those that can’t be solved simply and depending on the case that comes forward that case may be awarded for the wrong part of information but set the precedent for all the rest. Is there any way to avoid that and still maintain the standard that Michael is trying to justify?

James Bryan: I don’t think that there’s any way to fully avoid it. The law is an evolving thing. You can be conservative in your approach by seeing what the common approach is and what is most legally defensible.

Lydia Wegman: If we take a vote, can we vote on whether we approve or disapprove this language? I think several of us are uncomfortable with the second sentence, but not the first. If we were to vote on that, can this go forward to the Board of County Commissioners?

Craig Benedict: You can vote with both sentences or one; it’s your recommendation. The Commissioners will see your recommendation and vote for or against it.

Lydia Wegman: I’m trying to say I think we can take a vote and move on beyond us to the Board of County Commissioners.

Michael Harvey: I think the Board just needs to take action as it sees fit.

**MOTION** by Hunter Spitzer to approve the Statement of Consistency as contained in Attachment 2 and to approve revised UDO text amendment package in contained in Attachment 3 and refer the Board of County Commissioners to our concerns with the language under the sections discussed this evening and on March 6, 2019 but to approve the document as it stands. Seconded by Kim Piracci
Lydia Wegman: So, basically you are voting to approve it but just advise them that we had some concerns.

Hunter Spritzer: Yeah.

Carrie Fletcher: I would like to know what your feeling are, I would like to know.

Michael Harvey: I quite frankly feel that there are some statements that have been made here tonight that are inconsistent with facts and how this language was added. That's very unfortunate. I think that there is and has always been a burden of persuasion for an applicant engaging in a Variance, Interpretation or Special Use Permit. That is just a simple fact. An applicant has the obligation to persuade whatever Board he or she is going before that they are correct and that the information they are providing demonstrates the project complies with applicable standards. How they persuade that Board they are correct is with the submission of competent material and substantial evidence in the form of testimony, exhibits, documents, models, plans and other materials that the applicant is intending to use to persuade whatever Board the request meets the requirements for whatever, Variance Interpretation or Special Use Permit. I think that James's concern about establishing references to this existing burden, while some may believe is implicit in the ordinance, that the specific language needs to be added was reasonable which was why I added it. The fact that you all don't agree, that's your prerogative but some of the comments made about how this language got in here and what my purported motives are is a little unfortunate and somewhat insulting.

James Bryan: Wait, from me?

Michael Harvey: From the group.

James Bryan: Oh, you can clarify if I was wrong, if I misspoke.

Michael Harvey: This language was put in there to address a concern over legal sufficiency and after 45 minutes of you and I coming to an understanding of what those concerns are, I thought what was crafted was reasonable. I don't necessarily believe this was added....it wasn't something that I thought was 100% necessary to add to begin with which is why you and I had 45 minute of discussion on it. I understood you concern and attempted to address it because part of my role with this project is to address concerns over legal sufficiency.

James Bryan: Ok

Carrie Fletcher: From what I am seeing, as everyday citizens, I think I feel that we have an obligation to try to protect the everyday citizenry and if that came across then I am not going to apologize but I understand that you see it from a different side than we do and if that's confrontational, I apologize and I don't mean to come across.....

Michael Harvey: I guess what I'm getting offended at is that the perception that I am not interested in protecting the common citizenry or that I am simply adding this language as some form of barrier for common citizens hindering their ability to get approvals of variances, interpretations, or special use permits. Further that somehow I concocted all of this all on my own which is inconsistent with the facts. That is incredibly insulting.

Carrie Fletcher: Maybe we all get a little over defensive about it. I don't mean to be offensive but I think in this environment of government everyone gets a little edgy about making sure we're protected in a way then verbiage is correct.

Lydia Wegman: So, I'm just going to jump in here and say I think that, I hope we all respect one another and that I feel and I think this is true of the Board that we all very much respect Michael, James and Craig and the work that you do and that we recognize that you are trying to serve all the citizens of Orange County in a fair way recognizing that some of these things are complicated and difficult for individuals to make sense of and you are trying to be as clear as possible so that everyone looks at this code and understands what is required. No one is suggesting, I don't believe anyone is in this room is suggesting that there was anything other than that motivating this effort. The fact that some of us may be confused or concerned about this language is the way we are reading it but that has nothing to do with what
you were trying to do in writing it. I certainly, we all understand that you are trying to help citizens of Orange County
move forward with their applications in these SUPs and Variances.

Michael Harvey: Regardless of the vote that is about to occur, and I am going to make the same comment in any other
motions that are made this evening, I like to offer a friendly amendment to the motion to approve.

Lydia Wegman: Please do.

Michael Harvey: In our haste to get this done, there are a couple of section references that I neglected to update, and
I’ve just discovered. So, with your indulgence, what I would like to point out is that the amendment, the approval would
need to include updating section reference in what is Section 2.10.2 Applicant Requirements Subsection B number 4;
the narrative outlining the answers to the five required findings detailed within it reads currently Section 2.10.3 that is
now actually become Section 2.10.4 with the re-numbering.

Next, Section 2.10.5 Additional Criteria for Authorized Variances Special Flood Hazard Areas in addition to the criteria
contained within it says Section 2.10.3 that is the same reference that needs to be updated to Section 2.10.4 that is the
provision dealing with authorized variances.

Section 2.10.6 Modifications of the Impervious Surface Ratios in Subsection E reads that such requests may be
requested through one of the following provisions; through variance procedures of the Board of Adjustment as
described in this subsection. The subsection used to be 2.10.5 it is now re-numbered to 2.10.6.

Last, required Findings of Fact that is listed in Section 2.10.3 that is now become Section 2.10.4.

So regardless of whatever motion, whatever happens with this vote, I’d like there to be an acknowledgement and any
subsequent motions of those corrections as identified by staff.

Lydia Wegman: Ok, thank you

Craig Benedict: That can be incorporated by the person who made the motion and the person who seconded is in
agreement that can be amended.

Hunter Spitzer: I would like to amend my motion to include what Michael said.

Kim Piracci: I second that amendment.

VOTE: 4-5
Motion Failed

MOTION by Adam Beeman to strike burden of persuasion out of the UDO and to include the amendment made by
Michael Harvey relating to updating section references. Seconded by Randy Marshall.

Michael Harvey: So, your motion would be to eliminate within Section 2.10.3 the sentence “further the applicant shall
have the burden of persuasion on those issues” to eliminate from Section 2.11.3 Burden of Proof to eliminate “further
the applicant shall have the burden of persuasion on those issues” and last in Section 5.3.2 Special Use Permits
“further the applicant shall have the burden of persuasion on those issues”.

Adam Beeman: And to include changes as identified by staff updating references in Sections 2.10.2., 2.10.5, and
2.10.6 as recommended by staff.

VOTE: 7-1
Motion Passed with Hunter Spitzer abstaining from the vote.

Staff note: Abstaining from a vote is not an option the County’s advisory board policy allows but where a member has a
conflict of interest the member may be excused by majority vote of the advisory board.
Kim Piracci: Did I understand you to say you didn't want to put it in either?

Michael Harvey: No ma'am.

Lydia Wegman: He was persuaded by his conversation with James is what I understood and it was something that made sense to him.

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**AGENDA ITEM 5: ADJOURNMENT**

The meeting was adjourned by consensus

Lydia N. Wegman, Chair
STATEMENT OF APPROVAL AND CONSISTENCY OF A PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN

Orange County has initiated an amendment to the Unified Development Ordinance (UDO) consolidating three separate tables of permitted land uses into a central table.

The Planning Board hereby approves the proposed text amendment and finds:

a. The requirements of Section 2.8 of the UDO have been deemed complete; and,

b. Pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment is consistent with the adopted 2030 Comprehensive Plan.

1. The amendment is consistent with applicable plans because it supports the following 2030 Comprehensive Plan goals and objectives:

   • Land Use Goal 4 - Land development regulations, guidelines, techniques and/or incentives that promote the integrated achievement of all.

      These amendments are consistent with this goal and objective by eliminating existing redundancy in the listing of allowable/prohibited land uses.

      Further, the amendment combines similar land uses into a single use category, thereby ensuring consistent application of development regulations, guidelines, and techniques.

   • Land Use Goal 6 – A land use planning process that is transparent, fair, open, efficient, and responsive.

      These amendments are consistent with this goal and objective by creating a centralized list of permitted and prohibited land uses, thereby ensuring transparency in the development review process and allowing staff to be more responsive to development inquiries.

   c. The amendment is reasonable and in the public interest because it:

      1. Ensures legal sufficiency by establishing a centralized table of permitted uses outlining what is permitted and prohibited within the County.

         The amendments bring the current UDO into consistency with the delineation of permitted and prohibited land uses as outlined within the State Supreme Court in Byrd versus Franklin.

      2. Ensures legal sufficiency by eliminating conflicting terminology and references to permitted and prohibited land uses.

         These amendments ensure uniformity by eliminating three separate tables of permitted land uses, each describing/listing uses in different terms/formats, in favor of the creation of a centralized table.
The Planning Board hereby adopts this Statement of Approval and Consistency as well as the findings expressed herein.

Lydia Wegman, Chair

Date

3/20/19
STATEMENT OF APPROVAL AND CONSISTENCY
OF A PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN

Orange County has initiated an amendment to the Unified Development Ordinance (UDO) consolidating three separate tables of permitted land uses into a central table.

The BOCC hereby approves the proposed text amendment and finds:

a. The requirements of Section 2.8 of the UDO have been deemed complete; and,

b. Pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment is consistent with the adopted 2030 Comprehensive Plan.

1. The amendment is consistent with applicable plans because it supports the following 2030 Comprehensive Plan goals and objectives:

   • Land Use Goal 4 - Land development regulations, guidelines, techniques and/or incentives that promote the integrated achievement of all.

      These amendments are consistent with this goal and objective by eliminating existing redundancy in the listing of allowable/prohibited land uses.

      Further, the amendment combines similar land uses into a single use category, thereby ensuring consistent application of development regulations, guidelines, and techniques.

   • Land Use Goal 6 – A land use planning process that is transparent, fair, open, efficient, and responsive.

      These amendments are consistent with this goal and objective by creating a centralized list of permitted and prohibited land uses, thereby ensuring transparency in the development review process and allowing staff to be more responsive to development inquiries.

   • Ensures legal sufficiency by establishing a centralized table of permitted uses outlining what is permitted and prohibited within the County.

      The amendments bring the current UDO into consistency with the delineation of permitted and prohibited land uses as outlined within the State Supreme Court in Byrd versus Franklin.

2. Ensures legal sufficiency by eliminating conflicting terminology and references to permitted and prohibited land uses.

      These amendments ensure uniformity by eliminating three separate tables of permitted land uses, each describing/listing uses in different terms/formats, in favor of the creation of a centralized table.
The BOCC hereby adopts this Statement of Approval and Consistency as well as the findings expressed herein.

______________________        ____________________
Penny Rich, Chair             Date
AN ORDINANCE AMENDING THE
UNIFIED DEVELOPMENT ORDINANCE OF ORANGE COUNTY

Whereas, Orange County establishes three separate tables outlining allowable land uses within Section(s) 5.2.1, 5.2.2, and 5.2.3 of the Unified Development Ordinance (UDO). Further, Article 5 Uses of the UDO establishes development standards and review criteria for various permitted land uses within the County and

Whereas, Since adoption of the UDO in 2011, there has been a desire to collapse and condense the existing tables of permitted land uses into a single table, as well as clarify development standards for various land uses, to avoid unnecessary duplication and conflict, and

Whereas, On November 6, 2015 the State Supreme Court in Byrd Versus Franklin placed the onus on local governments to ‘spell out’ what land uses were allowable or prohibited within their respective jurisdictions, and

Whereas, Planning staff and the County Attorney have determined the UDO does not adequately delineate which land uses are permitted and/or prohibited within specified zoning districts consistent with the finding of Byrd versus Franklin, and

Whereas, There is a need to revise how Orange County lists permitted and prohibited land uses in order to comply with the findings of Byrd as well as to streamline existing regulatory processes to ensure regulations are readily understandable, and

Whereas, the requirements of Section 2.8 of the UDO have been deemed complete, and

Whereas, the Orange County Planning Board has recommended approval of the proposed text amendments, and

Whereas, the County has held the required public hearing and has found the proposed text amendments are consistent with the goals and policies of the adopted Comprehensive Plan.

Be it ordained by the Board of Commissioners of Orange County that the Unified Development Ordinance of Orange County is hereby amended consistent with the Planning Director’s and County Attorney’s recommendation.

Be it further ordained that this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner ________________________, seconded by Commissioner ________________________, the foregoing ordinance was adopted this ________ day of __________________, 2019.
I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on ________________________, 2019 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this _____ day of _____________, 2019.

SEAL

____________________________________

Clerk to the Board of Commissioners
UDO AMENDMENT PACKET NOTES:

The following packet details staff’s proposed modifications to existing regulations collapsing the three existing tables of permitted land uses, specifically Section(s) 5.2.1 (general use zoning districts), 5.2.2 (EDD general use zoning districts), and 5.2.3 (Conditional Zoning districts) into a centralized table in an order to clarify permitted and prohibited land uses consistent with recent court decisions.

- **Red Underlined Text**: Denotes new, proposed text that staff is suggesting be added to the UDO.
- **Red Strikethrough Text**: Denotes existing text that staff is proposing to delete.
- **Red Underlined Yellow Highlighted Text**: Denotes text the Planning Board has recommended not be approved but Planning staff and the County Attorney are recommending for approval. This impacts Section(s) 2.10.3, 2.11.3, and 5.3.2 of the proposed UDO amendment package.

Only those pages of the UDO impacted by the proposed modification(s) have been included within this packet. Some text on the following pages has a large “X” through it to denote that these sections are not part of the amendments under consideration. The text is shown only because in the full UDO it is on the same page as text proposed for amendment or footnotes from previous sections ‘spill over’ onto the included page. Text with a large “X” is not proposed for deletion.

**Please note that the page numbers in this amendment packet may or may not necessarily correspond to the page numbers in the adopted UDO because adding text may shift all of the text/sections downward.**

Users are reminded that these excerpts are part of a much larger document (the UDO) that regulates land use and development in Orange County. The full UDO is available online at:

SUBJECT: Potential Addition of an Environmental Impact Section to Agenda Abstracts

DEPARTMENT: Asset Management Services; Environment, Agriculture, Parks and Recreation

ATTACHMENT(S):

1) CFE Recommended Draft Abstract Template
2) CFE Recommended Prompts for Environmental Impact
3) CFE Memo: Recommendation on including Environmental Impacts in County Agenda Abstracts
4) Recommended Agenda Abstract Form Incorporating Environmental Impacts
5) Recommended Environmental Impact Prompts Based on County’s Environmental Responsibility Goal

INFORMATION CONTACT:
Brennan Bouma, (919) 245-2626
David Stancil, (919) 245-2522

PURPOSE: To:

1.) Receive a recommendation from Commission for the Environment regarding the addition of an Environmental Impact section to agenda abstracts; and
2.) Consider approval of the updated abstract and prompts based on the County’s Environmental Responsibility Goal.

BACKGROUND: At its November 8, 2018 work session, the Board of County Commissioners (BOCC) reviewed staff-generated options on how environmental impacts could be holistically addressed in the framework of an agenda abstract. The Board provided feedback and proposed that the Commission for the Environment (CFE), which looked at the subject several years ago, review and advise on the topic.

The CFE began discussing this topic in December 2018. Over the course of two subsequent meetings in January and February, staff presented the two draft agenda abstract templates that had been discussed by the BOCC, as well as several examples of the way an agenda item would be presented using each of the templates under discussion.

The CFE endorses this initiative and recommends the attached Draft Abstract Template (Attachment 1) and the environmental impact prompts provided in Attachment 2 which are based on the County’s Environmental Responsibility Goal and summarize relevant County...
goals. The memorandum provided at Attachment 3 provides more details regarding the CFE's rationale.

The Manager has evaluated the prior discussion by the BOCC, as well as the feedback from the CFE. In light of all the input received, the Manager recommends that the Board consider moving forward with the abstract template provided at Attachment 4 and the environmental impact prompts provided in Attachment 5 which are based on the County's Environmental Responsibility Goal.

**FINANCIAL IMPACT:** The addition of a consideration of environmental impact will add staff time to the development of agenda abstracts. To the extent that a consideration of environmental impact could lead to efficiencies in the use of County facilities and vehicles, the lifecycle benefits of those efficiencies may lead to avoided costs.

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: ESTABLISH SUSTAINABLE AND EQUITABLE LAND-USE AND ENVIRONMENTAL POLICIES**
  The fair treatment and meaningful involvement of people of all races, cultures, incomes and educational levels with respect to the development and enforcement of environmental laws, regulations, policies, and decisions. Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

Including a section in every BOCC abstract that communicates expected environmental impacts will further institutionalize the consideration of the health of the environment in all County actions.

**RECOMMENDATION(S):** The Manager recommends that the Board consider approval of the abstract template provided at Attachment 4 incorporating an Environmental Impact section into agenda abstracts, and approval of the environmental impact prompts provided in Attachment 5 which are based on the County’s Environmental Responsibility Goal.
SUBJECT: 

DEPARTMENT: 

ATTACHMENT(S): INFORMATION CONTACT: 

PURPOSE: 

BACKGROUND: 

EXPECTED IMPACTS RELATED TO COUNTY GOALS: 

- FINANCIAL: 

  ☐ More information needed 

- SOCIAL JUSTICE: 

  ☐ More information needed 

- ENVIRONMENTAL: 

  ☐ More information needed 

RECOMMENDATION(S): The Manager recommends that the Board
**Environmental Responsibility**

**ENERGY EFFICIENCY AND WASTE REDUCTION**

Initiate policies and programs that: 1.) conserve energy; 2.) reduce resource consumption; 3.) increase the use of recycled and renewable resources; and 4.) minimize waste stream impacts on the environment.

- **Suggested Metrics:** energy used/avoided (kWh of electricity, therms of natural gas), cost of energy or resource use, pounds or volume of waste diverted from landfills, relative toxicity of waste removed from environment, etc.

**CLEAN OR AVOIDED TRANSPORTATION**

Implement programs that monitor and improve local and regional air quality by: 1.) promoting public transportation options; 2.) decreasing dependence on single-occupancy vehicles, and; 3.) otherwise minimizing the need for travel.

- **Suggested Metrics:** Number of avoided trips or vehicle miles, gallons of fuel used, hours of travel time avoided, etc.

**ENVIRONMENTALLY PREFERABLE PURCHASING**

Promote the use of chemicals, materials, equipment, and systems which are officially recognized as to minimize environmental impacts.

- **Suggested Metrics:** Number of items purchased with sustainable certifications (Energy Star, Water Sense, Certified Compostable, etc), percent of recycled content in purchased items, etc.

**RESULTANT IMPACT ON NATURAL RESOURCES**

Assess and where possible mitigate adverse impacts created to the natural resources of the site and adjoining area.

- **Suggested Metrics:** Estimated impact on water quality (e.g.- water temperature, suspended sediment, nutrients, dissolved oxygen, pH, etc) or quantity (e.g.-gallons per day) , Estimated impact on air quality (smell, dust, ozone, particulates such as PM2.5 from combustion emissions, etc), loss of natural habitat for plants and animals, etc.
MEMORANDUM

To: Orange County Board of County Commissioners
From: Bradley Saul, Chair
Orange County Commission for the Environment
Date: February 11, 2019
Re: Recommendations pertaining to the inclusion of Environmental Impacts on County Agenda Abstracts

At their regular meeting on April 26th 2018, Commissioners Jacobs petitioned staff to determine options for the inclusion of an environmental impacts statement on all County agenda abstracts. On November 8th, staff brought several options to the Board of County Commissioners (BOCC) with the recommendation that the Commission for the Environment (CFE) consider these options under BOCC guidance and make a recommendation.

Per request by the BOCC, the CFE reviewed options for including environmental impacts on agenda abstracts. At our November and January meetings, the CFE learned from County staff how the agenda abstract process works and the BOCC’s motivation for considering environmental impacts of agenda items. The CFE endorses this initiative. Attached to this memo is a draft agenda abstract template which includes our recommended approach. Below we discuss our rationale and potential shortcomings for your consideration.

Our inquiry revealed a few main difficulties to including environmental impacts on agenda abstracts. Brennan Bouma walked the CFE through several example agenda abstracts that made the following clear. One, the potential environmental impact of an agenda abstract’s contents range from none to considerable. Two, the degree of that impact can be clear for some topics and much more subtle for others. Three, the ability to identify and succinctly explain environmental impacts will vary depending on the expertise and knowledge of the abstract writer.

With these three complications in mind, the CFE chose a template that allows for a free response in the impacts section. The template includes a summary of the County’s Environmental Responsibility Goal and Objectives adopted December 5, 2005. This summary serves as a prompt for the abstract writer to consider an item’s impact. The template also encourages abstract writers to include a “more information needed” response if the writer is unsure about an item’s impact. It is our hope this will flag abstracts for additional consideration when needed, either during the agenda review process or elsewhere in the decision making process.

Attachment

cc: David Stancil
SUBJECT:

DEPARTMENT:

ATTACHMENT(S): INFORMATION CONTACT:

PURPOSE:

BACKGROUND:

FINANCIAL IMPACT:

SOCIAL JUSTICE IMPACT:

ENVIRONMENTAL IMPACT:

RECOMMENDATION(S): The Manager recommends that the Board
Environmental Impact Prompts Based on County’s Environmental Responsibility Goal

ENERGY EFFICIENCY AND WASTE REDUCTION
Initiate policies and programs that: 1) conserve energy; 2) reduce resource consumption; 3) increase the use of recycled and renewable resources; and 4) minimize waste stream impacts on the environment.

CLEAN OR AVOIDED TRANSPORTATION
Implement programs that monitor and improve local and regional air quality by: 1) promoting public transportation options; 2) decreasing dependence on single-occupancy vehicles, and 3) otherwise minimizing the need for travel.

ENVIRONMENTALLY PREFERABLE PURCHASING
Promote the use of chemicals, materials, equipment, and systems which are officially recognized as to minimize environmental impacts.

RESULTANT IMPACT ON NATURAL RESOURCES
Assess and where possible mitigate adverse impacts created to the natural resources of the site and adjoining area.
SUBJECT: Letter to North Carolina Association of County Commissioners Expressing a Regional Preference for Medicaid Tailored Plans

DEPARTMENT: County Manager’s Office

ATTACHMENT(S): Draft Language for Proposed Letter

INFORMATION CONTACT: Travis Myren, Deputy County Manager
919-245-2308

PURPOSE: To authorize the Chair to sign a letter to the North Carolina Association of County Commissioners expressing Orange County’s preference to align its Medicaid Tailored Plan Region with Durham and Wake counties.

BACKGROUND: In February 2019, the North Carolina Association of County Commissioners was asked by the North Carolina Department of Health and Human Services to assist with phase two of Medicaid transformation by coordinating and facilitating a process to develop recommended regions for Tailored Plans.

The Association has organized a committee to coordinate recommendations. The Committee consists of county commissioner representatives from each Managed Care Organization (MCO) region. This Committee has invited stakeholder input on the composition of Tailored Plan regions. The deadline to provide input is April 17, 2019.

At the April 2, 2019 regular Board meeting, a petition was made requesting that the County communicate Orange County’s preference to be part of a Tailored Plan region that also includes Durham and Wake counties. Staff has attached draft language for a proposed letter addressing that interest. It is proposed that the Board formally authorize the Chair, on behalf of the Board, to sign a letter expressing the County’s preference, and that the Clerk to the Board submit the letter before the April 17 deadline.

FINANCIAL IMPACT: No financial impact is associated with authorizing the Chair to sign the communication.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**
  The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or
ethnic background; age; military service; disability; and familial, residential or economic status.

- **ENSURE ECONOMIC SELF-SUFFICIENCY**
  The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

**RECOMMENDATION(S):** The Manager recommends that the Board authorize the Chair to sign a letter to the Committee recommending the composition of Tailored Plan Regions that communicates Orange County’s preference to be in a Region that includes Durham and Wake counties, and that the Clerk to the Board submit the letter before the April 17 deadline.
April 16, 2019

TO: Commissioners Beale and Graham  
Co-Chairs of Tailored Plan Region Development Committee

FROM: Board of Orange County Commissioners

RE: Preference for Tailored Plan Region

Thank you for the opportunity to provide input into the Phase II of Medicaid Transformation and the process to recommend the composition of regions for Tailored Plans. The Board of Orange County Commissioners has considered its preference for a Tailored Plan region, and we believe the most effective system would connect Orange County with the other counties in the Research Triangle, namely Durham and Wake Counties.

From a service perspective, Orange County shares a regional transportation system, a regional workforce, and a network of providers with Durham and Wake Counties. Orange County conducted a study of the provider network available to residents with behavioral health needs, and many providers used by Orange County residents are located in Durham County. Other non-profit providers also serve residents from Orange, Durham, and Wake Counties. A good example of that is CASA which operates in Durham, Wake and Orange counties to provide housing for people with mental illness. Their operations and client access would be more efficient if Orange County were grouped with Durham and Wake counties.

In the interest of the residents we serve, the Board of Orange County Commissioners is requesting to become a part of a Tailored Plan region that includes Durham and Wake Counties. Connecting these counties would provide greater access, more varied services, and better public transportation opportunities than any other alignment.

Thank you again for this opportunity to provide input into the Tailored Plan regions. If we can provide any additional information, please contact our County Manager’s Office.
ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: April 16, 2019

Subject: MINUTES

Department: Board of County Commissioners

Attachment(s): Draft Minutes

Information Contact: Donna Baker, Clerk to the Board (919) 245-2130

Purpose: To correct and/or approve the minutes as submitted by the Clerk to the Board as listed below.

Background: In accordance with 153A-42 of the General Statutes, the Governing Board has the legal duty to approve all minutes that are entered into the official journal of the Board’s proceedings.

April 2, 2019 BOCC Regular Meeting

Financial Impact: NONE

Social Justice Impact: NONE

Recommendation(s): The Manager recommends the Board approve minutes as presented or as amended.
The Orange County Board of Commissioners met in regular session on Tuesday, April 2, 2019 at 7:00 p.m. at the Whitted Human Services Center in Hillsborough, N.C.

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

COUNTY COMMISSIONERS ABSENT:

COUNTY ATTORNEYS PRESENT: Annette Moore, Staff Attorney

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

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

1. Additions or Changes to the Agenda

   Commissioner Dorosin suggested moving Item 8-f, Proclamation Recognizing the 110th Anniversary of the NAACP, up to Item 4-d.

   Chair Rich proposed moving items 8-d and 8-e up to items 4-f and 4-g since these are both tax office related items, and Dwane Brinson and his staff are here.

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

   - Petition from Commissioner Bedford
   - PowerPoint for Items 4-e and 6-c
   - Capital Investment Plan (CIP) notebooks

PUBLIC CHARGE

   Chair Rich acknowledged the public charge.

Arts Moment

   Ashley Nissler, Orange County Arts Commission Member, introduced Fred Joiner:

   Fred Joiner is a poet and curator and the newly named Carrboro Poet Laureate. His work has appeared in Callaloo, Gargoyle, and Fledgling Rag, among other publications. Fred has read his work nationally and internationally. Joiner is a two-time winner of the Larry Neal Award for Poetry and a 2014 Artist Fellowship Winner as awarded by the D.C. Commission on the Arts and Humanities. Most recently, one of Joiner’s poems won the Smithsonian’s National Museum of African Art’s Divine Comedy Poetry Contest, in response to Konate’s textile work. As a curator of literary and visual arts programming, Joiner has worked with the American Poetry Museum, Belfast Exposed Gallery (Northern Ireland), Hillyer Artspace, Honfleur Gallery, Medina Galerie (Bamako, Mali), the Phillips Collection, the Prince Georges African American Museum and Cultural Center, the Reginald F. Lewis Museum and others. He is the co-founder of The Center for Poetic Thought currently based at the Monroe Street Market in Washington, DC. Joiner is a Board Member of The American Poetry Museum and the Orange County Arts Commission.
Fred Joiner read a poem from a collection called “Dark Testament and Other Poems” by Pauli Murray about freedom.

2. Public Comments
   a. Matters not on the Printed Agenda
   Cindy Talisman said she understood the County’s theme for National Women’s month to be “Visionary Women: Champions of Peace and Non-Violence.” She said this theme did not seem congruent with the keynote speaker this past Sunday, Linda Sarsour. She said she is ashamed that the Board of County Commissioners (BOCC) and the Hillsborough Mayor endorsed bringing this speaker to Orange County. She said Orange County should support unity, and this speaker was in conflict of that. She said Annette Moore informed the BOCC at its March 17 meeting, that a nationally known speaker would be coming, the identity of whom could not be revealed; she also failed to reveal the cost to bring this speaker to Orange County. She said the BOCC accepted this unknown speaker, cost and agenda, which seemed unwise. She said she does not deny Ms. Sarsour the right to free speech, but does protest the use of taxpayer money to pay for someone who promotes hatred of police officers, supports Lewis Farrakon, and has made anti-Semitic remarks. She said she would like to know the costs incurred by the taxpayers for this event, and called for the dismissal of Annette Moore immediately, for a lack of transparency with the residents of Orange County. She said she would also like the BOCC to apologize, and explain its support for this anti-Semitic speaker.

   Mattie Rose Crowder referred to and read page 4 of the civil rights ordinance, and asked if the civil rights ordinance was followed at Saturday’s event. She said it did not promote the equal treatment of all individuals, nor did it protect the personal dignity of all individuals, nor did it prevent strife and unrest within the community. She requested that the Board of County Commissioners and HRC be much more careful in planning events and vet its speakers. She thanked Commissioner McKee for not advocating for this event.

   Seamus O’Neill read the following comments:
   Good evening and good cheer to the Commissioners and all attending tonight. My name is Seamus O’Neill and I live at 308 Charleston Lane in Chapel Hill. By trade, I am an economist and financial analyst, and as such I have served as an advisor to both Democrat and Republican elected officials and run two companies created with my business partner. Personally, I have little political history. I was born and raised a Democrat, but I have been an economic conservative for most of my adult life. I joined the Republican party only recently. I am here tonight for two reasons:

   First, to express my gratitude to the protesters from both sides who on Sunday, March 31st exercised their Right to Free Speech and Assembly while not interfering with the same Rights of their opponents, and to the deputy sheriffs and other law enforcement officers for their positive engagement with both groups of protesters on this highly divisive issue. By extension, compliments to the Orange County Commissioners and to the County Sheriff.

   Second, I wish to express my profound disappointment with the Orange County Commissioners for permitting the Orange County Human Relations Commission to invite Linda Sarsour to speak, and to spend almost $10,000 of County resources on her speech and related expenses. The Orange County Commissioners facilitated, either by act or omission, the speakership of one of the most polarizing and offensive public figures in the country today.
For those that are not familiar with the brand of Linda Sarsour - she traffics in some of the most hateful ideas available in the public square – antisemitism, radical Islam, terrorism, and the demonization of women that speak out for their rights. She is smart, well-spoken, engaging, and dangerous to free people everywhere, particularly, Jews and Muslim women. Having said this, Linda Sarsour does have a Right to Free Speech, and I support her Right to propagate her hateful ideas through speech, media and print, but she has no such right to use Orange County as her vehicle. You gave her that opportunity. What occurred was made possible only through the actions of the Orange County Commissioners.

As I stand here today I still cannot fathom how our County decision-makers concluded that extending this invitation was a good idea. One would have thought that somewhere in the chain of approvals, authorizations, budget requests, cost estimates, invoices and check issues someone, anyone would have said “… Whooooaaa! Maybe this is not such a good idea!” However, if the Sarsour episode was in fact a well thought out event then we are all in serious trouble as we have just witnessed the weaponizing of Orange County Government against its own people.

Does it have to be this way? No!
If not, how do we fix it?
The answer lies within our nation’s founding documents, legal traditions, history and culture.
Or, simply go with respect and logic:

First Respect – We should not turn the County treasury into a piggy bank for someone’s ugly propaganda. The Sarsour incident diminishes confidence that we will be treated fairly by the government on other matters. Loss of trust in our government is the most damaging result of disrespect. We start asking whose side is our government on? What do I need to do to protect myself and my family? This makes us all more tribal! The glue that holds us together starts to dissolve. People will start to seek resolution outside the political process.

Second Logic – Linda Sarsour is the radical Left’s David Duke. Would you have permitted David Duke to Speak? Of course not you say - the idea would be absurd. But why? The logic of your actions regarding Sarsour suggests otherwise. The views of both Sarsour and Duke are highly offensive and unacceptable to the majority of Orange County citizens? Please note, many options exist for Sarsour’s local fellow travelers to organize a nonprofit or use an existing nonprofit to sponsor speakers with the most extreme ideas and beliefs. Just don’t use our tax dollars.

Conclusion
If your goal is to tear the social and political fabric of our County then you have succeeded. You have used the power of government for a truly destructive purpose – to divide the people. I can assure you that going down this road will not end well, for you, for us, for our children, for no one.

On the other hand, if your goal is to unify our citizens into a functioning body politic then agree that the Sarsour incident was a terrible mistake and commit never to repeat it. Please don’t waste your most precious resource, OUR TRUST, on what I hope was just a bad idea that somehow slipped through the system.

Kathy Zimmerman read the following email from Bob Randall, who was unable to attend tonight’s meeting:
I am a long time citizen of Orange County. I just have three issues to address:

The first one is our tax dollars paid around $10,000 for Linda Sarsour to speak right here last Sunday. Unless you are woefully misinformed, or have turned a blind eye, you must know by now that she is not a person who promotes love and tolerance. In the spirit of truth and transparency, I would like to see a show of hands from you who supported her engagement. And then a show of hands who opposed her engagement. If it hasn’t been done already, I think the Orange County taxpayers are owed the transcript of her speech to be posted on the HRC website; after all we paid for it.

Number two, I am looking forward to seeing all taxes linked to the light rail project removed, since light rail transit is dead.

Number three, no matter how many buses you put out there on the roads, it isn’t going to solve Hillsborough’s traffic problems, which are worsening by the week. Hillsborough’s charm has been destroyed by too much downtown traffic. Hillsborough desperately needs a practical, north-south bypass to divert traffic around the town for those who have no business in downtown.

Steve Mahaley said he attended the Sunday event, and respectfully disagrees with most that has been said so far about Linda Sarsour. He did agree that a transcript of the event should be provided. He said the costs may have been high, but celebrating the end of Women’s history month was well served by the presence of Linda Sarsour. He said she was one of the founders of the women’s march, and her comments were inspirational. He thanked Annette Moore for bringing this speaker to Orange County.

Andrea Sharpio commended the HRC for organizing the Courageous Conversations Speaker series. She said these conversations are meant to be difficult, and feed our democracy, and Linda Sarsour was a good choice. She said she did not agree with everything said by Linda Sarsour, but encouraged all to listen to the talk she gave.

Kate Sullivan, Development Director of the Kidzu museum, said the museum has reached two milestones: 1.) On March 6 the Town of Chapel Hill voted to negotiate a development agreement with Kidzu for a future children’s museum to be located in Southern Village; 2.) This week Kidzu opened its first, of two, community based pop-up museum in Hillsborough during spring break. She said they are still not seeing or hearing all of the kids in Orange County, and asked if the BOCC would support Kidzu’s next pop up in July. She said support could come via the full funding of Kidzu’s human services request, or support the pop-up initiative with a $10,000 matching grant to enable Kidzu to reach all the kids and families as it plans for its next community’s children’s museum.

Jamie Paulen said she was among a group to attend a lunch with Linda Sarsour, and she sat next to her. She said she asked her what she would want people to know about her, and Linda Sarsour said she would want people to know her story is American. She thanked everyone for making this happen.

Heather Redding thanked Orange County and HRC for inviting Linda Sarsour to speak this past weekend. She said when those who differ from us come together there is no place or power for hate.

Latarndra Strong said she was inspired from the events this past weekend, and she appreciated hearing a different perspective on life. She said there are many places
within Orange County where she feels unsafe, and this must change. She said one
cannot object if one is not willing to listen first.

Ashley Campbell said the previous speaker mentioned the “power to quell people
who don’t sound like us,” which summarizes the difficulties she faces in Orange County
as someone who is not progressive. She said she is surround by people of power who
wish to silence people who lean more to the right ideologically. She said she is here to
speak her truth. She said she had an exchange with Commissioner Marcoplos on
Facebook, and she wanted to have a civil conversation with him about the Linda Sarsour
event. She said she asked him if he had office hours, but he did not; and she asked if he
met with constituents outside of meetings, and he said yes. She said she asked if she
could meet with him about Linda Sarsour, and he said to send him an email, as he is not
interested in talking to her because of past comments she has made, and that he said he
has no respect for her. She said she emailed Commissioner Marcoplos, but she received
no response other than the FAQ page that was distributed about the Linda Sarsour
event. She said she protested against the talk, but did attend it, and Linda Sarsour
referred to people with her beliefs as white supremacists. She said there was no chance
for dialogue. She said the event was not allowed to be recorded and there was a last
minute decision to allow staff to search people. She did not agree with either of these
decisions, and felt that latter may not even be legal.

Sarah Cross thanked Orange County for bringing Linda Sarsour to speak. She
said she was angry because she had to pass through white supremacists, etc. on
Sunday to get to her seat. She said she will not stay silent in the hatred of Muslims, and
it is the responsibility of the BOCC to address this white supremacy. She said the current
national administration is the root of current anti-Semitism and Islamophobia. She said
she is a Jewish woman, and knows that she is not safe is Linda Sarsour, a Muslim
woman is not safe.

Miriam Thompson said the event on Sunday to celebrate Women’s History Month
was an example of the Board’s sureness of purpose. She said the speaker had to face
loud and hatred rhetoric outside of the event, which she rose above and offered engaging
and inspiring comments. She reviewed some of the highlights of the speech.

Lorena Morelock said she has no vehicle and utilizes County transportation, with
which she has had many problems. She said she reached out to one of the
Commissioners, who blew her off. She said she wanted answers about transportation,
and would like to know how best to communicate with the Board.

Riley Ruske is a US citizen and combat veteran, and is abhorred that his taxpayer
monies were used to bring Linda Sarsour to Orange County. He asked the BOCC to
rescind the transit tax, since light rail is dead and to cut the wasteful spending on
transportation.

Marc Xavier thanked the Board of County Commissioners and the HRC for
bringing Linda Sarsour to speak on Sunday, and he would like her speech put on line in
its entirety.

b. Matters on the Printed Agenda

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

3. Announcements, Petitions and Comments by Board Members

Commissioner Dorosin said earlier this week Democrats introduced a series of bills
about LBGQQT rights, including a non-discrimination provision that would add sexual orientation
to non-discrimination law, which was on the Board’s legislative goals. He petitioned the Board
to compose a letter/resolution in support of these bills (3).

Commissioner Dorosin said at the Board’s last work session, the Adult Care Committee
did a presentation, which mentioned legislation to raise the personal care allowance, and he
petitioned the Board to issue a resolution in support of this legislation.

Commissioner Dorosin said Fred Battle passed away this passed week, and he would
like the Board to offer some type of recognition for him.

Commissioner Dorosin said he attended Linda Sarsour’s presentation on Sunday, which
was inspiring, and he commended Annette Moore for this event. He said Linda Sarsour
challenged everyone to be and do better.

Commissioner McKee said he petitioned several weeks ago for staff to engage with the
Town of Chapel Hill about transit shortfalls, and he would like to also petition for the
engagement of Carrboro/Hillsborough/Mebane to address Orange County transit needs, and to
start developing changes in the interlocal agreement.

Commissioner Price thanked the HRC for having the courage to present the program on
Sunday.

Commissioner Price said last week she attended the North Carolina Council on Women
and Youth Involvement’s Women’s History Month program in Raleigh, which highlighted several
local women.

Commissioner Price said today is “equal pay” day for women, and years ago she and
former Commissioner Alice Gordon tried re-convening a women’s commission. She said she
would like to look into this again.

Commissioner Price said this is National Public Health Week, and the theme is
“Creating the Healthiest Nation for Science, for Action, for Health.” She commended Orange
County Health Department staff for its work.

Commissioner Marcoplos thanked the HRC for a great program on Sunday, and said a
lot of thoughtful dialogue happened afterwards. He said Linda Sarsour has been
misinterpreted.

Commissioner Marcoplos said the Solid Waste Advisory Group (SWAG) met last week
and Michael Everhart made a presentation about saving wood from old trees and turning it into
projects and artwork. He said the interlocal agreement was celebrated. He said SWAG is
looking for a northern Orange County plot of land for storm debris management. He said
composting is going to be looked at very closely as a major component of the waste stream.

Commissioner Marcoplos referred to Commissioner McKee’s request, noting it could be
a work session topic. He said the Board needs an overview of how decisions are made on
transportation in Orange County. He said the Board needs to know who makes the decisions,
such as the MPOs, the towns, the County, etc. He would like a general report.

Commissioner Marcoplos said he concurred with Commissioner Dorosin about Fred
Battle who was a great leader for civil rights, and a very principled man.

Commissioner Greene said she too wanted to extend her sympathies to Fred Battle’s
family and friends. She thanked Annette Moore for the presentation on Sunday, and asked if
the entire speech was available to be posted online.

Annette Moore said the County contracted with Linda Sarsour for pieces of the video to
be presented publicly. She said she would ask if the entire video could be posted.

Commissioner Greene said she sees this as important, especially given the controversy
and that not all residents were in attendance. She said a selective portion of the speech may
seem like the HRC is trying to hide something.

Commissioner Greene said April is Poetry Month, and thanked the Board of County
Commissioners for setting up the Arts moment.
Commissioner Greene said she has seen new rural buffer signs in Orange County, and asked Bonnie Hammersley if all have gone up. 
Bonnie Hammersley said the signs are in the process of going up.
Commissioner Bedford said April is also Autism awareness month, and today is National Autism Awareness today. She said she is the mother of a 31-year old daughter with autism.
Commissioner Bedford commended the Information Technology staff for its efforts in regards to the service breakdown.
Commissioner Bedford referred to petition at the Commissioners’ places about LMEs. She petitioned the Board to support this:

April 2, 2019
Petition from Commissioner Bedford

RE: Email from Kevin Leonard, Executive Director of NCACC dated 3/29/19 to provide input by 4/17/19 on recommended regions for “Tailored Plans” within Medicaid transformation

I petition that the Manager and Board provide input in writing to input@ncacc.org by Wednesday April 17, 2019 for Orange County regional preference regarding the Tailored Plans.

An earlier map of regions has been developed for those with substance abuse and mental health needs who will have their physical and mental health services integrated into Prepaid Health Plans as part of the first phase of Medicaid transformation to a managed care structure. The participating contracts were announced Feb 4, 2019. First launch set will be in November.

People with intellectual/developmental disabilities, those with more challenging behavioral health needs, and some other special populations will be served by “Tailored Plans” under the Medicaid transformation. The regions are being drawn and will be in place for four years.
NCACC has been asked to provide input for the map.

Orange Co should consider stating a preference to be in the same region as Durham and Wake counties.

For example, CASA operates in Durham, Wake and Orange counties to provide housing for people with mental illness. Their operations and client access would be more efficient if Orange Co were grouped with Durham and Wake counties. Generally, Orange Co residents would have greater access to more and more varied services along with public transportation if our county were grouped with Durham and Wake.

Commissioner Dorosin asked if Orange County is grouped with anyone currently.
Commissioner Bedford said the Charlotte area.
Chair Rich said the gentleman, who presented to the SWAG, called his efforts “treecycling”. She said he cuts down trees in larger chunks (12-14 feet), so that they can be repurposed. She said Commissioner Marcoplos is now Chair of the SWAG.
Chair Rich thanked the HRC for the event on Sunday, and thanked the Sheriff and both deputies here tonight, who were also present on Sunday. She also thanked Rabbi Jen Feldman, who could not attend the event. She said she, the Rabbi, and a member of the HRC met prior to the event, and the conversation was helpful.
Chair Rich said the Internet is spotty in the facility tonight.
Chair Rich said she also attended the women’s event in Raleigh, and she drove Ms. V (one of the local women who were recognized) to this event. She said she is a freshman at the University of North Carolina, and is a lovely, inspiring young lady.

Chair Rich said she worked with Fred Battle on the OWASA board, and he was always very concerned about wasting water and leaky pipes that resulted in high water bills.

Commissioner Price said in addition to a proclamation for Fred Battle, she would also like to send something to the family. She said Fred had a present throughout Orange County, and his legacy is great, and there is much work to be done to honor it, and continue his work.

4. Proclamations/ Resolutions/ Special Presentations

   a. Sexual Assault Awareness Month Proclamation

   The Board considered voting to approve a proclamation recognizing April 2019 as Sexual Assault Awareness Month in Orange County and authorize the Chair to sign.

   BACKGROUND:
   The Orange County Rape Crisis Center, a non-profit, volunteer agency which has been serving the community since 1974 is working with others in the community to stop sexual violence and its impact through support, education and advocacy. Sexual assault is the most costly crime to its victims considering factors such as medical cost, lost earnings, pain, suffering and lost quality of life. The Orange County Rape Crisis Center assisted over 700 survivors of sexual violence, their loved ones, and community professionals during 2018.

   The coordination of the Orange County Sexual Assault Response Team (SART) is bringing together members of law enforcement, the medical community, the legal system and other community advocates to improve services for survivors of sexual assault who come forward. The Board of Commissioners is asked to proclaim April 2019 as “Sexual Assault Awareness Month” in Orange County to encourage all residents to speak out against sexual assault, and to support their local communities’ efforts to provide services to victims of these appalling crimes. The Board has approved similar resolutions in prior years.

   Rachel Valentine, Executive Director of the Orange County Rape Crisis Center read the proclamation:

   ORANGE COUNTY BOARD OF COMMISSIONERS

   Proclamation
   “Sexual Assault Awareness Month”

   WHEREAS, the Orange County Rape Crisis Center assisted over 700 survivors of sexual violence, their loved ones, and community professionals during 2018; and

   WHEREAS, the Orange County Rape Crisis Center works with the county’s two school systems and other groups to provide students with age-appropriate information about violence prevention, reaching over 17,500 youth and adults each year; and

   WHEREAS, the coordination of the Orange County Sexual Assault Response Team (SART) is bringing together members of law enforcement, the medical community, the legal system, and other community advocates to improve services for survivors of sexual assault who come forward; and
WHEREAS, 1 in 5 American women have been sexually assaulted at some point in their lives (Centers for Disease Control and Prevention, 2010); and

WHEREAS, in the United States rape is the most costly crime to its survivors, totaling $127 billion a year considering factors such as medical cost, lost earnings, pain, suffering, and lost quality of life (U.S. Department of Justice, 1996); and

WHEREAS, in the United States 1 in 3 women and 1 in 4 men have experienced some form of sexual or physical violence committed by an intimate partner (Centers for Disease Control and Prevention, 2010); and

WHEREAS, there are more than 18,000 sex offenders registered as living in North Carolina (NC State Bureau of Investigation, 2019); and

WHEREAS, victim-blaming continues to be an enormous problem in instances of rape and sexual assault; and

WHEREAS, the Orange County Rape Crisis Center, a nonprofit agency that has served this community since 1974, is working to stop sexual violence and its impact through support, education, and advocacy;

NOW, THEREFORE BE IT RESOLVED that we, the Orange County Board of Commissioners, do hereby proclaim the month of April 2019 as “SEXUAL ASSAULT AWARENESS MONTH,” and encourage all residents to speak out against sexual violence and to support their local community’s efforts to prevent and respond to these appalling crimes.

This the 2nd day of April 2019.

A motion was made by Commissioner Dorosin, seconded by Commissioner Price for the Board to approve the proclamation designating April 2019 as “Sexual Assault Awareness Month” in Orange County and authorize the Chair to sign the proclamation.

VOTE: UNANIMOUS

b. Fair Housing Month Proclamation
The Board considered voting to approve a proclamation designating April 2019 as Fair Housing Month in Orange County and authorize the Chair to sign.

Annette Moore presented the information below:

BACKGROUND:
The month of April is National Fair Housing Month. April 2019 will mark the 51st anniversary of the enactment of the Federal Fair Housing Act of 1968 and the 25th anniversary of the Orange County Civil Rights Ordinance. These laws grant every person a right to live where they choose, free from discrimination on the basis race, color, national origin, sex or gender, religion, familial status, or disability. The Orange County Civil Rights Ordinance, established in 1987, adds additional protections from discrimination based on age and veterans status.

During Fair Housing Month the Human Rights and Relations Department and the Human Relations Commission, along with other community organizations, will co-sponsor a variety of events to commemorate Fair Housing Month. In addition to an Emergency Preparedness Power of Attorney Clinic, the County will also host and co-sponsor other events.
The County also acknowledges its Community Partners in the Community Book Read – Empowerment, Habitat for Humanity, Marian Cheek Jackson Center, Orange County Affordable Housing Coalition, Orange County Partnership to End Homelessness, Orange County Affordable Housing Advisory Board and the Orange County Housing Authority.

Annette Moore said HUD and Fair Housing Assistance Program (FHAP) closed 7985 cases nationally, and received almost $9 million in monetary relief for complaints. She said at the end of 2017, there was 84 FAPS; 49 that serve a locality, like Orange County, and 35 that provide statewide services. She said FHAP closed in 2017 6329 of the 7985 cases. She said 6878 complaints were filed with FHAP, the greatest number of which was based on disability, which holds true in Orange County too (59.47%) and is twice as many as the next category, which is race. She said Orange County conciliated 7 cases and no caused 4 cases, of the 11 cases received. She said HUD told Orange County that it closed more cases than some of the large agencies, which was surprising.

Deborah Stroman, Human Relations Commission Chair, read the resolution:

ORANGE COUNTY BOARD OF COMMISSIONERS
PROCLAMATION
FAIR HOUSING MONTH

WHEREAS, April 11, 2019 marks the 51st anniversary of Title VIII of the Civil Rights Act of 1968 (formally known as the Fair Housing Act) and the 36th anniversary of the North Carolina Fair Housing Act prohibiting discrimination in housing on the basis of race, color, sex or gender, religion, national origin, disability and familial status; and

WHEREAS, the Orange County Board of Commissioners enacted the Orange County Civil Rights Ordinance on June 6, 1994, which affords to the residents of Orange County the protections guaranteed by the Fair Housing Act and additionally encompasses the protected classes of Veteran Status and Age; and

WHEREAS, Orange County and the U. S. Department of Housing and Urban Development as well as concerned residents and the housing industry are working to make fair housing opportunities possible for everyone by encouraging others to abide by the letter and the spirit of fair housing laws; and

WHEREAS, the U.S. Department of Housing and Urban Development annually declares the month of April as National Fair Housing Month; and

WHEREAS, despite the protections afforded by the Orange County Civil Rights Ordinance and the Fair Housing Act, illegal housing discrimination still occurs in our nation and within our County; and

WHEREAS, by supporting and promoting fair housing and equal opportunity, we are contributing to the strength of our County, State and Nation;

NOW, THEREFORE, we, the Board of County Commissioners of Orange County North Carolina, do proclaim April 2019 as FAIR HOUSING MONTH and commend this observance to all Orange County residents.
This the 2\textsuperscript{nd} day of April 2019.

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

**VOTE: UNANIMOUS**

c. **Community Development Week Proclamation**

The Board considered voting to approve a proclamation designating April 22-26, 2019 as Community Development Week in Orange County, North Carolina and authorize the Chair to sign.

Sherrill Hampton, Housing Director, presented the information below:

**BACKGROUND:** The week of April 22-26, 2019 is designated as National Community Development Week. Its purpose is to showcase the Community Development Block Grant (CDBG) and the HOME Investment Partnerships (HOME) Programs, which are both administered by the U.S. Department of Housing and Urban Development (HUD). Since 1975, the CDBG Program has been an important source of funding for communities to address a broad array of affordable housing and community and economic development needs. The HOME Program, since 1992, has provided funding to local communities to create or retain affordable housing for low-income households.

The theme for this year’s National Community Development Week is \textit{“CDBG and HOME Make Communities Better Places to Live and Work.”}

In recognition of National Community Development Week, Orange County’s Department of Housing and Community Development will co-sponsor a National Community Development Week exhibit at the Orange County Main Library, Carrboro Branch Library and the Chapel Hill Public Library to showcase books that touch on the many facets of community development. Books will range from the landmark \textit{The Power Broker}, by Robert A. Caro to P.E. Moskowitz’s recent \textit{How to Kill a City: Gentrification, Inequality, and the Fight for the Neighborhood}. In addition, the Housing and Community Development Department will host other activities during the week, including posting stories on the County’s Website showcasing the applicable work of the County’s various community partners, etc.

Sherrill Hampton read the proclamation:

**ORANGE COUNTY BOARD OF COMMISSIONERS**

**PROCLAMATION**

**COMMUNITY DEVELOPMENT WEEK**

WHEREAS, the week of April 22-26, 2019 has been designated as National Community Development Week to recognize and celebrate the Community Development Block Grant (CDBG) Program and the HOME Investment Partnerships (HOME) Program; and

WHEREAS, the theme for the 2019 National Community Development Week is \textit{“CDBG and HOME Make Communities Better Places to Live and Work”; and}
WHEREAS, for the past 44 years, the CDBG Program has provided annual funding and flexibility to local communities to provide safe, decent and affordable housing, a suitable living environment and affordable housing opportunities to low and moderate income persons and families; and

WHEREAS, for the past 27 years, the HOME program has provided funding to local communities to create and preserve safe, decent and affordable housing for low income persons and families; and

WHEREAS, last year the Orange County HOME Consortium, consisting of Orange County and the towns of Carrboro, Chapel Hill and Hillsborough, received a total of $401,340 in HOME funds that were used for second mortgage assistance, acquisition of affordable rental housing and tenant-based rental assistance; and

WHEREAS, every $1.00 of HOME grant funding leverages more than $4.00 in other funding to help further expand the critically-needed supply of affordable housing;

NOW, THEREFORE, we, the Board of County Commissioners of Orange County, North Carolina, do hereby proclaim April 22-26, 2019 as COMMUNITY DEVELOPMENT WEEK and commend this observance to all Orange County residents.

This the 2nd day of April 2019.

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

VOTE: UNANIMOUS

d. Proclamation Recognizing the 110th Anniversary of the NAACP (formerly Item 8-f)

The Board considered voting to approve a proclamation recognizing the 110th Anniversary of the National Association for the Advancement of Colored People (NAACP) in 2019.

Commissioner Dorosin read the proclamation:

ORANGE COUNTY BOARD OF COMMISSIONERS
PROCLAMATION RECOGNIZING
THE 110TH ANNIVERSARY OF THE NAACP

WHEREAS, the National Association for the Advancement of Colored People (NAACP) was founded in 1909; and

WHEREAS, the bi-racial endeavor to advance justice for African Americans was formed by a group including W. E. B. DuBois, Mary White Ovington, Ida B. Wells-Barnett and Henry Moskowitz; and

WHEREAS, the charter of the NAACP states its mission as follows: “To promote equality of rights and to eradicate caste or race prejudice among the citizens of the United States; to advance the interest of colored citizens; to secure for them impartial suffrage; and to increase their opportunities for securing justice in the courts,
education for the children, employment according to their ability and complete
equality before the law.”; and

WHEREAS, during the early decades of the NAACP, an anti-lynching campaign was central to
its agenda; and

WHEREAS, the NAACP played a pivotal role in the civil rights movement of the 1950s and
1960s; and

WHEREAS, one of the organization’s key victories was the U. S. Supreme Court’s 1954
decision in Brown v. Board of Education that outlawed segregation in public
schools; and

WHEREAS, the mission of the NAACP has evolved today “to secure the political, educational,
social, and economic equality of rights in order to eliminate race-based
discrimination and ensure the health and well-being of all persons”; and

WHEREAS, the NAACP has grown to more than half a million members worldwide; and

WHEREAS, historically marginalized and oppressed people remain encouraged and continue
the march for the full measure of social justice and equality that they believe they
shall achieve one day;

NOW, THEREFORE, the Orange County Board of Commissioners hereby recognizes the 110th
anniversary of the National Association for the Advancement of Colored People, and urges all residents to support and engage in the ongoing struggle to ensure
justice and equality for all of humanity...locally, nationally and globally.

This the 2nd day of April 2019.

A motion was made by Commissioner Dorosin, seconded by Commissioner Greene to
approve the proclamation recognizing the 110th Anniversary of the National Association for the
Advancement of Colored People (NAACP) in 2019.

VOTE: UNANIMOUS

e. Update on Current Tax Base and 2021 Countywide Revaluation

The Board received an update on the current state of taxable property in Orange
County, and received an overview of the 2021 revaluation process.

BACKGROUND:

Counties in North Carolina are required to conduct a revaluation of all real property at least
once every eight (8) years. Orange County, like many other counties, has adopted a resolution
to advance the cycle to once every four (4) years. The last revaluation of real property in
Orange County took effect January 1, 2017, and the next is scheduled for January 1, 2021.

Dwane Brinson, Tax Administrator, made the following PowerPoint presentation:

2019 Real Estate Update

T. Dwane Brinson, CAE
Orange County Tax Administrator


**General Information**

- All 2017 revaluation appeals have been resolved.
- Currently accepting and working with taxpayers on appeals for the 2019 tax year.
- Have begun working on the revaluation to take effect January 1, 2021.

**New NCDOR Standards**

- NCDOR issued new procedural standards for all 100 counties.
  - 1% random sample of improved properties due September 1, 2018
    - Square Footage Data: NCDOR Standard – 95%, Orange County – 98.21%
    - Objective Data: NCDOR Standard – 95%, Orange County – 98.30%
    - Subjective Data: NCDOR Standard – 90%, Orange County – 97.11%
  - Reappraisal plan due January 1, 2019
    - Budget
    - Staffing levels
    - Outsourcing needs
    - Timeline

**2021 Revaluation Timeline**

- January 2019 – December 2019: Initial property visits
- January 2019 – December 2020: Sales analysis
- January 2019 – September 2019: Land pricing
- January 2019 – December 2020: Data entry
- May 2020 – August 2020: Building of Schedule of Values
- September 2020 – November 2020: Adoption of Schedules
- December 2020 – February 2021: Notices of Value
- January 2021 – June 2021: Appeals

**2018 Market Sales Statistics – NCDOR Annual Report**

- Number of qualified market sales: 421
- Sales ratio measurement
  - Median = .91
  - Mean = .932
  - COD = 12.99
  - PRD = 1.014
  - Range = 1.604

Commissioner Dorosin asked if there is a process for determining which random sales to choose.

Dwane Brinson said staff submits the last book and page to the Department of Revenue each year. He said the Department of Revenue gives staff a sample of sales to analyze, and if a sale does not qualify (related party sale, corporation sale, etc.), staff skips it and goes on to the next market sale.

**Community Initiatives**

**2021 Revaluation Community Initiatives**

- PUBLIC COMPER
Simple, convenient way to find and compare sales
Available to anyone, anywhere – no need to spend money on a private appraisal to appeal
Effective method of appealing

ONLINE PROPERTY RECORD CARD (PRC) AND CHANGE REQUEST
Easy-to-understand format to review property characteristics
Method to electronically submit a change request to appraisal staff

Important Tax Dates and Reminders
Commissioner Price asked if the color of the card could be changed.
Dwane Brinson said yes.

f. Reappointment of Tax Administrator (formerly item 8-d)
The Board considered voting to approve a resolution reappointing Timothy Dwane Brinson as Orange County Tax Administrator to a four-year term effective July 1, 2019.
A motion was made by Commissioner Greene, seconded by Commissioner Marcoplos to approve a resolution reappointing Timothy Dwane Brinson as Orange County Tax Administrator to a four-year term effective July 1, 2019.
VOTE: UNANIMOUS

g. Appointment of Five (5) Deputy Tax Collectors (formerly Item 8-e)
The Board considered voting to reappoint Valerie Curry, Bernice Gwynn, and Bobbie Underwood as Deputy Tax Collectors for a four-year term, effective July 1, 2019, and to appoint for the first time Rebecca Lee and Tonya Smith as Deputy Tax Collectors for a four-year term, effective July 1, 2019.
A motion was made by Commissioner Price, seconded by Commissioner Bedford to reappoint Valerie Curry, Bernice Gwynn, and Bobbie Underwood as Deputy Tax Collectors for a four-year term, effective July 1, 2019, and to appoint for the first time Rebecca Lee and Tonya Smith as Deputy Tax Collectors for a four-year term, effective July 1, 2019.
VOTE: UNANIMOUS

h. Presentation of Manager’s Recommended FY 2019-24 Capital Investment Plan (CIP) (formerly Item 4-f)
The Board received the Manager’s Recommended FY 2019-24 Capital Investment Plan (CIP).
Bonnie Hammersley said Travis Myren and Paul Laughton took the lead on the CIP process since she was involved in the outside agency review process and Travis Myren would give a high level view of the CIP and there is a CIP work session scheduled for April 9th where staff will go into more depth and detail about the CIP.

BACKGROUND:
Each year, the County produces a Capital Investment Plan (CIP) that establishes a budget planning guide related to capital needs for the County as well as Schools. The current CIP consists of a 5-year plan that is evaluated annually to include year-to-year changes in priorities, needs, and available resources. Approval of the CIP commits the County to the first year
funding only of the capital projects; all other years are used as a planning tool and serves as a financial plan.

Capital Investment Plan – Overview
The FY 2019-24 CIP includes County Projects, School Projects, and Proprietary Projects. The School Projects include Chapel Hill-Carrboro City Schools, Orange County Schools, and Durham Technical Community College – Orange County Campus projects. The Proprietary Projects include Water and Sewer, Solid Waste Enterprise Fund, and Sportsplex projects. The CIP has been prepared anticipating moderate economic growth of approximately 2% in property tax growth and 4% in sales tax growth annually over the next five years. Many of the projects in the CIP will rely on debt financing to fund the projects.

RE: Manager’s Recommended FY 2019-2024 Capital Investment Plan

I am pleased to submit the County Manager’s Recommended Capital Investment Plan (CIP) for FY 2019-24 for your consideration. The CIP serves two important functions. First, it authorizes capital appropriations for the next fiscal year, but it also serves as a plan for the future. The Plan contains detailed recommendations for capital projects five years into the future and more general descriptions of projects proposed in the subsequent five years, projecting capital spending a total of ten years into the future. These future project plans are integrated into the County’s debt model and budget projection model for long term financial forecasting.

Recommended capital expenditures for FY 2019-20 total $47.4 million. Of this amount, $10.1 million is recommended for County capital projects, $2.9 million is recommended for proprietary fund spending including water and sewer projects, Solid Waste, and Sportsplex, and $34.4 million is recommended for school capital improvements.

The recommended FY 2019-20 CIP represents a decrease of approximately $19.3 million compared to the FY2018-19 Amended CIP. The FY2018-19 amended capital budget included several large projects such as the second allocation of the affordable housing bond ($2.5 million), the Northern County Campus ($34.7 million), the Southern Branch Library ($5.6 million), and building remediation projects ($3.5 million).

This memorandum describes projects that are recommended in the first year of the FY2019-24 CIP and other significant changes that are recommended for consideration in future years.

Policy Priorities
The Board of County Commissioners adopted a variety of policy priorities in 2016 consistent with existing Board goals. The CIP recommends funding associated with many of those priorities as well as funding for projects that have been introduced and approved conceptually as part of the Board’s regular legislative process.

- County Facility Resiliency to Climate Change - $3.25 million

During the FY2018-19 fiscal year, the County confronted several large scales, emergency repairs related to water intrusions from extreme weather events. The impacted facilities included the Battle Courtroom, the Government Services Annex, and the Phillip Nick Waters Emergency Services Building. These repairs necessitated several amendments to the FY2018-19 Capital Budget totaling $3.5 million. Additional amendments are anticipated to advance the remediation of the
Link Government Services Center, Government Services Annex, and Soltys Adult Care facility.

The FY2019-20 CIP is recommending increasing the investment in County facilities to improve their resiliency to more intense and frequent weather events. The recommended investments are contained in four CIP Projects.

- **Government Services Annex/Board of Elections - $375,000**
  
  During FY2018-19, the County invested $643,290 to complete urgent repair and remediation of the Government Services Annex. An additional capital budget amendment will be presented for Board consideration for an additional $704,360 to complete many of the remaining remediation activities. These emergency remediation activities included relocating the electrical service, replacing the heating, ventilation and cooling (HVAC) system, and cleaning all of the surfaces and equipment. The underlying cause of water intrusion and moisture in this facility is its location within the flood plain. Due to this location, any significant rain event causes flooding in the basement. This project proposes to correct the root cause by sealing the basement from the first floor of the building and installing storm water diversion and drainage improvements.

- **Heating, Ventilation, and Cooling (HVAC) Projects - $1,157,500**

  The FY2019-20 CIP recommends increasing the investment in HVAC projects to mitigate humidity in County facilities. The FY2018-19 investment totaled $142,000; however, $105,000 was repurposed for emergency remediation projects. Comparatively, the recommended FY2019-20 investment is over $1.1 million. This project includes a Humidity Impact Study ($50,000) as well as system replacements for the Central Recreation Facility ($165,000), Hillsborough Commons ($88,000), Mural Courtroom ($32,000), Seymour Center ($132,000), and the Southern Human Services Center ($357,000). This project also contains a backup cooling unit for the County’s data center ($35,000) and an emergency replacement fund ($50,000) for unexpected equipment failures.

- **Roofing and Façade Projects - $1,142,800**

  The goal of the Roofing and Façade project is to repair known points of failure and to proactively identify measures to protect County facilities from water intrusions. The FY2018-19 Capital Budget included $369,800 in roofing and façade repairs. Of this amount, $174,800 was repurposed for remediation projects, and a new $41,200 will be requested to complete urgent roof repairs on the District Attorney’s building. The FY2019-20 project recommends nearly $1.2 million in roofing and façade investments. This project will fund a Building and Façade study ($25,000) and a third party inspection process ($55,000) as preventative elements. Funding is also recommended to repair or replace roofing and façade features at the Motor Pool Facility ($180,500), Central Recreation ($45,000), Hillsborough Commons ($376,000), the Justice Facility
($103,000), Orange County Public Transportation ($40,000), and the
Seymour Center ($55,000). The project also funds design services for a
large roofing projects at the Southern Human Services Center ($64,000) as
well as a partial window replacement at the Whitted Building ($111,300).

- Whitted Site Drainage and Storm Water Improvements ($575,000)
  The Whitted Building is positioned at the bottom of a hill, subjecting the
  facility to significant storm water impacts. These impacts have created water
  intrusion issues from the exterior of the building. This project recommends
  site drainage improvements, facility waterproofing, and grading changes to
  prevent water from penetrating the exterior walls.

- Criminal Justice Resource Department - $216,300
  The Criminal Justice Resource Department is currently located in the Justice Center.
  The Board of Commissioners has supported the growth of this department to improve
  outcomes for residents involved in the criminal justice system as well as those at risk of
  involvement. As the department has grown in scope and complexity, additional office
  space will be required to meet the needs of additional staff. The FY2019-20 CIP
  recommends $216,300 to remodel underutilized office space in the Justice Facility to
  accommodate current staffing needs and future growth.

- Facility Accessibility and Security Improvements - $371,000
  The FY2019-20 CIP recommends several improvements to facility access. The two
  largest projects in this category would create an accessible sidewalk to River Park from
  the new bus stop on Churton Street ($88,000) and repair the steps, sidewalk and curb
  outside of the Whitted Building. The project also recommends the installation of
  Automatic Emergency Defibrillators at several County facilities.

- Economic Development – Piedmont Food Processing Facility Improvements -
  $185,000
  Part of the County’s economic development strategy is to facilitate the use of locally
  grown food and to support the growth of small businesses. The Piedmont Food
  Processing Facility provides a low cost food production environment to reduce barriers
  to entering the food production market. This project recommends installing a pre-cast
  grease interceptor to comply with food production facility regulations as well as a drive
  over drain for food trucks to easily dispose of waste water. The FY2019-20 CIP also
  recommends a $125,000 emergency generator to provide consistent cooling capability
  during a power interruption. Both of these projects are recommended to be funded using
  Article 46 Economic Development sales tax fund balance.

- Sustainability Bank - $50,000
  The Sustainability Bank project provides funding for small scale sustainability or
  renewable energy projects. During the upcoming fiscal year, departments will be asked
  to submit project proposals. These proposals will be evaluated and ranked by a staff
  team and approved by the Board of Commissioners prior to implementation. Priority will
  be given to projects that leverage outside funding or serve as the local match for grant
  applications. Funding for the Sustainability Bank was reallocated from the Board’s
  Technology Initiatives project. The Technology Initiatives project has not been used for
  several years and currently has a balance of $200,000.
• **Broadband Expansion Project - $150,000**
  During FY2018-19, the County created a public private partnership with Open
  Broadband to expand broadband access to parts of the County that do not have access
  to broadband speed and reliability. The first phase of the project focused on northern
  Orange County. This project proposes a second phase to focus expand service in the
  southwest portion of the County.

• **Sheriff Office Body Worn Cameras - $158,380**
  The FY2018-19 CIP provided $300,000 to implement body worn cameras in the Sheriff’s
  Office. The FY2019-20 CIP recommends adding $158,380 to this project to equip all
  sworn officers in the Sheriff’s Office with body camera technology.

• **Emergency Medical Services (EMS) Substation - $450,000**
  The Board has supported the development of new Emergency Medical Services (EMS)
  Substations to upgrade and strategically locate emergency response facilities
  throughout the County. The FY2017-18 CIP included a partnership with the Orange
  Rural Fire Department and the Town of Hillsborough to collocate an EMS substation
  with a fire station and police substation in the Waterstone development in Hillsborough.
  New construction cost estimates suggest an additional $350,000 will be needed to fund
  the County’s share of construction. This project also adds a total of $100,000 for
  furniture, fixtures, and equipment in both the Waterstone Station and the
  Buckhorn/Efland Station.

• **Economic Development – Hillsborough EDD Water and Sewer Project - $1,060,000**
  In FY2017-18, the Board authorized funding to conduct an analysis of the County’s
  Economic Development Districts (EDD’s). This report highlighted the importance of
  having sites that are prepared for development including the availability of water and
  sewer service. The County has previously appropriated over $5.5 million to build out
  water and sewer infrastructure in the economic development districts to stimulate
  commercial and industrial development and job creation. The recommended CIP for
  FY2019-20 adds $1,060,000 to the Hillsborough EDD project due to rising construction
  costs and additional rock discovered in the subsurface that was not anticipated when
  this project was initially budgeted. Debt service on water and sewer projects is paid
  using the portion of Article 46 sales tax revenue dedicated to economic development.

• **Orange County Southern Branch Library – $750,000**
  In October of 2017, the Board approved a development agreement with the Town of
  Carrboro to jointly develop a new facility at 203 South Greensboro Street. The facility
  would include space for the County’s Southern Branch Library as well as Town offices.
  Funding for the construction phase of this project was approved in FY2018-19 at $5.6
  million. The additional $750,000 recommended in FY2019-20 is intended to fund the
  furniture, fixtures, and equipment for the new library. The CIP also continues to
  recognize the additional operating expenses that will be required to operate this new
  branch. The net new operating costs are currently estimated at approximately $650,000
  annually after deducting the operating costs associated with the two existing County
  funded library resources in the Town of Carrboro.

• **School Capital Improvements - $34.4 million**
The recommended CIP includes a total of $34,377,500 to finance a variety of school capital improvements and deferred maintenance. This total amount includes approximately $20 million in general obligation bond funds for Orange County Schools. This $20 million project will include the construction of a classroom wing at Cedar Ridge High School, roofing projects, and mechanical system replacements at several schools. This allocation to Orange County Schools represents the second of three bond fund allocations for Orange County Schools. The third installment for both Orange County Schools and Chapel Hill Carrboro City Schools is scheduled to occur in FY2021-22. This allocation will total approximately $14.5 million and will exhaust the $120 million in bond funds approved by voters in 2016. The Recommended CIP also includes $3 million in funding for deferred maintenance projects. When the County issued $85.4 million in general obligation bonds in FY2017-18 primarily for Chapel Hill High School, it received a bond premium from investors seeking the favorable tax exempt status of these bonds. The County received a total of just over $6 million in bond premium. The majority of this premium is recommended to be reinvested in school deferred maintenance over the next two fiscal years. The remainder of the funding for school capital projects comes from a mix of sources including lottery proceeds, Article 46 sales tax proceeds, and $1 million in debt financing specifically targeted at facility improvements in older schools.

Information Technology and Communications

Significant information technology and communication improvements are financed through the Capital Investment Plan. These projects maintain and expand the capabilities of the County’s current information technology infrastructure, employ new technologies to better meet the needs of County residents, protect and store critical data, and improve internal operating efficiencies.

- **Information Technology Governance Council Initiatives - $390,000**
  The Information Technology Governance Council includes representatives from each of the County’s Functional Leadership Teams. The Council evaluates department requests for new technology and scores those requests based on established criteria. For FY2019-20, the Council scored a total of nineteen (19) requests, and the eight (8) highest ranking projects are recommended for funding. The cost of these projects total $390,000. The projects include Pass Management software for Department on Aging, Pre-Arrest Diversion Program software for the Criminal Justice Resource Department, Lacherfishe Enhancement for records storage and retrieval, Patient Care Hardware replacement for Emergency Services, Neo-Gov Learning Management System to be used by all County departments, and detention grade security cameras for the Sheriff’s Office.

- **Information Technology Infrastructure Initiatives - $560,000**
  The FY 2019-20 CIP also recommends $560,000 for Information Technology Infrastructure. These infrastructure projects include server upgrades, end user point replacements, data storage, network improvements, and the continued deployment of wireless capabilities.

- **Register of Deeds Automation - $80,000**
  The Register of Deeds Automation project is funded using automation fees that are specifically designated by State Statute to improve technology capabilities in the Register of Deeds Office. Each year, the County budgets $80,000 which is allowed to
accumulate over time to make these significant technology investments. For example, these funds were used in FY2018-19 to upgrade the Register of Deeds recording software.

- **Communication System Improvements - $273,250**
  The County has been engaged in a multiyear effort to replace its radio communication equipment to provide a consistent radio platform for first responders. For FY2019-20, $273,250 is recommended to complete the replacement of 76 mobile radios and 55 portable radios in the Sheriff’s Office.

**Building and Infrastructure Improvements**
The Recommended CIP also includes building and infrastructure investments that are important to the continued safety, security, and maintenance of County facilities and operations.

- **Court Street Annex - $188,600**
The Court Street Annex houses Juvenile Justice and Adult Probation and Parole offices. The majority of the requested funding in FY2019-20 ($125,000) is to address restroom accessibility deficiencies. The remaining funds would be used to install security and to make other minor cosmetic improvements. This facility is located next to the current Detention Center and will be included in the planning process for the future of that site.

- **Justice Facility Improvements - $43,220**
The County is responsible for providing facilities for the court system. FY 19-20 funding is requested to replace recessed lighting fixtures in the Mural Courtroom with LED fixtures, install a counter in the Juvenile Section of the Clerk of Court’s Office to increase security, install glass partitions at the Clerk of Courts counter to enhance security, and improve the furniture within the Probate Office to ensure privacy.

- **Lake Orange Dam Rehabilitation - $95,000**
Lake Orange is a Class II public water supply reservoir owned by Orange County. The Lake’s primary uses are to serve as a public water supply as designated by the North Carolina Department of Environmental Quality (NCDEQ) and to maintain minimum flows in the Eno River, as defined within the Eno River Water Management Plan. In the Fall of 2018, NCDEQ and a private engineering firm conducted an inspection of the lake Orange Dam that identified numerous deficiencies. This project would begin a multi-year approach to repair these deficiencies, addressing high priority projects in FY2019-20 and FY2020-21. These projects include blasting and painting the intake tower beams and gate actuators and replacing the concrete expansion joints and sluice gate.

- **Major Plumbing Repairs - $250,780**
Three large plumbing projects are proposed in the FY2019-20 CIP. The first project would repair the underground hot water piping at the Whitted Building. This piping failed over the winter which revealed urgent repairs and caused significant service disruption. The second project would repair the septic tank line under the Cedar Grove Community Center to improve flows. This project is intended to address sewer system failures during high capacity events. If this repair does not correct the capacity deficiencies, a $2 million system replacement is envisioned for FY2022-23. Finally, this project would connect the Orange County Public Transit facility to the Town of Hillsborough sewer.

- **Parking Lot Improvements - $145,500**
Funding approved in FY2018-19 included asphalt repairs, gravel, and site work for the Sheriff’s Office and OCPT vehicle fleets at the Motor Pool facility. This funding was repurposed during FY2018-19 for emergency remediation projects. Therefore, funding is requested to complete this work in FY2019-20. Other funding requested in FY2019-20 includes a professional assessment for the Eno River Parking Deck and paving the David Price Farmer’s Market Pavilion parking area.

- **Whitted Medical Clinic Renovations - $68,200**
  The Whitted medical clinic waiting room is currently underutilized. This project requests $68,200 to create four office spaces. An underutilized storage room in the Whitted medical clinic would replace the current waiting area. The new waiting area will be next to the entry to the clinic and would improve wayfinding and patient flow. This project is funded using Medicaid Maximization Funds.

**Parks, Open Space, and Trail Development**
The Board has consistently expressed support for parks, open space, and trail development that preserves natural areas of the County and promotes nature activities for County residents. This support is represented by the Parks and Open Space Master Plan as well as the individual master plans that have been adopted and periodically updated for each park property. The FY2019-20 CIP recommends funding for the following projects:

- **Cedar Grove Park Phase II - $550,000**
  Funding proposed in FY 2019-20 would fund Phase II-A of the Park’s development. This phase of development would feature an additional small baseball/softball fields to address the loss of similar t-ball fields in Hillsborough in 2020 and associated parking and infrastructure. Phase II-B in Years 6-10 would add tennis courts, a picnic shelter and additional parking.

- **Mountains to Sea Trail - $289,000**
  The Mountains to Sea Trail (MST) is a part of the N.C. State Parks system that is planned to connect the Great Smoky Mountains with the Outer Banks by trail. A portion of the trail runs through Orange County. Funding requested in FY2019-20 would be used to acquire easements and construct trail segments of the MST from Buckhorn Road south, on and around the OWASA-owned lands at Cane Creek Reservoir, and continuing to the Alamance County line. The initial segment will also include pedestrian crossing improvements over Interstate 85/40.

- **River Park Phase II - $150,000**
  River Park is located behind the justice facilities in Hillsborough. Several improvements to the park are currently underway. These improvements anticipated a small scale performance shell, but as needs and opportunities were evaluated, an enhanced performance shell could significantly benefit the park and service to residents. FY2019-20 funding is included to construct an enhanced performance shell using outside funds raised through a private fundraising campaign.

- **Little River Park Phase II - $50,000**
  Little River Park is a joint Orange County and Durham County initiative guided by an Interlocal agreement that divides expenses equally between the two counties. Funding requested in FY2019-20 is intended to address the Laws House, which stands at the
park entrance and has been stabilized pending a future decision on use or
deconstruction.

- **Fairview Park Improvements - $67,000**
  A site assessment study for the former landfill area at Fairview Park was started in FY 2017-18 to investigate opportunities for remediation and park development. This multi-year assessment is underway and will continue into the summer of 2020. Funds for the landfill assessment study as well as the eventual mitigation will be reimbursed by the State Division of Environmental Quality.

- **Cedar Grove Community Center - $107,000**
  Funding is requested in FY2019-20 to replace funds that were re-purposed in FY 2018-19. This project will install shower facilities in the Community Center.

- **Parks and Recreation Facility Renovations and Repairs - $180,000**
  Funding of $180,000 is requested in FY 2019-20 for ongoing safety, lighting/energy, park infrastructure, signage, preventive maintenance and landscape improvements to the County’s seven parks. Each year, park and recreation equipment and facilities need renovation, safety improvements, repair, replacement and upgrades. This project provides for a scheduled and prioritized funding source for these needs identified in the 2030 Parks & Recreation Master Plan process.

**Vehicle Replacements - $965,550**
The Capital Investment Plan is also used to procure replacement vehicles. The highest priority vehicles include those used in public safety functions. The FY19-20 CIP requests $965,550 to replace Sheriff’s Office vehicles, an Animal Control vehicle, Ambulance remounts, and an administrative vehicle for Emergency Services.

**Financing the Capital Investment Plan**
The Recommended Capital Investment Plan for FY2019-20 totals $47.4 million in expenditures. Of that amount, $37 million is recommended to be financed by County funded debt. Other significant sources of funds include Lottery Proceeds and Article 46 sales tax proceeds. Both of these sources are dedicated to fund school capital needs and are estimated to contribute approximately $3.3 million to the resources used to support the CIP.

**Debt Capacity Target and Next Steps**
County policy establishes a debt service capacity target of fifteen percent (15%) of general fund revenues. As the voter approved general obligation bonds have been issued for school projects and affordable housing, this policy is expected to be exceeded in future years. Additional pressure on this policy will occur in future years due to emergency spending on remediation projects and the increased cost of the Northern County Campus. As the Board considers the CIP, staff will provide updates and recommend necessary adjustments so that the Board is comfortable with the current and planned debt over the course of the FY2019-24 CIP.

As the CIP evolves in the future, it anticipates funding for three large projects. The first is a replacement for the emergency responder radio system. The total cost of this project could exceed $40 million. This project is currently in the Plan for FY2020-21 and is offset by contributions from all of the public safety agencies in the County. The second major project is a new academic building requested by Durham Technical Community College. Current cost
estimates suggest a total project cost of over $26 million. The final significant project consideration is whether the County proposes additional general obligation school bonds. The CIP includes the final allocation of the 2016 bonds in FY2021-22. The Plan does not currently include additional school bond funding.

Travis Myren made the following PowerPoint presentation:

INTRODUCTION OF THE CAPITAL INVESTMENT PLAN FY2019-24
Board of Orange County Commissioners
April 2, 2019

FY2019-24 Investment Themes
- Sustainability and Building Resilience to Climate Change
  - County Facility Remediation and Improvements - $3.25 million
  - Building and Infrastructure Improvements - $791,300
  - Sustainability Bank - $50,000
  - Parks, Recreation and Open Space - $1.39 million

- Commitment to School Facilities
  - Orange County Schools Bond Projects – $20 million
  - Deferred Maintenance - $3 million

- Economic Development
  - Piedmont Food Processing Facility - $185,000
  - Broadband Expansion Phase II - $150,000
  - Hillsborough EDD Supplement - $1.06 million

- Public Safety
  - Sheriff’s Office Body Camera Deployment - $158,380
  - EMS Substations at Waterstone and Efland - $450,000
  - Communication System Radios for Sherriff’s Office - $273,250
  - Public Safety Vehicle Replacements - $965,550

Capital Investment Plan by the Numbers
- Total Recommended Capital Expenditures - $47.4 million
  - County Capital - $10.1 million
  - Proprietary Funds - $2.9 million
  - School Capital - $34.4 million
- Decrease from FY2018-19 - $19.3 million
  - Affordable Housing Bond – 2.5 million
  - Northern County Campus - $34.7 million
  - Southern Branch Library - $5.6 million
  - Building Remediation - $3.5 million
- Debt Service Increase - $982,162
  - Tax Rate Equivalent – 0.63 cents

Commissioner Dorosin said the total is $47.4 million, with a decrease of $19.3 million, and asked if that is already taken out of the $47.4 million.

Travis Myren said yes; the amended 2018-19 CIP was $67 million.

Commissioner Dorosin asked if the projects that are on the decrease, are being pushed forward.
Travis Myren said the bullets under the decrease are just the big projects that were in the amended 2018-19 CIP.

Commissioner Greene referred to the Southern Branch Library, and asked if the County’s expense of $5.6 million could be clarified.

Travis Myren said this is the County library space, in which the County will own a condominium interest.

Commissioner Price referred to page 2 and the sustainability bank, and said the packet notes that a technology initiatives project has not been used for several years with a balance of $200,000. She asked if more clarification could be provided.

Travis Myren said there is a board initiatives category in information technologies budget account, which has been funded at $50,000/year but gone unused for 4 years, so staff is recommending taking $50,000 out of IT board initiatives (leaving $200,000) and adding it to the sustainability bank.

**FY2019-24 Recommended Capital Investment Plan (pie charts)**
- FY2018-19 Expenditures – 80% County Capital
- FY2019-20 Expenditures – 73% School Related Projects

**FY 2019-24 Recommended CIP Expenditures (table)**

**FY 2019-24 Recommended CIP Financing Sources (table)**

**Ten-year Debt Service (graph)**

**Five year Debt Service Schedule with Potential Revenue (graph)**

**Debt Service to Revenue Policy (graph)**

**Schedule for Consideration**
- Introduction of the Capital Investment Plan – April 2
- Work Session on Capital Investment Plan – April 9
- Further Consideration through Budget Work Sessions
- Approval of the Operating and Capital Budget – June 18

Commissioner Marcoplos referred to the Piedmont Food and Agriculture Processing Facility (PFAP) improvements, and the purchase of a $125,000 emergency generator. He said it would useful to know the output of the generator, and the cost of a similar size solar array/battery and if it would even be feasible.

5. **Public Hearings**
   - NONE

6. **Regular Agenda**
   a. **Efland-Buckhorn-Mebane Access Management Plan Adoption**
   The Board will consider adopting the 2019 Efland-Buckhorn-Mebane Access Management Plan (E-B-M AMP).
   Craig Benedict, Planning Director, presented the information below:

**BACKGROUND:**
On April 3, 2018 the BOCC authorized the Planning Department to update the adopted 2011 E-B-M AMP in accordance with an approved public and advisory board review. This update has been conducted through a comprehensive public involvement process which included community input and recommendations from the Planning Board, Orange Unified Transportation Board (OUTBoard) and Economic Development Advisory Board (EDAB).

**Community Meeting - August 28, 2018**
The Planning staff conducted a community meeting at Gravelly Hill Middle School in the planning area. All public comments are contained in Appendix C of the E-B-M AMP.

**Planning Board - October 3, 2018 & Orange Unified Transportation Board - October 17, 2018.** The two Boards recommended the BOCC approve the Plan with additional context.

**Economic Development Advisory Board - January 8, 2019**
The EDAB recommended the BOCC approve the Plan with the reduced connective option.

**February 5, 2019 BOCC Public Hearing** - No members of the public spoke on the proposed Plan. The BOCC directed staff to place the item on a subsequent meeting agenda for consideration.

**March 7, 2019 BOCC Meeting** - Members of the Mt. Moriah Baptist Church attended and offered comments on the portion of the plan that reflects a possible rail crossing relocation and grade separation near Buckhorn Road. The BOCC directed staff to meet with members of the church to review the plan, respond to questions, and place the item on a subsequent BOCC meeting for future consideration.

**March 12, 2019 Mt. Moriah Baptist Church Meeting** - Staff met with members of the church and approximately over 40 people attended. The Orange County Planning Director provided an overview of the plan and some specifics about a possible rail crossing relocation and grade separation in a 5-10 years horizon. The public notification process for the Buckhorn (and other areas) Traffic Separation Study (TSS) began in 2016 and was initiated by the North Carolina Department of Transportation (NCDOT) and the North Carolina Railroad (NCRR). The TSS includes environmental and cultural impact survey. Residents were shown all three proposed alignments as recommended in the TSS (Attachment 1) and asked to work with staff to find the alternative with the least impact. They were also reminded of the two public meetings, public hearing and public review processes NCDOT and Mebane conducted when drafting and adopting the TSS. The City of Mebane notified the County of this project and we offered comments about what alignment option has the least impact (i.e. No impact) to the church and cemetery and the best alignment for a future intersection to US-70.

The Church has provided a letter to Orange County (Attachment 2) requesting:
- The Mebane TSS for Buckhorn Road be removed from plans and that closing the train crossing at Buckhorn Road not to be an option.
- A resolution assuring that the E-B-M AMP will not be part of any long rang plans for the Efland-Buckhorn community's residents and economic future.

**Planning Director’s Recommendation** - The Planning Director recommends that the draft 2019 E-B-M AMP be revised to exclude the elements of the Traffic Separation Study TSS between the Industrial Drive/Buckhorn Road intersection and US-70 Frazier Road intersection (Attachment 3). The concerns of the residents will be forwarded to NCDOT and NCRR. The
Planning Director also recommends the BOCC adopt the E-B-M AMP (Attachment 4). Adoption of the plan will lead to more orderly growth, which promotes the public health, safety, and general welfare and helps to achieve the purposes of the adopted Comprehensive Plan.

Commissioner Price thanked Craig Benedict and staff for holding the community meeting.

Commissioner Dorosin asked if there is a plan moving forward.

Craig Benedict said the overall access management plan is a document that goes beyond the deletion of this, and this plan becomes part of the Unified Development Ordinance (UDO). He said when development comes forward in the area, staff can refer back to this plan and take the details into account in the review of any projects.

Commissioner Dorosin said DOT is still looking at rail crossings, and asked if the Board may need to revisit this again in the future.

Craig Benedict said yes, and the traffic separation study was focused on about 5 other crossings, back towards Mebane. He said some work has been done with private crossings from here almost to Durham. He said in the process for getting funding for these types of projects, there has to be feasibility plans that look at the cultural aspects. He said he would expect SPOT processes would be involved prior to projects being submitted. He said staff has to stay on top of things to provide community and Commission input. He said staff will submit priority lists for projects to be submitted for SPOT 6.0.

A motion was made by Commissioner Dorosin seconded by Commissioner Price for the Board to adopt the 2019 Efland- Buckhorn-Mebane Access Management Plan (Attachment 4) with attachment 3 (after situation).

VOTE: UNANIMOUS

b. Approval to Acquire Property at 509 Central Avenue, Hillsborough

The Board considered voting to approve the exercise of the County’s Right of First Refusal and the acquisition of property at 509 Central Avenue, Hillsborough, NC 27278 at a purchase price to be negotiated but not to exceed $171,000 plus other associated closing costs, including the cost of any ad valorem taxes due on the property following closing for the year, in order to maintain the said property for affordable housing purposes. If the acquisition is approved, the funds for purchase will be paid out of the Affordable Housing Land Banking Fund.

Sherrill Hampton presented the information below:

BACKGROUND:

On February 20, Delores Bailey, Executive Director of EmPOWERment, Inc., contacted Orange County’s Housing and Community Development Department (H&CD) about the proposed sale of 509 Central Avenue, Hillsborough, NC and the required pay-off of a $5,000 second mortgage and satisfaction of the associated Deed of Trust for Shannon Brown, the owner of the property. H&CD staff notified the County Attorney’s Office and began the process of review.

The unit at the 509 Central Avenue property is a 1,077 square foot, 3-bedroom and 2-bath Ranch-style home. The total acreage of the property is .29 acres. The home was built in 1994. Adam M. Hooks of Tate-Mosher Appraisal Group, Inc. conducted the private appraisal, and the home was appraised for $175,000. Attachment 1 provides pictures of the unit and the Property Map from the Orange County GIS Records.
See below for additional background information:

- In FY 2000, Orange County designated $30,250 and $69,750 in FY 2001 HOME funds to EmPOWERment, Inc., for the purpose of providing second mortgage assistance for up to eight (8) low and moderate income families who were assisted in their housing search by EmPOWERment.

- On June 27, 2003, EmPOWERment provided second mortgage assistance utilizing HOME funds identified in the preceding Bullet and implemented a Promissory Note, Deed of Trust and Declaration of Restrictive Covenant with Shannon J. Brown for the property at 509 Central Avenue, Hillsborough, NC.

- The loan to Ms. Brown did not require any monthly principal or interest payments. However, if the property was sold or transferred by the Borrower, whether voluntarily or involuntarily or by operation of law, other than to a qualified buyer or assumer, and also given any date within 99 years after the date of recording, then all unpaid principal amount of the loan shall be due and payable.

- Section 4 of the Declaration of Restrictive Covenant sets out the procedure for enforcement of the affordable housing requirements. See below for the procedure:
  
  - Orange County and EmPOWERment, Inc. are each granted a right of first refusal to purchase the property.
  
  - No sale assignment, sale, transfer, conveyance or other disposition of the property or any part thereof of whether voluntarily or involuntarily or by operation of law shall be effective unless and until the prescribed procedure has been followed.
  
  - Notice of Intent to Sell, not less than 90 days prior to the contemplated closing of transfer, shall be provided to Orange County and EmPOWERment, Inc. Note that the County did not receive notice until February 20, 2019 and the Closing was scheduled for February 22, 2019. The County received notice from EmPOWERment, Inc., and not the seller.
  
  - If the County elects to exercise its right of first refusal then it must notify the seller within 30 days and purchase the property within 90 days of receiving the Notice of Intent to Sell. If both EmPOWERment and the County wish to purchase and elects to exercise the right of first refusal, EmPOWERment, Inc., shall have priority.
  
  - If neither Orange County nor EmPOWERment advises the seller in a timely fashion of its intent to purchase the property, then the seller shall be free to transfer the property.

- If the County does not exercise its right of first refusal, and the sale of the property during the affordability period is to a “nonqualified” buyer, the rule regarding the recapture of fifty percent (50%) of the net proceeds will apply. The rule calculation for determining the amount of net proceeds owed the County is as follows: Sales price less (1) selling cost, (2) unpaid principal of original first mortgage (USDA lien), and (3) the unpaid principal of the County and any other government lien secured by deferred Deed of Trust and Note.

- Using the formula above, the calculation for this matter is $171,000 - $105,569.64 (this is the total selling costs taken from the ALTA and is inclusive of the estimated USDA lien pay-off and County second mortgage balance).

- The net sales proceeds are $65,430.36 and of this amount, $32,715.18 is owed to Orange County.

- On March 5, 2019, H&CD staff inspected the property at 509 Central Avenue, Hillsborough, NC and found that approximately $14,000 in repairs is needed.
On March 18, 2019, H&CD staff met with Ms. Brown and had an exploratory conversation to not only share the County’s goal of expanding affordable housing opportunities and why it is important for the County to take steps to maintain the affordability of units supported with the federal, as well as local funds but to also express potential interest on purchasing the property pursuant to its Right of First Refusal, contingent upon Board of County Commissioners’ approval.

Should the Board approve the exercise of the County’s Right of First Refusal and acquisition of this property, the County will make a formal Offer to Purchase and Contract, the form of which is provided in Attachment 2. A draft addendum to the NC Bar Form Offer to Purchase and Contract is also provided in Attachment 2 and will be used, if needed. Housing will contract with Attorney Brian Ferrell of Kennon Craver to handle title work and closing on the property and will also contract with a realtor to handle the Offer to Purchase. Housing staff is in the process of selecting the realtor.

**FINANCIAL IMPACT:** A financial impact is anticipated. The conditional approval includes an acquisition expense of no more than $171,000 to be paid out of the Affordable Housing Land Banking Fund, plus other associated closing costs, including the amount of ad valorem taxes due on the property for this year following closing. The present balance of the Affordable Housing Land Banking Fund is $1,471,628. The rehabilitation cost will be paid out of County HOME or other applicable housing rehabilitation funds.

**PUBLIC COMMENT:**

Delores Bailey said she is the Executive Director of EmPOWERment, Inc., who has benefited greatly from the County, and thanked the Board of County Commissioners for its support. She said EmPOWERment has grown its housing program since 1998, and it is a combination of home ownership and affordable rental properties. She said the housing program is a HUD certified program, which means it is available to provide counseling throughout the state of North Carolina. She said her team has counseled over 2000 people toward pre-purchase, away from foreclosure, and towards affordable rentals. She said her team works extensively within the community to provide housing education, and safe, affordable housing is very difficult to find in Orange County. She said if the Board passes the motion this evening, it will keep an existing affordable property as just that.

Kathleen Ferguson said she is a resident of this neighborhood, and this home is important for affordable housing and it is a working class neighborhood. She said other houses on this street will be moving from affordable rentals to market value, and keep this property affordable is crucial. She asked if the Board would please support this motion.

LaTanya Davis said she works for Empowerment, and they would like to have this house in its inventory. She said all the affordable rental units are currently occupied, with 30 people on the waiting list and a yearlong waiting period.

Valencia Thompson said she works for Empowerment, and echoed the previous comments.

Commissioner Dorosin said he read the abstract and it lays out what would happen if this house were sold at market value, and asked if the Board approves the purchase of the house, would the County still get the $32,000.

Sherrill Hampton said staff is negotiating a lower price since the house will need some rehabilitation. She said the owner has agreed to sell the house for $157,000. She said the County would not recapture as it would keep it affordable, and would exercise its right so she would not have to give up half of the net proceeds, but it is at a reduced rate.
Commissioner Price said this is important in this neighborhood, and in this area. She said affordable homes need to be maintained, and this area could get gentrified very quickly if proactive steps are not taken. She supported the motion.

Chair Rich said she remembers comments in the past that Hillsborough does not have an affordable housing problem, but this is no longer true. She said all should be concerned about this, and be proactive.

Commissioner McKee asked if the normal protocol is to capture half of the net profit on the sale of any house.

Sherrill Hampton said that is a non-qualified buyer is purchasing true if that property, i.e.: they are not low income.

Commissioner McKee asked if the house will be sold back to a low-income person.

Sherrill Hampton said it will become an affordable rental.

A motion was made by Commissioner Greene, seconded by Commissioner Price for the Board to adopt a resolution:

1) Approving the exercise of the County’s Right of First Refusal and the acquisition of property at 509 Central Avenue, Hillsborough, NC 27278 at a purchase price to be negotiated but not to exceed $171,000 plus other associated closing costs, including the cost of any ad valorem taxes due on the property following closing for the year, in order to maintain the said property for affordable housing purposes. If the acquisition is approved, the funds for purchase will be paid out of the Affordable Housing Land Banking Fund; and

2) Authorizing the County Manager, after consultation with the County Attorney and/or the closing attorney retained by the County, to execute the necessary sale documents with the seller, Shannon Brown; and

3) Authorizing the County Manager, after consultation with the County Attorney, to execute the necessary documents to transfer purchased property at 509 Central Avenue, Hillsborough, NC 27278 to EmPOWERment, Inc. for use as an affordable rental unit. The unit will be rehabbed before the transfer to EmPOWERment, Inc. takes place. The rehabilitation cost will be paid out of County HOME or other applicable housing rehabilitation funds.

VOTE: UNANIMOUS

c. Consideration to Discontinue the Durham-Orange Light Rail Project

The Board considered voting to discontinue the Durham-Orange Light Rail Project as recommended by the Go Triangle Board of Trustees. This action will satisfy the requirements of the Interlocal Cost Sharing Agreement for the Durham-Orange Light Rail Transit Project by formally discontinuing the project and beginning a process to reallocate funds that had been allocated to the light rail project through an amended Orange County Transit Plan.

Travis Myren presented the information below:

BACKGROUND:
On March 27, 2019, the GoTriangle Board of Trustees voted unanimously to recommend that the cost-sharing partners in Durham and Orange counties and the Durham - Chapel Hill - Carrboro Metropolitan Planning Organization discontinue the light-rail project.

According to a statement issued by GoTriangle (Attachment 2), the Federal Transit Administration informed GoTriangle leadership that due the continued uncertainty with Duke
University, the North Carolina Railroad, and additional environmental assessment needed for
the downtown Durham changes, it is no longer practical to anticipate that the Durham-Orange
Light Rail Project will receive a Full Funding Grant Agreement by November 2019. This means
the project would not be able to meet the November 30 deadline set by the North Carolina
General Assembly and therefore would no longer be eligible for any State funding.

The Interlocal Cost Sharing Agreement for the Durham-Orange Light Rail Transit Project
(Attachment 1) prescribes a decision making process when funding becomes unavailable. It
requires the parties to the agreement to meet within fifteen (15) business days to determine
how to address the situation. One of the options available to the cost share partners is to
discontinue the project. If this option is chosen, the Agreement stipulates that the Staff Working
Group comprised of representatives from each County, GoTriangle, and the Durham – Chapel
Hill - Carrboro Metropolitan Planning Organization shall convene within twenty (20) business
days to begin the process of developing new Transit Plans that reallocate the dedicated transit
revenue that had been allocated to the light rail project.

The legal counsels for each of the parties to the Interlocal Cost Share Agreement have agreed
that a vote by the full Board of County Commissioners will satisfy the requirements of the Cost
Sharing Agreement. This action will formally discontinue the project and begin the process of
amending the Orange County Transit Plan.

FINANCIAL IMPACT: Orange County’s contribution to the light rail project was $149.5 million.
These funds will be reallocated through proposed amendments to the Orange County Transit
Plan.

Travis Myren made the following PowerPoint presentation:

Consideration of Discontinuing the Durham-Orange Light Rail Project
Board of Orange County Commissioners
April 2, 2019

Purpose
• Board Approval to Discontinue the Durham-Orange Light Rail Project
• Authorization for Staff to Define a Process to Amend the Orange County Transit Plan
  through the Staff Working Group

Cost Share Agreement Requirements
• Significant Cost Overrun or Unmitigated Funding Shortfalls Trigger Two Requirements:
  o Requires the Representatives of the Parties to Meet within Fifteen (15) Business Days
    ▪ Requirement Satisfied on April 1, 2019
    ▪ Agreement to Have Board Votes in Durham and Orange County to Discontinue the Project
      ➢ Orange County Vote April 2, 2019
      ➢ Durham County Vote April 8, 2019
  o If Discontinuation is Approved, Staff Working Group is Required to Meet within
    Twenty (20) Business Days to Begin the Process of Developing New Transit Plans and Reallocating Funds
    o Staff Working Group
      ▪ Voting Members from Orange County, GoTriangle, and the DCHC MPO
- Durham County included on Regional Project(s)
- Municipal Partners Involved in Plan Development
  - Light Rail Discontinuation Plan
    - Process Started
    - Staff Team Meeting to Discuss Operational Details - April 5
    - Go Triangle Board of Trustees Meeting – April 24
    - Eventual Termination of the Cost Share Agreement

**Manager’s Recommendation**
- Board Approval to Discontinue the Durham-Orange Light Rail Project
- Authorization for Staff to Define a Process to Amend the Orange County Transit Plan through the Staff Working Group

**Public Comment:**
Linda Brown said she lives in Chapel Hill, and as Orange County goes forward she requested that Board of County Commissioners build in tax protection for residents of Orange County, and fund new routes and new and a carbon free transportation system.

Commissioner McKee asked if GoTriangle will provide the County with shut down costs pretty soon.

Travis Myren said he will find out on Friday, and can send the Board an email with the timeline. He said GoTriangle has already started shutting down.

Commissioner Marcoplos said John Talmadge, GoTriangle, said the consultant contracts are winding down, and if they were to keep spending, as if the plan was going forward, then borrowing would start in August; as such they are shutting down contracts as quick as they can.

Commissioner McKee clarified that there are no termination damages on these contracts.

Travis Myren said that is correct

Commissioner McKee referred to the interlocal agreement and said a lot of it deals with the light rail portion of the plan. He asked if this plan will be extensively re-negotiated to gain greater input from Orange County as a whole.

Travis Myren said the interlocal cost share agreement only applied to the light rail, and once all bills are paid, this agreement will be terminated. He said if there is a subsequent regional project that comes through the amendments to the Durham and Orange transit plans, then another cost share agreement can be completed. He said they need to start from scratch as to what these local plans will look like. He said there will be extensive public participation as transit plans are developed.

Commissioner Dorosin asked if in the interim, between now and when the new plans are developed, would the current transit plan remain in place.

Travis Myren said yes.

Commissioner Price asked if staff can provide an explanation for why the transit tax (previously assigned to light rail expenses) will stay.

Travis Myren said there is not an automatic sunset on the transit sales tax, and the funds will be reallocated to an amended transit plan. He said he can provide the Board with the process that would need to occur in order to terminate the article 43 sales tax.

Commissioner Price said residents are asking why a tax that was intended for light rail expenses would remain in place when the light rail project is not proceeding.

Commissioner McKee said he assumes there would need to be another referendum to terminate the tax.
Commissioner McKee said there is no limitation on the types of transit options the County can pursue. He said there are any number of combinations, and also sees the need for services to the rural/underserved areas of the County. He said he is excited to see what can be accomplished.

Travis Myren said the only limits are imagination and resources.

Commissioner Marcoplos said the transportation challenge has not gone away. He said there are future unmet needs, and this transit tax money will be utilized for the good.

Chair Rich referred to Pittsboro in Chatham County, where the bus service is a non-profit and the Orange Chatham Work group has been talking about this going public.

Chair Rich said she talked with John Roberts about the original partners of the transit plan, and said all were at the discussion table, which will continue.

Chair Rich said the meeting yesterday with the partners was yesterday afternoon, with some present and some called in; and they talked about having the public involved in every step going forward.

Commissioner Marcoplos ran down the 5 major hurdles that nixed the light rail project:

- Duke University – in 2017 Trask sent a letter of support, but at the last minute they sent a letter that said they never supported the plan. This made Duke a disingenuous partner.
- NC Railroad – they made them jump through hoops (money to be paid to them to be in the ROWs)
- State legislature- did everything they could to knee cap the project-
- Rising costs due to voluntary effort - unexpected FTA contingency requirements
- Federal shutdown

Commissioner Marcoplos said the Board has a lot to think about to fill the void that this project leaves: economic development (developers prefer light rail over BRT); jobs; issues of environment and health; housing and social equity around station areas; less parking, etc.

Commissioner Marcoplos said the most effective rapid transit that can be relied upon to provide fixed duration trips must be located outside the general road traffic. He questioned whether BRT solutions can be designed that minimizes BRT creep. He said the UNC hospital area is busiest transit node on the route, with Duke Hospital being similar. He said fitting in new modes of transit into these already very busy areas will be a challenge. He said connecting the three universities was a key accomplishment of the LRT route design, and the Board must remain committed to a regional transit plan while continuing to strengthen the local in-County systems. He said the ongoing collaboration between Orange County partners must continue.

Commissioner Greene said, from her perspective, the following has been lost:

- DOLRT was part of a larger vision for the region to shape development and expand mobility
- Connection of the three universities and various hospital systems
- Downtown Durham – employment destination for Orange County residents and vice versa
- Expansion of realistic job opportunities
- Affordable housing strategies around rail stations
- Economic benefits for all of Orange County

Commissioner Greene said she is sorry for the classes that students will not be able to take due to the lack of light rail.
Commissioner Greene said the need still exists, and for right now she is just sad. She said this is a fast growing area, and Orange County needs to share the responsibility for keeping up with the growth.

Commissioner Bedford said she thought that this evening’s PowerPoint laid out a good plan, and it would be very helpful for her and others to have an information session on how all of the transportation entities work, and if any changes need to be made. She said she has seen a lot of confusion amongst the public, and some clarity would be helpful regarding the taxes, as well as future transportation plan timelines.

Commissioner McKee said he has been involved with this project for about 9 years, and Duke, the railroads and the federal government did causes problems, but there is a lot of blame to go around on this project, including GoTriangle and the Durham and Orange counties’ BOCCs. He said GoTriangle repeatedly provided a rosy picture that was false, and the county boards should have pushed back harder on GoTriangle. He said this project failed under its own weight, and has continued to reduce services and increase costs since 2010. He said he is not concerned about what developers want, but rather is concerned about Orange County residents who do not have a car. He said LRT is an alternative option for those who also have cars, and the County needs transportation for those who have absolutely none.

Commissioner McKee said Chatham County must be part of these discussions going forward, as the area south of Orange County is only going to keep growing.

Commissioner McKee said the challenge for him is to address transportation going forward in a way that gives Orange County control over any plan, not Go Triangle. He said there should no longer be weighted voting, and changes need to occur, not only with the service, but also the governance and decision making processes.

Commissioner Dorosin said going forward it is important to keep in mind that the Board is developing a regional system, which is different from addressing the needs of rural residents of Orange County. He said it must be clear that it is not a one size that fits all plan, but the regional plans are the most critical. He said he takes issue with blaming the counties, and should recognize that the partners in Durham stepped up to the plate financially when Orange County could not. He said Duke made representations that everyone believed, and if Duke had remained supportive, he believes this project would have gone forward. He said a regional system is not going to serve every person in the County, and everyone should go into the next phase with this understanding.

Commissioner Marcoplos said in the spring of 2017, when they created the cost sharing agreement, he saw the communication problems with Go Triangle. He said he saw a positive difference in the communication when John Talmadge became involved.

Commissioner Marcoplos said GoTriangle was asked if it could cut costs, and it said three cars will not be needed until 2040, and could reduce to 2 cars. He said the question of two lanes was in the area of the New Hope Creek, and the bridge across it was to be one lane, not the entire track. He said the trains could be timed to not need to cross the bridge at the same time. He said these examples of creativity should earn GoTriangle credit, not criticism. He said the weighted voting did not impede the purchase of buses, or the BRT funding. He said the weighted voting was based on population.

Commissioner Price said she will not blame anyone, and it is important to review what happened, but also be ready to move ahead with a regional transportation plan. She said it is also important to take seriously the needs of local Orange County residents. She said she took issue with the LRT plan focusing so greatly on getting to Durham, and lacking focus on Chapel Hill and other Orange County locations.

Commissioner McKee agreed with the need for regional transit planning, and believes there is enough funding to create regional and local service. He said those residents lacking any transportation options cannot be left behind, and the LRT would have done exactly that.
He said the Board cannot work with partners to the detriment of Orange County’s interests, as
the BOCC is responsible to Orange County first, and there must be cooperation.
Commissioner Greene said she does not want to leave the rural residents of Orange
County behind, and she is eager to further conversations about on-demand services. She said
all these needs are important, but they are different.
Chair Rich said there are 25,000 people that work on the UNC campus, and need to get
there every day. She said a regional plan is important, as well as cooperation with partners.
She said she is hopeful that commuter rail in Durham and Hillsborough will help, but there are
still many people who need to move around the region. She said the younger generation does
not want to be in a car, and wants public transportation.
Chair Rich said every vote at the MPOs is weighted, and based on the population of the
area. She said accordingly, Durham has more votes on every single vote that takes place. She
said usually there is agreement, and the weighting is not noticed.
Chair Rich said she has some concerns about the County’s economic development
challenges, which will only increase due to a lack of the LRT. She said the gateway station
would have provided taxes for affordable housing and schools.
Chair Rich agreed that this must be a regional transportation system, as well as
satisfying local needs. She said it will take 12-18 months to rebuild the transportation plan, and
all those who were working on the LRT will now lose their jobs.

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

1) Discontinue the Durham-Orange Light Rail Transit Project; and
2) Authorize staff to begin developing a process to amend the Orange County Transit Plan

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 Dorosin, seconded by Commissioner Bedford for
the Board to approve the remaining items on the Consent Agenda.

VOTE: UNANIMOUS

• Discussion and Approval of the Items Removed from the Consent Agenda

a. Minutes
The Board approved the minutes from March 11, 12 and 19, 2019, as submitted by the Clerk to
the Board.
b. Motor Vehicle Property Tax Releases/Refunds
The Board adopted a resolution, which is incorporated by reference, to release motor vehicle
property tax values for six taxpayers with a total of seven bills that will result in a reduction of
revenue in accordance with the NCGS.
c. Property Tax Releases/Refunds
The Board adopted a resolution, which is incorporated by reference, to release property tax values for nine taxpayers with a total of eleven bills that will result in a reduction of revenue in accordance with North Carolina General Statute 105-381.
d. Reappointment of Tax Administrator-DONE ABOVE
The Board approved a resolution reappointing Timothy Dwane Brinson as Orange County Tax Administrator to a four-year term effective July 1, 2019.
e. Appointment of Five (5) Deputy Tax Collectors-DONE ABOVE
The Board reappointed Valerie Curry, Bernice Gwynn, and Bobbie Underwood as Deputy Tax Collectors for a four-year term, effective July 1, 2019, and appointed for the first time Rebecca Lee and Tonya Smith as Deputy Tax Collectors for a four-year term, effective July 1, 2019.
f. Proclamation Recognizing the 110th Anniversary of the NAACP-DONE ABOVE
The Board approved a proclamation recognizing the 110th Anniversary of the National Association for the Advancement of Colored People (NAACP) in 2019.
g. Application for North Carolina Education Lottery Proceeds for Chapel Hill – Carrboro City Schools (CHCCS) and Contingent Approval of Budget Amendment #7-B Related to CHCCS Capital Project Ordinances
The Board approved an application to the North Carolina Department of Public Instruction (NCDPI) to release proceeds from the NC Education Lottery account related to FY 2018-19 debt service payments for Chapel Hill – Carrboro City Schools (CHCCS), and to approve Budget Amendment #7-B (amended School Capital Project Ordinances), contingent on the NCDPI’s approval of the application and authorize the Chair to sign.
h. Approval of a Contract and Budget Amendment #7-C for Repair and Reconstruction of the Government Services Annex Building
The Board approved a construction contract with Sasser Companies for the repair and reconstruction of the Government Services Annex Building and to approve Budget Amendment #7-C to finance the project.
i. Approval of Budget Amendment #7-D for Initiation of the Repairs/Reconstruction of the John Link Jr. Government Services Building
The Board approved an initial project budget for the initiation of the repair and reconstruction of the John Link Jr. Government Services Building and to approve Budget Amendment #7-D to finance design services and ancillary costs related to the containment of affected areas. An additional budget amendment will be required to finance the remediation, repair, and construction work.
j. Designation of Four Sheriff’s Office Personnel as Deputy Treasury Officers
The Board approved designating Sheriff’s Office personnel as listed on Attachment 1 as deputy treasury officers duly authorized and appointed pursuant to North Carolina General Statutes §159-28(d1) for the sole purpose of signing refund checks payable to County inmates. The scope of this bank signature authorization is for the Jail Inmate Trust county bank account, also known as the Commissary account.

9. County Manager’s Report
   • April 4th Work Session
   • Projected April 9, 2019 Budget/CIP Work Session Items
   • Discussion of 2019-24 Capital Investment Plan (CIP)

10. County Attorney’s Report
    NONE

11. *Appointments
12. Information Items  
- March 19, 2019 BOCC Meeting Follow-up Actions List  
- Tax Collector's Report – Numerical Analysis  
- Tax Collector's Report – Measure of Enforced Collections  
- Tax Assessor's Report – Releases/Refunds under $100  
- Memorandum Regarding Analysis of Rezoning for Economic Development and Additional Marketable Sites  
- Memorandum Regarding Flexible Zoning District Proposal in the Town of Carrboro’s Transition Area  

13. Closed Session  

14. Adjournment  

A motion was made by Commissioner McKee, seconded by Commissioner Bedford to adjourn the meeting at 10:19 p.m.  

VOTE: UNANIMOUS  

Penny Rich, Chair  

Donna Baker  
Clerk to the Board
SUBJECT: Resolution to Support Juvenile Crime Prevention Council Allocation Expansion

DEPARTMENT: Social Services

ATTACHMENT(S):
Resolution Supporting Juvenile Crime Prevention Council Allocation Expansion

INFORMATION CONTACT:
Bernard Miles, 919-245-2243
Sharron Hinton, 919-245-2840

PURPOSE: To approve a resolution in support of increased funding to the local Juvenile Crime Prevention Councils (JCPC) in North Carolina.

BACKGROUND: The JCPC funding is a partnership between the State of North Carolina and Orange County to ensure a local continuum of services for court involved and at-risk juveniles. Each year the JCPC reviews the needs of juveniles in the county who are at risk of delinquency or who have been adjudicated undisciplined or delinquent and resources available to address those needs. The currently funded Orange County JCPC programs include the following:

1. Boomerang – a resiliency-based program that engages youth ages 11-17 at risk for disconnection due to short-term suspension or court-involvement, by providing support services to mitigate the risk of school dropout through brief counseling, tutoring, and life skills development during out-of-school time.
2. Child and Adolescent Outpatient Services – community group therapy sessions delivering Dialectical Behavior Therapy or Seven Challenges, based on the needs identified of referred youth.
3. Family Advocacy Network – programming delivered to parents primarily in a group setting, providing Common Sense Parenting.
4. Juvenile Community Service and Restitution – works with youth who have committed offenses and are assigned community service hours and/or restitution.
5. Mediation/Conflict Resolution – restorative justice practices consisting of mediated conferences, accountability processes, and group circles by trained facilitators.
6. Teen Court – an alternative court program for middle and high school students based upon the principles of restorative justice. First time offenders are tried and sentenced by a jury of their peers.
7. Wrenn House – a crisis shelter designed to provide a safe environment for runaway, homeless and in-crisis youth.
8. Young Warriors Athlete Scholarship Program – challenge programming to promote interpersonal skill-building for at-risk and court-referred youth through disciplined karate instruction and training.

The state has not increased JCPC funding in over nine years. The recent passing of the Raise the Age legislation in 2017 expands the age of juvenile jurisdiction, increasing it to include juveniles ages 16 and 17 years of age, effective December 1, 2019. With this new legislation, it is anticipated that there will be an increased need for immediate and age-appropriate sanctions and diversion services for juvenile offenders and those at-risk of delinquency.

The attached resolution supports the adequate and timely increase of local JCPC funding to ensure program expansion and successful implementation of the Juvenile Justice Reinvestment Act Raise the Age legislation in December 2019.

FINANCIAL IMPACT: There is no financial impact associated with consideration of the resolution. There is the potential for increased revenue for the County contingent upon approval by the North Carolina General Assembly.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- **GOAL: CREATE A SAFE COMMUNITY**
  The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

RECOMMENDATION(S): The Manager recommends that the Board approve the resolution and authorize the Chair to sign, and authorize the Clerk to send the signed resolution to the other 99 North Carolina counties, Orange County’s legislative delegation, and Governor Roy Cooper.
WHEREAS, Juvenile Crime Prevention Council (JCPC) funding is a partnership between the State of North Carolina and the County to ensure a local continuum of services for court involved and at-risk juveniles; and

WHEREAS, the Juvenile Crime Prevention Council, under the authority of North Carolina General Statute (NCGS) §143B-851, and within the scope of its powers and duties, “Each County Council shall annually review the needs of juveniles in the county who are at risk of delinquency or who have been adjudicated undisciplined or delinquent and the resources available to address those needs. In particular, each County Council shall assess the needs of juveniles in the county who are at risk or who have been associated with gangs or gang activity, and the local resources that are established to address those needs;” and

WHEREAS, the Juvenile Justice Reinvestment Act approved in 2017, also referenced as North Carolina’s Raise the Age legislation, expands the age of juvenile jurisdiction, increasing it to include juveniles ages 16 and 17 years of age effective December 1, 2019; and

WHEREAS, Raise the Age legislation will increase the need for immediate and age-appropriate sanctions and diversion services for juvenile offenders and those at-risk of delinquency; and

WHEREAS, JCPC funding has seen no increase in more than nine years; and

WHEREAS, the effort to immediately and effectively address juvenile offending behavior is an evidence-based investment in North Carolina’s future; and

WHEREAS, effective intervention and programming reduces detention and youth development commitments as a cost savings to the State and County;

NOW, THEREFORE BE IT RESOLVED, that Orange County fully supports an adequate and timely increase of local Juvenile Crime Prevention funding to ensure program expansion and successful implementation of the Juvenile Justice Reinvestment Act Raise the Age legislation, set for December 1, 2019.

Adopted this 16th day of April 2019.

____________________________________   ___________________________________
Penny Rich, Chair       Donna Baker, Clerk to the Board
Orange County Board of Commissioners
SUBJECT: Approval of Budget Amendment #7-E for Repair of the District Attorney Building

DEPARTMENT: Asset Management Services

ATTACHMENT(S): Budget Summary

INFORMATION CONTACT: Angel Barnes, Capital Projects Manager, 919-245-2628
Travis Myren, Deputy County Manager, 919-245-2308

PURPOSE: To approve Budget Amendment #7-E for the repair of the District Attorney Building.

BACKGROUND: The District Attorney building located at 144 East Margaret Lane in Hillsborough started having issues with water intruding through the roof and around the building into the crawl space in November 2018. As part of an investigation of the gutters and storm water drains on the west side of the building, it was discovered that a portion of the terracotta storm piping underneath the restrooms for the pavilion had collapsed. The findings also indicated that ground water underneath the building has created heavy amounts of organic growth in the crawl space that covers a large portion of the soil. Due to the humidity and seasons changing, this matter has become time sensitive in order to prevent any future moisture intrusion or organic growth into the building or entering into the HVAC equipment located within the crawl space.

The scope of work includes:

- Removal, cleaning and reinstallation of the downspouts. Video of the drain lines. Cleaning the gutter drains and videos to confirm cleaning is effective.
- Crawlspace cleaning, remediation of soil with organic growth, install moisture barrier.
- Replace damaged brick on both chimneys, including repointing and sealing the bricks.
- Repair damaged terracotta drain line, waterproofing and perform site grading to move water away from the building.

Since this project was not anticipated as part of the Capital Budget, a budget amendment is necessary to finance this project. This budget amendment provides for the creation of the following Capital Project Ordinance:
**District Attorney Building Remediation Project ($41,143) - Project # 10070**

Revenues for this project:

<table>
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<tr>
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<th>Current FY 2018-19</th>
<th>FY 2018-19 Amendment</th>
<th>FY 2018-19 Revised</th>
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<td>Alternative Financing</td>
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<td><strong>Total Project Funding</strong></td>
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Appropriated for this project:

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<tr>
<th></th>
<th>Current FY 2018-19</th>
<th>FY 2018-19 Amendment</th>
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<tr>
<td>Construction</td>
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<tr>
<td><strong>Total Costs</strong></td>
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**FINANCIAL IMPACT:** Financing proceeds from the scheduled Spring 2019 financing package will fund this project.

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: CREATE A SAFE COMMUNITY**
  The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

- **GOAL: ENABLE FULL CIVIC PARTICIPATION**
  Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

Repair and reconstruction the District Attorney building will create a safe working environment for staff.

**RECOMMENDATION(S):** The Manager recommends that the Board approve Budget Amendment #7-E, described above, to fund this unexpected capital repair.
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<thead>
<tr>
<th>Service</th>
<th>Detailed Description</th>
<th>Budget</th>
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<tr>
<td>Construction Services:</td>
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<tr>
<td>Downspouts &amp; Drains</td>
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<td>Mold Remediation</td>
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<td>Chimney repairs</td>
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<td>Drain Repairs &amp; Waterproofing</td>
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**Total Funds Recognized**: $0

**Summary Revenues**

Prior Years Funding

FY18-19
SUBJECT: Approval of Proposed Changes to the Affordable Housing Bond Program

DEPARTMENT: Housing and Community Development

ATTACHMENT(S):
1) Affordable Housing Bond Projects Funded to Date
2) Affordable Housing Program Evaluation - Previously Revised Scoring Criteria with Newly Proposed Changes

INFORMATION CONTACT:
Sherrill Hampton, Housing and Community Development Director, (919) 245-2490

PURPOSE: To approve the second phase of proposed changes to the Orange County Affordable Housing Bond Program.

BACKGROUND: At the March 19, 2019 regular meeting, the Housing and Community Development Department presented the second phase of recommended changes to the Board of County Commissioners (BOCC) as it relates to Orange County’s Affordable Housing Bond Program. The BOCC, during its review, suggested additional updates to be incorporated into the program. Those changes, along with the recommended changes presented by the Housing and Community Development Department at the March 19th meeting, are detailed below.

Historical Context:
On June 6, 2017 the Board of County Commissioners (BOCC) awarded $2.5 million in Affordable Housing Bond funds to projects that had submitted proposals through a request for proposal (RFP) process. The County had received six (6) proposals from affordable housing providers. All respondents were local non-profits. One (1) of the proposals was incomplete and therefore was not scored, so five (5) of the six (6) proposals were scored using the original standard scoring criteria.

Based on the scoring criteria and available funds, four (4) of the five (5) remaining projects were recommended for Affordable Housing (AH) Bond funding. One of the projects submitted by EmPOWERment (606 Bynum Street) was not recommended for funding due to non-availability of AH Bond funds in the applicable funding round. The Board of Commissioners funded this project using other affordable housing funds appropriated in the County’s Capital Investment Plan. Attachment 1 provides information and an update on the funded projects.
During discussion at its June 6, 2017 regular meeting, the Board requested an analysis of the scoring criteria to determine why some projects scored higher than others. On September 19, 2017, County staff proposed recommended changes to the Affordable Housing Bond Scoring Criteria, which were approved by the BOCC. The approved changes and programmatic refinements are highlighted in "yellow" on Attachment 2.

The items “underlined and in purple” on Attachment 2 are the new proposed changes outlined below.

**BOCC Requested Changes Per the March 19th Meeting:**

- Correction of the maximum points to be awarded in Section C – Leveraging on Page 1 of the Scoring Criteria. As a result of this correction, the maximum number of points to be awarded is “52” instead of “55”.

- Expansion of the Scoring Criterion No. 5 of Section E – Community Design on Page 2 to read “the project is located in an area of the County traditionally underserved by housing development and if it is a new development, has proximate access to transportation, whether public or provided by the new development”.

- Increase the maximum number of points to be awarded for Scoring Criterion No. 2 of Section H – Developer Experience on Page 3 to be “10” instead of “5”.

- Expansion of the Scoring Criterion No. 3 of Section H – Developer Experience on Page 3 to read “applicant and team members collectively have a successful record of meeting proposed budgets and timetables”.

- Decrease the maximum number of points to be awarded for Scoring Criterion No. 4 of Section H – Developer Experience on page 3 to be “12” instead of “15”.

- Decrease the total maximum number of points to be awarded to any project to “234” instead of “235”, based on the overall changes to the Scoring Criteria.

**Current Changes Recommended by Staff:**

Staff is requesting approval for additional programmatic changes to ensure that identified County needs are being met, as well as to enhance the operational efficiency and optimization of the Affordable Housing Bond Program. It is recommended that these proposed changes also be applicable to the disposition of County surplus properties for affordable housing projects. It should be noted that staff made applicable revisions to its changes, which were presented at the March 19th BOCC meeting, to ensure consistency with the aforementioned changes requested by the BOCC. The revised recommended staff changes are as follows:

- Add the phrase “or other” to Footnote 1 on Page 1 as it relates to including all types of vouchers in the definition of Special Needs Populations, especially since the County approved the new Local Voucher Program.

- On Page 2 of the Scoring Criteria, the following changes are proposed:
  - Reorganize Section D for clarification purposes and enhance maximum points to be awarded for Questions 2 and 4, as well as reduce the points awarded for Question 5.
Reorganize Section E for clarification purposes and enhance maximum points to be awarded for Question 2, as well as add a new question and points awarded for the project being located in an area of the County that is traditionally underserved.

- Under the Scoring Criteria section on Developer Experience on Page 3, add a Question 4: *Is the project sponsor a non-profit?* The proposed number of points for this new question is “12”. This helps negate an inequitable total score between non-profits and for-profit developers given earlier changes to the section on Leveraging on Page 1.

- The total available score has been increased to 234 given the aforementioned changes to the Scoring Criteria.

- Establish application requirements for bond funding based on project size. For future applications, the projects must have a project size of five (5) or more units. If a proposed project has less than five (5) units, it must utilize other appropriate County funding sources.

- Establish maximum grant periods for Affordable Housing Bond-funded and Surplus Property projects:
  
  **Affordable Housing Bond Projects**
  For projects of 5-10 units that involve acquisition only, acquisition/rehab or any combination of eligible activity type, the grant period will be established at the time of the grant award based on the details of the project but should be no more than three (3) years. For projects of more than 10 units that involve any combination of eligible activity type, the grant period will be established at the time of the grant award based on the details of the project but should be no more than five (5) years.

  **Surplus Property Projects**
  For projects of 1-4 units that do not involve new construction activity, the grant period will be established at the time of the grant award based on the details of the project but should be no more than one (1) year. For projects of 5-10 units that involve new construction or rehabilitation, the grant period will be established at the time of the grant award based on the details of the project but should be no more than three (3) years.

- Implement a quarterly reporting requirement for all Affordable Housing Bond-funded and Surplus Property projects.

- Note that all requests for grant period extensions and/or needed re-authorizations or grant award rescissions will require approval by the Board of County Commissioners.

**FINANCIAL IMPACT:** There is no negative financial impact anticipated with consideration of the proposed changes.

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goals are applicable to this item:
- **GOAL:** FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY
The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
  The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

- **GOAL: CREATE A SAFE COMMUNITY**
  The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

**RECOMMENDATION(S):** The Manager recommends that the Board approve the second phase of proposed changes to the County’s Affordable Housing Bond Program as delineated in Attachment 2.
### AFFORDABLE HOUSING BOND PROJECTS FUNDED TO DATE

<table>
<thead>
<tr>
<th>Project Sponsor</th>
<th>Project Name</th>
<th>Location</th>
<th>Grant Award</th>
<th>Leverage From Other Sources</th>
<th>County Cost Per Unit</th>
<th>Total Project Cost</th>
<th>Number of Units</th>
<th>Area Median Income Targets</th>
<th>Project Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Habitat for Humanity</td>
<td>Crescent Magnolia</td>
<td>Hillsborough</td>
<td>$925,000</td>
<td>64%</td>
<td>$38,542</td>
<td>$2,568,500</td>
<td>24</td>
<td>&lt;30% 30%-50% 31%-50% &lt;50% 51%-60% 61%-80%</td>
<td>Under construction</td>
</tr>
<tr>
<td>CASA</td>
<td>Merritt Mill West</td>
<td>Carrboro</td>
<td>$746,500</td>
<td>66%</td>
<td>$46,656</td>
<td>$2,213,450</td>
<td>16</td>
<td>12 8 4</td>
<td>Pending*</td>
</tr>
<tr>
<td>CASA</td>
<td>Merritt Mill East</td>
<td>Chapel Hill</td>
<td>$646,200</td>
<td>65%</td>
<td>$53,850</td>
<td>$1,808,025</td>
<td>12</td>
<td>12 4</td>
<td>Pending*</td>
</tr>
<tr>
<td>EmPOWERment</td>
<td>116 Cole Street</td>
<td>Chapel Hill</td>
<td>$211,300</td>
<td>0%</td>
<td>$211,300</td>
<td>$211,300</td>
<td>1</td>
<td>1</td>
<td>Closed December 2018 Acquisition Completed</td>
</tr>
<tr>
<td>EmPOWERment</td>
<td>606 Bynum Street</td>
<td>Chapel Hill</td>
<td>$264,400</td>
<td>0%</td>
<td>$132,200</td>
<td>$264,400</td>
<td>2</td>
<td>2</td>
<td>Closed April 2018 Acquisition Completed</td>
</tr>
</tbody>
</table>

* No funds released for these projects. Applications for funding pursuant to the NCHFA Tax Credit Program were not approved in 2018. CASA is resubmitting its Merritt Mill Apartments Project application to NCHFA. The final portion of their application, as per NCHFA’s requirements, will be submitted in May 2019.
ATTACHMENT 2
County Funds to Help the County Reach a Countywide Shared Goal of Up to 1,000 Affordable Housing Units in Five Years: 2016 – 2020

AFFORDABLE HOUSING PROGRAM EVALUATION: SCORING CRITERIA

A. Income Targeting and Special Needs (45 points)

<table>
<thead>
<tr>
<th>Household Income Range</th>
<th>Maximum Points to be Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to ≤ 30%</td>
<td>25</td>
</tr>
<tr>
<td>&gt;30% to &lt; 60% of Area Median Income</td>
<td>15</td>
</tr>
<tr>
<td>&gt; 60% to &lt; 80% of Area Median Income</td>
<td>10</td>
</tr>
<tr>
<td>Special Needs Populations</td>
<td>20</td>
</tr>
</tbody>
</table>

B. Local Residency (5 points)

<table>
<thead>
<tr>
<th>Percent of Orange County Residents Served at Time of Occupancy</th>
<th>Maximum Points to be Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>80% to 100%</td>
<td>5</td>
</tr>
<tr>
<td>50% to 80%</td>
<td>2</td>
</tr>
<tr>
<td>0 to 50%</td>
<td>1</td>
</tr>
</tbody>
</table>

C. Leveraging (52 points)

<table>
<thead>
<tr>
<th>Percent Funded by Bonds and Other County Funding</th>
<th>Maximum Points to be Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 – 80%</td>
<td>3</td>
</tr>
<tr>
<td>40 – 59%</td>
<td>6</td>
</tr>
<tr>
<td>20 – 39%</td>
<td>9</td>
</tr>
<tr>
<td>10 – 19%</td>
<td>15</td>
</tr>
<tr>
<td>&lt;10%</td>
<td>20</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other Criteria</th>
<th>Maximum Points to be Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The project pays property taxes.</td>
<td>2</td>
</tr>
<tr>
<td>2a. The project repays the bond funds – principal only.</td>
<td>3</td>
</tr>
<tr>
<td>2b. The project repays the bond funds – both principal and interest.</td>
<td>10</td>
</tr>
<tr>
<td>3. The Project is a Mixed Income Project: The project serves more than one income category and minimizes the concentration of affordable housing projects in a particular geographic area.</td>
<td>10</td>
</tr>
<tr>
<td>4. The Project is a Mixed Use Project: The project includes uses in addition to residential uses that offer access to employment opportunities, daily needs and health and human services.</td>
<td>10</td>
</tr>
</tbody>
</table>

The criteria “circled” above was revised per the BOCC at their 09/19/2017 meeting. See those changes below in “yellow”.

Special Needs populations are defined as people with disabilities, veterans, individuals or families experiencing homelessness, holders of Housing Choice or other Vouchers and victims of domestic violence.
Residency is defined as households currently residing or working in Orange County or having resided in Orange County.
These criteria are not applicable to non-profit sponsored projects.
### D. Building and Site Design (20 points)

<table>
<thead>
<tr>
<th>Scoring Criteria</th>
<th>Maximum Points to be Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The project meets or exceeds the NC Housing Finance Agency Energy Efficiency Criteria.</td>
<td>3</td>
</tr>
<tr>
<td>2. <strong>The project provides for handicap accessibility and/or utilizes the principles of Universal Design in the building design.</strong></td>
<td>5</td>
</tr>
<tr>
<td>3. Additional points may be awarded for meeting aspects associated with functionality, maintenance and dispersal.</td>
<td>2</td>
</tr>
<tr>
<td>4. Environmental impacts are identified with plans included to adequately address minimizing impact on environment, e.g. reuse of building materials, recycling, storm water management and water conservation.</td>
<td>5</td>
</tr>
<tr>
<td>5. The project is connected to water and sewer service or will connect to existing service or will use a community well and sewer system consistent with water and sewer boundary agreements and local standards.</td>
<td>5</td>
</tr>
</tbody>
</table>

### E. Community Design (20 points)

<table>
<thead>
<tr>
<th>Scoring Criteria</th>
<th>Maximum Points to be Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The project contributes to a mix of housing within an existing neighborhood.</td>
<td>3</td>
</tr>
<tr>
<td>2. Additional points may be awarded for criteria associated with building appearance, quality of construction, compatibility with surrounding housing, ability to foster a sense of a secure community, and contributes to neighborhood revitalization and or affordable housing preservation. (Details must be provided by applicant)</td>
<td>5</td>
</tr>
<tr>
<td>3. <strong>The project is accessible to needed services for the target population such as healthcare, schools, and or grocery shopping.</strong></td>
<td>4</td>
</tr>
<tr>
<td>4. <strong>Public transportation and related facilities and improvements are available where applicable, e.g., bus shelters, accessible stops, etc., or transportation will be provided by the new or renovated development.</strong></td>
<td>5</td>
</tr>
<tr>
<td>5. <strong>The project is located in an area of the County traditionally underserved by housing development and if it is a new development, has proximate access to transportation, whether public or provided by the new development.</strong></td>
<td>3</td>
</tr>
</tbody>
</table>

### F. Community Sponsorship/Support (20 points)

<table>
<thead>
<tr>
<th>Scoring Criteria</th>
<th>Maximum Points to be Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The applicant can submit explicit evidence that they coordinated the application with other organizations to complement and/or support the proposed project.</td>
<td>6</td>
</tr>
<tr>
<td>2. The applicant involved the intended beneficiaries of the project in the planning process and describes outreach and marketing plan to be inclusive.</td>
<td>6</td>
</tr>
<tr>
<td>3. The applicant can demonstrate that it has been actively involved, or describes the steps it will take to become actively involved, in the Community’s Consolidated Planning process to identify and address a housing need or problem that is related in whole or part to the proposed project.</td>
<td>4</td>
</tr>
<tr>
<td>4. The applicant has developed, or describes plans to develop, linkages with other community activities so solutions are holistic and comprehensive.</td>
<td>4</td>
</tr>
</tbody>
</table>
G. Project Feasibility (30 points)

<table>
<thead>
<tr>
<th>Scoring Criteria</th>
<th>Maximum Points to be Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The applicant can demonstrate site control, zoning, compliance, and a timely construction schedule that is feasible.</td>
<td>10</td>
</tr>
<tr>
<td>2. Funding (other than bond or other County funding) is in place at the time of application.</td>
<td>10</td>
</tr>
<tr>
<td>3. The applicant’s proposal is complete and presents a proposed project budget and financial model that is sustainable and based on reasonable assumptions.</td>
<td>10</td>
</tr>
</tbody>
</table>

H. Developer Experience (42 points)

<table>
<thead>
<tr>
<th>Scoring Criteria</th>
<th>Maximum Points to be Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Experience of the applicant in carrying out projects of comparable scope and nature (e.g., new construction, rental housing, rehabilitation, etc.) to that proposed, and has met regulatory compliance for prior projects.</td>
<td>10</td>
</tr>
<tr>
<td>2. Applicant has proposed a team with demonstrated development, managerial and financial management capabilities in prior projects.</td>
<td>10</td>
</tr>
<tr>
<td>3. Applicant and team members collectively have a successful record of meeting proposed budgets and timetables.</td>
<td>10</td>
</tr>
<tr>
<td>4. The project sponsor is a non-profit housing provider.</td>
<td>12</td>
</tr>
</tbody>
</table>

TOTAL POTENTIAL POINTS: 234

*Revised as of April 5, 2019*
SUBJECT: Lease Modification for Hillsborough Commons

DEPARTMENT: Asset Management Services

ATTACHMENT(S):  
1.) Lease Modification  
2.) Exhibit F - Form of Tenant Estoppel

INFORMATION CONTACT:  
John Roberts, 919-245-2318  
Alan Dorman, 919-245-2627

PURPOSE: To approve a modification of the lease for Hillsborough Commons (113 Mayo Street, Hillsborough) and authorize the Chair to sign the appropriate documents upon final review of the County Attorney.

BACKGROUND: In September 2018, the Board approved a five (5) year lease renewal option for the Department of Social Services spaces within the Hillsborough Commons shopping center for a term beginning January 22, 2019 through January 21, 2024. Separately, the owner of Hillsborough Commons had the shopping center re-surveyed, separating out the County leased space from the other shops within the shopping center.

In the existing lease, the cost of common area maintenance ("CAM") was shared proportionally among all tenants based on square footage. CAM charges include such items as snow removal, grounds care, insurance, real estate taxes, landscaping, etc. This proposed lease modification allows CAM charges to be re-proportioned such that the County would now only pay for CAM charges associated with the space occupied by the Department of Social Services ("DSS") and its parking lot.

This change is not expected to affect the cost of the lease to the County. The following will illustrate how this new framework will work in principal:

The 2018 CAM charges paid by Orange County DSS, using the formulation under the existing lease, were calculated as 66% of $136,686 in CAM charges for the entire shopping center, or $65,689. The 66% figure represents the proportion of square footage occupied by DSS out of the total square footage of the Hillsborough Commons Shopping Center. Under the new framework with the shopping center and its parking lot having been sub-divided, there is no further need to subdivide CAM charges for the whole shopping center. The County will only be responsible for the CAM charges associated
with its occupied space and parking spaces. Those charges would be expected to remain proportionally the same - $65,689.

How this will work in practice can be illustrated by looking at the CAM charges for snow removal. The cost to remove the snow from the entire Hillsborough Commons parking lot in 2018 was $5,898. Since the County has been occupying 66% of the square footage of the shopping center, the County was responsible for paying for 66% of the snow removal costs, or $3,633. Under the lease modification, the County would only be invoiced for the snow removal from the parking spaces provided to the County under the lease. There is no reason to believe that this cost would differ in a significant manner from the current cost, so the County would expect to pay approximately the same amount - $3,633.

It should also be noted that, written into the modified lease, the shopping center owners have agreed to replace the roof for all DSS space occupied space within a reasonable time.

In all other respects, the existing lease remains unchanged.

FINANCIAL IMPACT: There are no direct financial impacts associated with this lease modification beyond some reduction in maintenance costs once the roof is replaced.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
  The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

- **GOAL: CREATE A SAFE COMMUNITY**
  The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

The modification of the Hillsborough Commons lease allows the Department of Social Services to continue serve the residents of Orange County.

RECOMMENDATION(S): The Manager recommends the Board approve the proposed modification of the lease for Hillsborough Commons and authorize the Chair to sign the appropriate documents upon final review of the County Attorney.
THIS MODIFICATION OF LEASE made and entered into this ___ day of __________, 20___ by and between HILLSBOROUGH COMMONS, LLLP as (hereinafter “Landlord” and/or “Seller”), and ORANGE COUNTY, NORTH CAROLINA, (hereinafter “Buyer” and/or “County” and/or “Tenant”);

WITNESSETH:

Recitals:

Whereas Landlord and Tenant entered into that certain Lease Agreement dated July 25, 2008, modified January 12, 2015, modified November 12, 2015 and modified September 20, 2018 in connection with certain premises situated and being in Orange County and the State of North Carolina being more particularly described in said Lease Agreement; and

Whereas, Tenant has leased Unit 01 and Unit 03 containing 66,444 square feet which agreement has an expiration date of January 21, 2024, subject to three (3) renewal option of five (5) years each, with rent escalations at the beginning of each such renewal option; and

Whereas, Tenant’s portion of the Shopping Center has been platted separately from the balance of the Shopping Center; and

Whereas, to properly allocate each separate parcel Landlord desires to amend the Lease Agreement to modify the Base Year Stop and Tenant’s Proportionate Share to reflect Tenant’s building exclusively; and

Whereas, Tenant and Landlord have agreed upon the terms of the Base Year Stop and Tenant’s Proportionate Share and desire to so modify the Lease.

Now, therefore, for and in consideration of the sum of $1.00 and other good and valuable consideration each to the other paid the receipt and sufficiency of which consideration is hereby acknowledged, the parties hereto hereby agree as follows:

Terms:

1. The recitals to this Modification are hereby incorporated into and made a part of this Agreement.

2. As a result of the re-platting of the Shopping Center, each parcel shall stand on its own. Landlord will re-contract with the vendors so that expenses are charged for each parcel separately to maintain clarity of maintenance for each parcel.

3. Section 1. BASIC LEASE PROVISIONS, (21) County’s Proportionate Share: 61.64% shall be deleted in its entirety and shall be replaced with: Section 1. BASIC LEASE PROVISIONS, (21) County’s Proportionate Share: 100%.
4. Section 1. BASIC LEASE PROVISIONS, (22) Base Year Stop: $221,751 shall be deleted in its entirety and shall be replaced with: Section 1. BASIC LEASE PROVISIONS, (22) Base Year Stop: $136,687.32.

5. In all other respects said Lease Agreement shall remain in full force and effect unchanged and shall not be altered in any way by this modification.

6. This Modification may be signed and delivered by facsimile or email and may be signed in counterparts, which together shall constitute one Modification.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

IN WITNESS WHEREOF, the parties hereto have executed this Modification of Lease the day and year first above written.

Signed, sealed and delivered in the presence of:

_________________________________________
Witness 1

_________________________________________
Witness 2

HILLSBOROUGH COMMONS LLLP
BY: HILLSBOROUGH SHOPPING CENTER,
INC., GENERAL PARTNER

By: ________________________________
Marc L. Hagle, CEO

ORANGE COUNTY, NORTH CAROLINA

_________________________________________
Witness 1

_________________________________________
Witness 2

_________________________________________
Print Name
Exhibit F

FORM OF TENANT ESTOPPEL

Purchaser: [Boyd Watterson Acquisitions, LLC] or its nominee

Tenant: Orange County North Carolina

Demised Premises: Building comprising approximately 66,444 square feet at 113 Mayo Street, Hillsborough, NC (the "Demised Premises"); a portion of Hillsborough Commons Shopping Center.

TENANT CERTIFIES TO PURCHASER, SOLELY AS OF THE DATE HEREOF, THAT:

1. Tenant and Hillsborough Commons LLLP ("Landlord") entered into a Lease for the lease of the Premises dated July 25, 2008 (the "Original Lease"), as amended by the Lease Modification dated November 12, 2015 and as amended by the Lease Modification dated ____________ (the "Lease Modifications" and collectively the Original Lease, the "Lease").

2. Tenant is the sole tenant of the Demised Premises under the Lease.

3. The current base rent is $71,705 per month. Tenant’s proportionate share of the shopping center is 100%. The base year stop for the landlord's share of annual Real Estate Taxes, Insurance and Operating Expenses (as defined in the Lease) is $136,687.32 per annum.

4. The current Lease term expires on January 21, 2024; following which Tenant has three (3) optional five (5)-year extensions.

5. The Lease is in full force and effect and has not be assigned, modified, supplemented, altered or, amended in any respect except as set forth above and is the only lease or agreement between Tenant and Landlord affecting the Premises. Tenant is not entitled to receive any concession, reimbursement or benefit (rental or otherwise) or similar compensation in connection with renting the Premises other than __None___. If none, state "None."

6. The Lease is valid and in full force and effect and Tenant is not presently in default under the Lease and no event has occurred and no condition exists which, with the giving of notice or the passage of time or both, would constitute a default by Tenant under the Lease, except __None___. If none, state "None."

7. Tenant currently has no defense, set-off against the payment of rent or other amounts due from Tenant to Landlord under the Lease, or counterclaim against Landlord arising out of the Lease or in any way relating to the Lease.
8. Landlord is not in default under the Lease and Landlord has not failed to perform or observe any term, covenant, or condition which (but for any applicable notice or grace period) would constitute a default under the Lease except it appears the roof is at the end of its useful life and as such shall be replaced within a reasonable time by the Landlord or its successor in interest. If none, state "None."

9. Tenant has received any and all amounts due and owing by Landlord pursuant to the $600,000 Completion Allowance Rider (Exhibit E to the Lease). No other reimbursement agreement exists between the parties for work undertaken by the County on the Premises and no Tenant Improvement costs are due and owing from Landlord, except _None_. If none, state "None."

10. Tenant was given the opportunity to purchase the parcel of land that includes the Demised Premises pursuant to paragraph 23 of the Lease Modification and declined to purchase the property.

11. No Rent has been paid more than one (1) month in advance except _None_. If none, state "None."

12. No security deposit or credit in lieu of deposit has been granted the County or is held by Landlord.

13. Tenant has not sublet the Premises or any portion thereof.

14. Tenant is in exclusive possession of the Premises and has accepted the Premises and any improvements thereon or therein, the Premises are in full compliance with the terms of the Lease and there are no outstanding repairs to be completed by Landlord, except it appears the roof is at the end of its useful life and as such shall be replaced within a reasonable time by the Landlord or its successor in interest.

This Tenant Estoppel Certificate is certified by Tenant’s authorized representative with the knowledge that it will be relied upon by Landlord and Landlord’s prospective purchaser and their respective successors and assigns.

DATED this _____ day of __________, 2019.

TENANT: Orange County North Carolina

By:___________________________

Name, Title _____________________
SUBJECT: Nursing Home Community Advisory Committee - Appointment

DEPARTMENT: Board of Commissioners

ATTACHMENT(S): 
Membership Roster
Recommendation
Application for Person Recommended
Attendance Record
Applicant Interest List
Application of Person on the Interest List

INFORMATION CONTACT: Clerk’s Office, 919-245-2130

PURPOSE: To consider making an appointment to the Nursing Home Community Advisory Committee.

BACKGROUND: The following re-appointment information is for Board consideration:

<table>
<thead>
<tr>
<th>POSITION NO.</th>
<th>NAME</th>
<th>SPECIAL REPRESENTATIVE</th>
<th>TYPE OF APPOINTMENT TERM</th>
<th>EXPIRATION DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Stephanie Miller</td>
<td>At-Large</td>
<td>Partial Term</td>
<td>09/30/2020</td>
</tr>
</tbody>
</table>

NOTE - If the individuals listed above are appointed, the following vacancies remain:
(SPECIAL NOTATION: ASIDE FROM THE RECOMMENDATIONS ABOVE, NONE OF THE OTHER APPLICANTS HAVE BEEN SELECTED FOR THE MANDATORY TRAINING PRIOR TO RECOMMENDATION TO APPOINTMENT.)

<table>
<thead>
<tr>
<th>POSITION NO.</th>
<th>POSITION DESIGNATION</th>
<th>EXPIRATION DATE</th>
<th>VACANCY INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Nursing Home Administration</td>
<td>06/30/2020</td>
<td>This position has been vacant since 1/5/2018.</td>
</tr>
<tr>
<td>7</td>
<td>Nursing Home Administration</td>
<td>06/30/2020</td>
<td>This position has been vacant since 12/12/2018.</td>
</tr>
<tr>
<td>10</td>
<td>At-Large</td>
<td>06/30/2020</td>
<td>This position has been vacant since 1/5/2018.</td>
</tr>
</tbody>
</table>
(NOTE: As of July 1, 2017, a new bill was passed in the North Carolina Legislature regarding the training period for pending members of the “Adult Care Home Community Advisory Committee and Nursing Home Community Advisory Committee”. The bill is HB248 which reverses the appointment of the applicant to a one year training term. Applicants will be selected from our county “Applicant Interest List” for a more condensed training and if the applicant successfully completes the training, they would be recommended for appointment. Therefore, when an applicant is recommended for appointment, it would initially be for a one year preliminary term and their training will have already been completed.

FINANCIAL IMPACT: None

SOCIAL JUSTICE IMPACT: Enable Full Civic Participation. Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

RECOMMENDATION(S): The Manager recommends that the Board consider making an appointment to the Nursing Home Community Advisory Committee.
### Nursing Home Community Advisory Committee

- **Meeting Times:** 5:30 pm Every other 1st Tuesday starting with Jan.
- **Meeting Place:** Seymour Center, 2551 Homestead Rd Chapel Hill, NC
- **Contact Person:** Autumn Cox
- **Contact Phone:** 919-558-9401

**Positions:** 12  
**Length:** 3 years  
**Terms:** 2

**Description:** All appointments are made by the Board of Commissioners. This committee helps to maintain the intent of the Residents’ Bill of Rights, promotes community involvement and provides public education on long-term care issues. The regional ombudsman with Triangle J Council of Governments provides specialized training and support.

#### Martha Bell
1. **Sex:** Female  
   **Race:** white  
   **Township:** Chapel Hill  
   **Resid/Spec Req:** At-Large  
   **Special Repr:** At-Large  
   **First Appointed:** 10/06/2015  
   **Current Appointment:** 03/07/2019  
   **Expiration:** 01/31/2022  
   **Number of Terms:** 2

#### Mr William Morgan
2. **One Year Preliminary Term**
   **Sex:** Male  
   **Race:** white  
   **Township:** Chapel Hill  
   **Resid/Spec Req:** At-Large  
   **Special Repr:** At-Large  
   **First Appointed:** 03/07/2019  
   **Current Appointment:** 03/07/2019  
   **Expiration:** 03/07/2020

#### Ms. Stephanie Miller
3. **One Year Initial Term**
   **Sex:** Female  
   **Race:** white  
   **Township:** Chapel Hill  
   **Resid/Spec Req:** At-Large  
   **Special Repr:** At-Large  
   **First Appointed:** 05/01/2018  
   **Current Appointment:** 05/01/2018  
   **Expiration:** 05/01/2019

#### Stephanie Boswell
4. **One Year Trng. Term**
   **Sex:** Female  
   **Race:** white  
   **Township:** Hillsborough  
   **Resid/Spec Req:** At-Large  
   **Special Repr:** At-Large  
   **First Appointed:** 09/04/2018  
   **Current Appointment:** 09/04/2018  
   **Expiration:** 06/30/2020

#### VACANT
5. **Sex:**  
   **Race:**  
   **Township:**  
   **Resid/Spec Req:** At-Large  
   **Special Repr:** Nursing Home Administration  
   **First Appointed:**  
   **Current Appointment:**  
   **Expiration:** 06/30/2020  
   **Number of Terms:**

#### Karen Macklin
6. **Not up for consideration.**
   **Sex:** Female  
   **Race:** white  
   **Township:** Chapel Hill  
   **Resid/Spec Req:** At-Large  
   **Special Repr:** At-Large  
   **First Appointed:** 05/01/2018  
   **Current Appointment:** 05/01/2018  
   **Expiration:** 03/31/2019

#### VACANT
7. **Sex:**  
   **Race:**  
   **Township:**  
   **Resid/Spec Req:** At-Large  
   **Special Repr:** Nursing Home Administration  
   **First Appointed:**  
   **Current Appointment:**  
   **Expiration:** 06/30/2020  
   **Number of Terms:**
**Board and Commission Members**

And Vacant Positions

**Nursing Home Community Advisory Committee**

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Township</th>
<th>Race</th>
<th>Sex</th>
<th>Resid/Spec Req</th>
<th>Special Repr</th>
<th>First Appointed</th>
<th>Current Appointment</th>
<th>Expiration</th>
<th>Number of Terms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jerry Ann Gregory</td>
<td>8</td>
<td>Cheeks</td>
<td>white</td>
<td>Female</td>
<td>At-Large</td>
<td>At-Large</td>
<td>12/09/2014</td>
<td>03/07/2017</td>
<td>03/31/2020</td>
<td>1</td>
</tr>
<tr>
<td>Susan Deter</td>
<td>9</td>
<td>Little River</td>
<td>white</td>
<td>Female</td>
<td>At-Large</td>
<td>At-Large</td>
<td>04/19/2011</td>
<td>06/21/2016</td>
<td>06/30/2019</td>
<td>2</td>
</tr>
<tr>
<td>VACANT</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>First Appointed:</td>
<td>Current Appointment:</td>
<td>Expiration:</td>
<td>Number of Terms:</td>
</tr>
<tr>
<td>Dr Carol Kelly</td>
<td>11</td>
<td>Chapel Hill</td>
<td>white</td>
<td>Female</td>
<td>At-Large</td>
<td>Nursing Home Administration</td>
<td>09/20/2016</td>
<td>12/12/2017</td>
<td>12/31/2019</td>
<td>1</td>
</tr>
<tr>
<td>Vibeke Talley</td>
<td>12</td>
<td>Hillborough</td>
<td>white</td>
<td>Female</td>
<td>At-Large</td>
<td>Nursing Home Administration</td>
<td>05/20/2014</td>
<td>12/13/2016</td>
<td>12/31/2019</td>
<td>1</td>
</tr>
</tbody>
</table>

Meeting Times: 5:30 pm Every other 1st Tuesday starting with Jan.
Meeting Place: Seymour Center, 2551 Homestead Rd Chapel Hill, NC

Positions: 12  Length: 3 years  Terms: 2

Contact Person: Autumn Cox
Contact Phone: 919-558-9401
Orange County Nursing Home Community Advisory Committee

To:   Board of County Commissioners

From: Vibeke Talley, Chair

Re: Reappointment of Stephanie Miller

Date: 03/08/2019

Stephanie Miller will be completing her one year training term on May 1, 2019. On behalf of the Orange County Nursing Home Community Advisory Committee I would like to recommend her for reappointment to our committee. She is a very active and engaged member of the committee. She makes nursing home site visits and prepares detailed and timely reports. She has attended all meetings except one (please see attached attendance record). She is a valued member of our committee and she is interested in continuing on the committee.

Please let me know if you need additional information to move this recommendation forward.
Volunteer Application
Orange County Advisory Boards and Commissions

Name: Ms. Stephanie Miller
Name Called: Stephanie Miller
Home Address: 105 Summerlin Drive
            Chapel Hill NC  27514
Phone (Day): 6108026368
Phone (Evening): 6108026368
Phone (Cell): 6108026368
Email: stephjmiller@gmail.com
Place of Employment: UNC Chapel Hill- Program on Aging, Long-term Care
Job Title: Research Associate (Project Coordinator)
Year of OC Residence: 2011
Township of Residence: Chapel Hill
Zone of Residence: Chapel Hill
Sex: Female
Ethnic Background: white

Community Activities/Organizational Memberships:
Former volunteer with
-Guardian ad Litem, District 15B
-Orange County Animal Services

Former community planning intern with Orange County Department on Aging (2015-2016)
under the supervision of Mary Fraser

Past Service on Orange County Advisory Boards:
I have not served in a board member capacity for any Orange County Advisory Boards.

Boards/Commissions applied for:
Adult Care Home Community Advisory Committee

Background, education and experience relevant to this board:
I hold a graduate degree in social work, specific to community planning. I completed a graduate practicum by serving as a community planning intern with the Orange County Department on Aging. I am now employed with a UNC public health research group which conducts research primarily in geriatric long-term care settings (both nursing homes and adult care homes/assisted living)

Reasons for wanting to serve on this board:
As project coordinator, I do not spend as much time in the field as the data collectors (my supervisees) do. I feel disconnected from community based work in my research role and would like an opportunity to re-engage in a more direct way. With that being said, I do maintain an interest in policy and state-level decisions that influence the long-term care industry and aging populations. Ombudsman advocacy seems to touch on the importance of larger level issues while also incorporating resident-level input.

Conflict of Interest:
Nursing Home Community Advisory Committee

Background, education and experience relevant to this board:
See above.

Reasons for wanting to serve on this board:
In my current work, I am primarily focused on assisted living. I would like to learn more about nursing home care and its structure.

Conflict of Interest:

Supplemental Questions:

Boards/Commissions appointments:

Other Comments:

This application was current on: 12/15/2017 2:13:38 PM

Date Printed: 12/18/2017
OCNHCAC
Meeting Attendance

1st Tuesday, every other month; 5:30PM Seymour Center, Chapel Hill, NC

<table>
<thead>
<tr>
<th>Member</th>
<th>May 1, 2018</th>
<th>July 10, 2018</th>
<th>Sep 4, 2018</th>
<th>Nov 6, 2018</th>
<th>Jan 8, 2019</th>
<th>March 5, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stephanie</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>E</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Miller</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

X = Present
E = Excused absence
## Applicant Interest Listing

### Nursing Home Community Advisory Committee

<table>
<thead>
<tr>
<th>Mrs. Alvonija Baldwin</th>
<th>Date Applied: 06/07/2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sex: Female</td>
<td>Township: Cedar Grove</td>
</tr>
<tr>
<td>Race: African American</td>
<td>Res. Eligibility:</td>
</tr>
</tbody>
</table>

Contact Person: Autumn Cox  
Contact Phone: 919-558-9401
Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mrs. Alvonia Baldwin

Home Address: 6216 Karyns Dead End Road
Efland NC 27243

Phone (Day): 919-585-3425
Phone (Evening): 9195631089
Phone (Cell): 9195853425

Email: momcyd98@gmail.com

Place of Employment: Durham Center for Senior Life
Job Title: Senior Center Director

Year of OC Residence: 2000

Township of Residence: Cedar Grove
Zone of Residence:

Sex: Female
Ethnic Background: African American

Community Activities/Organizational Memberships:
Member of the Association of Bridal Consultants

Past Service on Orange County Advisory Boards:
Non

Boards/Commissions applied for:

Nursing Home Community Advisory Committee

Background, education and experience relevant to this board:
Due to over 30 years of experience working within the senior population from having to do practicums, internships and professional career, I feel that my experiences in Therapeutic Recreation in Nursing Homes and as the Former Director of an Adult Day Health Program to my current position as a Senior Center Director shows my dedication an concern for the quality of life for the senior population.

Reasons for wanting to serve on this board:
My reasons for wanting to serve on this board is to be able to provide support within the community as times are changing and people are leaving longer helps to ensure that quality services and resources are available along with developing relationships with seniors in the community.

Conflict of Interest:

Supplemental Questions:

Boards/Commissions appointments:

Other Comments:
SUBJECT: Orange County Parks and Recreation Council - Appointments

DEPARTMENT: Board of Commissioners

ATTACHMENT(S):
Member Roster
Recommendations
Applications for Persons Recommended
Attendance Records
Applicant Interest List
Applications for Persons on the Interest List

INFORMATION CONTACT: Donna Baker, Clerk to the Board
919-245-2130

PURPOSE: To consider making appointments to the Orange County Parks and Recreation Council.

BACKGROUND: The following information is for Board consideration as recommended by the Orange County Parks and Recreation Council:

<table>
<thead>
<tr>
<th>POSITION NO.</th>
<th>NAME</th>
<th>SPECIAL REPRESENTATIVE</th>
<th>TYPE OF APPOINTMENT TERM</th>
<th>EXPIRATION DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>John Greens</td>
<td>Hillsborough Township</td>
<td>Second Full Term</td>
<td>03/31/2022</td>
</tr>
<tr>
<td>5</td>
<td>Robert Smith</td>
<td>At-Large</td>
<td>Second Full Term</td>
<td>03/31/2022</td>
</tr>
<tr>
<td>6</td>
<td>Timothy Braddy</td>
<td>Cheeks Township</td>
<td>Partial Term</td>
<td>03/31/2021</td>
</tr>
<tr>
<td>12</td>
<td>Haywood Rhodes</td>
<td>At-Large</td>
<td>Second Full Term</td>
<td>03/31/2022</td>
</tr>
</tbody>
</table>

NOTE: If the individuals listed above are appointed, the following vacancies remain:

<table>
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<tr>
<th>POSITION NO.</th>
<th>POSITION DESIGNATION</th>
<th>EXPIRATION DATE</th>
<th>VACANCY INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Cedar Grove Township</td>
<td>03/31/2021</td>
<td>This position has been vacant since 4/30/2018.</td>
</tr>
</tbody>
</table>

NOTE: Regarding the remaining vacant position in Cedar Grove Township, the Council asks that they be allowed to continue to solicit for this position, as the potential exists to find someone from that township who could provide needed added diversity on the Council. The Council has reached out to the Cedar Grove Neighborhood Association for assistance in this recruitment.
FINANCIAL IMPACT: None

SOCIAL JUSTICE IMPACT: Enable Full Civic Participation. Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

RECOMMENDATION(S): The Manager recommends that the Board consider making appointments to the Orange County Parks and Recreation Council.
### Orange County Parks and Recreation Council

**Meeting Times:** 6:30 pm first Wednesday of each month  
**Meeting Place:** Chapel Hill / Hillsborough Alternating  
**Contact Person:** David Stancil; Lynn Hecht  
**Contact Phone:** 919-245-2510

<table>
<thead>
<tr>
<th>Positions: 12</th>
<th>Length: 3 years</th>
<th>Terms: 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each member of the Council shall be a County resident appointed by the Orange County Board of Commissioners. The Council includes representatives from each of the county’s townships plus its municipalities. This council consults with and advises the Department of Environment, Agriculture, Parks and Recreation, and the Board of County Commissioners on matters affecting parks planning, development and operation; recreation facilities, policies and programs; and public trails and open space.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Mr Michael Zelek | 1 | Township: Chapel Hill  
Resid/Spec Req: Carrboro City Limits  
Special Repr: | First Appointed: 04/03/2018  
Current Appointment: 04/03/2018  
Expiration: 03/31/2021  
Number of Terms: 1 |
|----------------|---|-------------------|
| Mr John Greeson | 2 | Township: Hillsborough  
Resid/Spec Req: Hillsbr. Township  
Special Repr: Hillsbr. Township | First Appointed: 04/21/2015  
Current Appointment: 04/19/2016  
Expiration: 03/31/2019  
Number of Terms: 1 |
| VACANT | 3 | Township: Cedar Grove Twnsp  
Resid/Spec Req:  
Special Repr: | First Appointed:  
Current Appointment: 03/31/2019  
Expiration: 03/31/2021  
Number of Terms: |
| Rachel Cotter | 4 | Township: Chapel Hill  
Resid/Spec Req: C.Hill City Limits  
Special Repr: | First Appointed: 06/06/2017  
Current Appointment: 06/06/2017  
Expiration: 03/31/2020  
Number of Terms: 1 |
| Robert Smith | 5 | Township: Little River  
Resid/Spec Req: At-Large  
Special Repr: At-Large | First Appointed: 05/17/2016  
Current Appointment: 05/17/2016  
Expiration: 03/31/2019  
Number of Terms: 1 |
| VACANT | 6 | Township: Cheeks Twnsp  
Resid/Spec Req:  
Special Repr: Cheeks Township | First Appointed:  
Current Appointment: 03/31/2021  
Expiration: 03/31/2021  
Number of Terms: |
| Kim Manturuk | 7 | Township: Chapel Hill  
Resid/Spec Req: Chapel Hill Twnsp  
Special Repr: Chapel Hl Township | First Appointed: 01/22/2019  
Current Appointment: 01/22/2019  
Expiration: 03/31/2020  
Number of Terms: |
# Orange County Parks and Recreation Council

**Meeting Times:** 6:30 pm first Wednesday of each month  
**Meeting Place:** Chapel Hill / Hillsborough Alternating  

<table>
<thead>
<tr>
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<th>Length: 3 years</th>
<th>Terms: 2</th>
</tr>
</thead>
</table>

## Board and Commission Members

### Contact Person:
David Stancil; Lynn Hecht  
**Contact Phone:** 919-245-2510

### Meeting Place:
Chapel Hill / Hillsborough Alternating

#### Robert Robinson
8  
**Sex:** Male  
**Race:** white  
**Township:** Little River  
**Resid/Spec Req:** Little River Township  
**Special Repr:** Little River Township  
**Current Appointment:** 06/06/2017  
**Expiration:** 03/31/2020  
**Number of Terms:** 2  
**First Appointed:** 12/10/2013

#### Tim Tippin
9  
**Sex:** Male  
**Race:** white  
**Township:** Bingham  
**Resid/Spec Req:** Bingham Township  
**Special Repr:** Bingham Township  
**Current Appointment:** 11/02/2017  
**Expiration:** 03/31/2020  
**Number of Terms:** 1  
**First Appointed:** 11/02/2017

#### Dr. Tori Williams Reid
10  
**Sex:** Female  
**Race:** African American  
**Township:** Hillsborough  
**Resid/Spec Req:** Hillsbr. Town Limits  
**Special Repr:**  
**Current Appointment:** 10/04/2013  
**Expiration:** 09/30/2019  
**Number of Terms:** 2  
**First Appointed:** 04/09/2013

#### Ms. Gina Reyman
11  
**Sex:** Female  
**Race:** white  
**Township:** Eno  
**Resid/Spec Req:** Eno Township  
**Special Repr:** Eno Township  
**Current Appointment:** 01/22/2019  
**Expiration:** 12/31/2021  
**Number of Terms:** 1  
**First Appointed:** 06/06/2017

#### Dr. Thomas Rhodes
12  
**Sex:** Male  
**Race:** white  
**Township:** Hillsborough  
**Resid/Spec Req:** At-Large  
**Special Repr:** At-Large  
**Current Appointment:** 04/19/2016  
**Expiration:** 03/31/2019  
**Number of Terms:** 1  
**First Appointed:** 04/21/2015
March 27, 2019

Penny Rich, Chair
Board of County Commissioners
PO Box 8181
Hillsborough, NC 27278

Re: Recommended Appointment and Reappointments

Dear Chair Rich:

The Orange County Parks and Recreation Council (PRC) has discussed its current vacancies, and recommends that the following applicant be appointed to the Council:

- Timothy Braddy to the Cheeks Township position (position #6)

In addition, the PRC requests that current member John Greeson be reappointed to serve his second full term on the Council in the Hillsborough Township position (position #2); Haywood Rhodes to be reappointed to serve his second full term on the Council in the At Large position (position#12); and Robert Smith to be reappointed to serve his second full term on the Council in the At Large position (position #5.) All have agreed to serve, have good attendance and fully participate in the meetings.

Regarding the remaining vacant position in Cedar Grove Township, the Council asks that they be allowed to continue to solicit for this position, as the potential exists to find someone from that township who could provide needed added diversity on the Council. The Council has reached out to the Cedar Grove Neighborhood Association for assistance in this recruitment.

Thank you for your consideration of these appointments.

Sincerely,

Haywood Rhodes, Chair
Chair, Parks and Recreation Council

Copies: John Greeson, Vice-Chair
Parks and Recreation Council
Volunteer Application
Orange County Advisory Boards and Commissions

Name: John Greeson
Name Called:
Home Address: 405 Rock Garden Lane
Hillsborough NC 27278
Phone (Day): 9195311589
Phone (Evening): 9197325207
Phone (Cell): 9196016906
Email: johngreeson@nc.rr.com
Place of Employment: SAS Institute Inc.
Job Title: Manager, Database Services
Year of OC Residence: 2004
Township of Residence: Hillsborough
Zone of Residence: Hillsborough ETJ
Sex: Male
Ethnic Background: Caucasian

Community Activities/Organizational Memberships:
2012 â€“ Present: volunteer Soccer coach with Orange County Parks and Recreation Youth Soccer League
2013 â€“ Present: Triangle SQL Server Users Group
2014: Member of SQL Saturday Raleigh Conference Board
2005 â€“ Present: Professional Association for SQL Server
2014 â€“ Present: Triangle MySQL Users Group

Past Service on Orange County Advisory Boards:
N/A

Boards/Commissions applied for:
Orange County Parks and Recreation Council

Background, education and experience relevant to this board:
As a runner, mountain biker, and a parent of children who participate in multiple youth sports programs provided by Orange County Parks and Recreation, I have broad experience as a consumer of the facilities and services that Orange County provides. I have also severed the last 3 years as a volunteer soccer coach with the youth soccer league. I have served on a conference board where we had to plan and run a one day conference with a budget of over $20K. I have also had to manage a number of different projects in my professional career, as well as handle budgets over $1 Million.

Reasons for wanting to serve on this board:
I believe that the recreational opportunities in Orange County serve a large part in making this county such a great place to live and work. I hope to help the county further develop and refine the already outstanding offerings we have. I have seen how our offerings have grown and matured over the last 10 years, but I believe there is still much more that can be done to improve recreation opportunities in Orange County.
Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mr. Robert Smith
Name Called: 
Home Address: 5818 Guess Road
Rougemont NC 27572
Phone (Day): 732-598-4110
Phone (Evening): 919-732-6731
Phone (Cell): 732-598-4110
Email: bobjr4r@yahoo.com
Place of Employment: Swedish Imports
Job Title: Automotive Technician
Year of OC Residence: 2005
Township of Residence: Little River
Zone of Residence: 
Sex: Male
Ethnic Background: Caucasian

Community Activities/Organizational Memberships:
HYAA board of Directors
Baseball team manager

Past Service on Orange County Advisory Boards:
None

Boards/Commissions applied for:
Orange County Parks and Recreation Council
Background, education and experience relevant to this board:
Enjoy hunting, fishing, hiking, bicycle riding and being outside on nice days

Reasons for wanting to serve on this board:
To learn more and help in any way I can, I like to use the parks in Orange county and would like
to help keep them in good condition.

Conflict of Interest:

Supplemental Questions:

Other Comments:

This application was current on: 1/13/2016 9:52:51 PM  Date Printed: 1/19/2016
Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mr. Timothy Braddy
Name Called: 
Home Address: 4906 West Ten Rd.
Efland NC 27243
Phone (Day): 919-730-5685
Phone (Evening): same
Phone (Cell): same
Email: mebaneair@gmail.com
Place of Employment: Mebane Air, Inc.
Job Title: owner
Year of OC Residence: 1972
Township of Residence: Cheeks
Zone of Residence: 
Sex: Male
Ethnic Background: white

Community Activities/Organizational Memberships:
Soccer coach at GHMS

Past Service on Orange County Advisory Boards:
None

Boards/Commissions applied for:
Orange County Parks and Recreation Council

Background, education and experience relevant to this board:
AS a sports coach, business owner, and long time resident, I feel I have some perspective on recreation and park facilities.

Reasons for wanting to serve on this board:
I believe in giving back to my community, and this is an interesting opportunity to give input into bringing growth to the area, and integrating that growth with established traditions.

Conflict of Interest:

Supplemental Questions:

Boards/Commissions appointments:

Other Comments:

This application was current on: 2/11/2019 11:15:22 AM  
Date Printed: 2/12/2019
Volunteer Application
Orange County Advisory Boards and Commissions

Name: Dr. Haywood Rhodes
Name Called: 
Home Address: 601 Elin Ct.
Hillsborough NC 27278
Phone (Day): 919-636-077
Phone (Evening): 919-644-7300
Phone (Cell): 919-636-0677
Email: thrhodes@hotmail.com
Place of Employment: WakeMed Health & Hospitals
Job Title: Clinical Staff Pharmacist
Year of OC Residence: 2011
Township of Residence: Hillsborough
Zone of Residence: Hillsborough ETJ
Sex: Male
Ethnic Background: white

Community Activities/Organizational Memberships:
I am a member of the Orange County Beekeepers Association. Having somewhat recently moved to Orange County and having had time to settle down some, I am looking to get involved in the community by serving on a board.

Past Service on Orange County Advisory Boards:
None

Boards/Commissions applied for:

Supplemental Questions:

Boards/Commissions appointments:
Orange County Parks and Recreation Council
Application Date: 12/17/2014
Background, education and experience relevant to this board:
My background is in healthcare and in education though I have a lifetime of experience in recreation playing community summer baseball and local parks growing up as well as continuing to play league softball during the summer. I am also an Eagle Scout an
Reasons for wanting to serve on this board:
I grew up in rural Johnston County on a farm and was active as a youth in various sports and activities. I appreciate the role good community parks have in maintaining a vibrant active community. I also have two young boys who I look forward to taking t
Conflict of Interest:
Other Comments:

This application was current on: 12/17/2014 8:05:00 PM

Date Printed: 3/29/2019
## BOCC Attendance Report For Re-appointments

**Orange County Parks and Recreation Council Mar / 2018 – Mar / 2019**

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<thead>
<tr>
<th>Member</th>
<th>Appointed</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>Jun</th>
<th>Jul</th>
<th>Aug</th>
<th>Sep</th>
<th>Oct</th>
<th>Nov</th>
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<th>Jan</th>
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<th>Mar</th>
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<td>04/21/2015</td>
<td>P</td>
<td>NM</td>
<td>P</td>
<td>NM</td>
<td>NM</td>
<td>P</td>
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<td>Robert Smith</td>
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<td>NM</td>
<td>P</td>
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<td>NM</td>
<td>E</td>
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**P:** Present  **A:** Absent  **E:** Excused  **NM:** No Meeting

Current through – 3/31/2019
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<tr>
<th>Applicant Name</th>
<th>Date Applied</th>
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<th>Res. Eligibility</th>
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<td>Mr. Timothy Braddy</td>
<td>02/11/2019</td>
<td>Cheeks</td>
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<tr>
<td>Also Serves On:</td>
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<tr>
<td>Greg Hughes</td>
<td>01/08/2019</td>
<td>Hillsborough</td>
<td>County</td>
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<tr>
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<tr>
<td>Race: white</td>
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<tr>
<td>Also Serves On:</td>
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<tr>
<td>Kevin Mason</td>
<td>01/13/2019</td>
<td>Hillsborough</td>
<td>Hillsborough Town Lim</td>
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<td>Jennifer Moore</td>
<td>01/08/2019</td>
<td>Hillsborough</td>
<td>Hillsborough ETJ</td>
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<td>Race: African American</td>
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<td>Also Serves On:</td>
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</tr>
<tr>
<td>Mr. John Singletary</td>
<td>01/04/2019</td>
<td>Chapel Hill</td>
<td>C.H. City Limits</td>
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<tr>
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<td>Race: white</td>
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<tr>
<td>Also Serves On:</td>
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<td></td>
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</table>
Volunteer Application
Orange County Advisory Boards and Commissions

Name: Greg Hughes
Name Called: 
Home Address: 1601 Dunn Place
Hillsborough NC 27278
Phone (Day): 9199286438
Phone (Evening): 9199286438
Phone (Cell): 9199286438
Email: Hugo1380@gmail.com
Place of Employment: Department of Veterans Affairs
Job Title: Director
Year of OC Residence: 2008
Township of Residence: Hillsborough
Zone of Residence: County
Sex: Male
Ethnic Background: white

Community Activities/Organizational Memberships:
Orange rec basketball coach

Past Service on Orange County Advisory Boards:
None

Boards/Commissions applied for:

Board of Social Services
Background, education and experience relevant to this board:
I have worked as a social worker for the past 25 years and a licensed clinician
Reasons for wanting to serve on this board:
I am concerned about the services available to residents of the county.
Conflict of Interest:

Hillsborough Planning Board
Background, education and experience relevant to this board:
I have worked on strategic planning initiatives for both the Department of Veterans Affairs and the Commonwealth of Massachusetts as part of my work over the past 25 years including the development of schools, treatment facilities and residential programs.
Reasons for wanting to serve on this board:
I am concerned about my community and would like to be involved in planning for its future.
Conflict of Interest:
Orange County Parks and Recreation Council

Background, education and experience relevant to this board:
I have been involved in several recreation programs as a coach and would like to be more involved in the development of programs and resources.

Reasons for wanting to serve on this board:

Conflict of Interest:

Supplemental Questions:

Boards/Commissions appointments:

Other Comments:
This application was current on: 1/8/2019

Date Printed: 1/8/2019
Volunteer Application
Orange County Advisory Boards and Commissions

Name: Greg Hughes

Home Address: 1601 Dunn Place
Hillsborough NC 27278

Phone (Day): 9199286438
Phone (Evening): 9199286438
Phone (Cell): 9199286438

Email: Hugo1380@gmail.com

Place of Employment: Department of Veterans Affairs
Job Title: Director

Year of OC Residence: 2008

Township of Residence: Hillsborough
Zone of Residence: County
Sex: Male
Ethnic Background: white

Community Activities/Organizational Memberships:
Orange rec basketball coach

Past Service on Orange County Advisory Boards:
None

Boards/Commissions applied for:

Board of Social Services
Background, education and experience relevant to this board:
I have worked as a social worker for the past 25 years and a licensed clinician

Reasons for wanting to serve on this board:
I am concerns about the services available to residents of the county.

Conflict of Interest:

Hillsborough Planning Board
Background, education and experience relevant to this board:
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I am concerned about my community and would like tone involved in planning for its future.

Conflict of Interest:
Orange County Parks and Recreation Council

Background, education and experience relevant to this board:
I have been involved in several recreation programs as a coach and would like to be more involved in the development of programs and resources.

Reasons for wanting to serve on this board:

Conflict of Interest:

Supplemental Questions:

Boards/Commissions appointments:

Other Comments:

This application was current on: 1/8/2019

Date Printed: 1/8/2019
Volunteer Application
Orange County Advisory Boards and Commissions

Name: Kevin Mason
Name Called: 
Home Address: 128 BONAPARTE DRIVE
          HILLSBOROUGH NC  27278
Phone (Day): 9197326777
Phone (Evening): 9197326777
Phone (Cell): 9196193997
Email: kevinerfm@gmail.com
Place of Employment: Accidental Baker
Job Title: Owner
Year of OC Residence: 2007
Township of Residence: Hillsborough
Zone of Residence: 
Sex: Male
Ethnic Background: Other

Community Activities/Organizational Memberships:
Coach OC Parks and Rec

Past Service on Orange County Advisory Boards:
None

Boards/Commissions applied for:
Orange County Parks and Recreation Council

Background, education and experience relevant to this board:
My involvement with OC P&R has been primarily as a father and coach for my daughter. She has been involved in some sport/camp/class since we moved here and it has been a largely positive experience.

Reasons for wanting to serve on this board:
As I mentioned above, OC P&R has been a good experience for Sydney. Having seen firsthand the good impacts that can be had, I would like to offer my time and efforts to help keep this as good going forward.

Conflict of Interest:

Supplemental Questions:

Boards/Commissions appointments:

Other Comments:

This application was current on: 1/13/2019 2:12:14 PM

Date Printed: 1/17/2019
Volunteer Application
Orange County Advisory Boards and Commissions

Name: Jennifer Moore

Name Called: Jennifer Moore

Home Address: 636 William Hooper Circle
Hillsborough NC 27278

Phone (Day): 9193940029
Phone (Evening): 9193940029
Phone (Cell): 9193940029

Email: JDMTRM@YAHOO.COM

Place of Employment: Orange County Schools
Job Title: Paraprofessional

Year of OC Residence: 2013

Township of Residence: Hillsborough
Zone of Residence: Hillsborough ETJ
Sex: Female

Ethnic Background: African American

Community Activities/Organizational Memberships:
Phi Delta Kappa International
James Lennix Foundation, CEO

Past Service on Orange County Advisory Boards:
N/A

Boards/Commissions applied for:

Affordable Housing Advisory Board

Background, education and experience relevant to this board:
Associate in General Education
BS, Business Admin
MBA-General
MS, Performance Improvement

Reasons for wanting to serve on this board:
I’d like to enhance the quality of life for Orange County citizens. I believe that it is very important
to serve in the community.

Conflict of Interest:
Orange County Parks and Recreation Council

Background, education and experience relevant to this board:
Associate in General Education
BS, Business Admin
MBA-General
MS, Performance Improvement

Reasons for wanting to serve on this board:
I’d like to enhance the quality of life for Orange County citizens. I believe that it is very important to serve in the community.

Conflict of Interest:

Supplemental Questions:

Boards/Commissions appointments:

Nursing Home Community Advisory Committee

Application Date: 1/19/2017

Background, education and experience relevant to this board:
Associate in General Education
BS, Business Admin
MBA-General
MS, Performance Improvement

Reasons for wanting to serve on this board:
I’d like to enhance the quality of life for Orange County citizens. I believe that it is very important to serve in the community.

Conflict of Interest:

Other Comments:

This application was current on: 7/24/2018  Date Printed: 1/8/2019
Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mr. John Singletary
Name Called: 
Home Address: 102 Beaver Dam Court
Chapel Hill NC 27514
Phone (Day): 9193085575
Phone (Evening): 9193085575
Phone (Cell): 9193085575
Email: balafenn@aol.com
Place of Employment: self employed
Job Title: Chef, Dance Instructor
Year of OC Residence: 2016
Township of Residence: Chapel Hill
Zone of Residence: 
Sex: Male
Ethnic Background: white

Community Activities/Organizational Memberships:
American Culinary Federation member, Triangle Tango member, Dance Instructor at Seymour Center, children are students at Phillips Middle School and East Chapel Hill High School.

Past Service on Orange County Advisory Boards:
none

Boards/Commissions applied for:
Orange County Parks and Recreation Council

Background, education and experience relevant to this board:
While I have little background in formal Parks and Recreation education, I enjoy the facilities across our county with my children and my dog. I am a citizen of Orange County, and was born in Durham, splitting my time between the two. I have a BA in Management, and work well in teams.

Reasons for wanting to serve on this board:
I want our county to continue to grow without sacrificing its identity as a green place to live, visit, and do business. I see P & R as an integral part of community planning, resource management, and fiscal responsibility.

Conflict of Interest:
My dog and my children may sway my perceptions of safety, but I have been known to be impartial overall.
Board of Health

*Background, education and experience relevant to this board:*

BA in Culinary Management, Chef for over 20 years in and around the Triangle area, educator in a culinary school teaching safety and sanitation for 8 years, father is a local physician, mother is a retired realtor, knowledge of many varied areas concerning public and business health.

*Reasons for wanting to serve on this board:*

I wish to see Orange County continue to thrive as a destination for education, vocation, and residential life. Health Board decisions are a line of defense and invitation to many businesses and citizens. Maintaining the integrity of our county starts with those in charge of its public, private, and business health.

*Conflict of Interest:*

Chapel Hill/Orange County Visitors Bureau

*Background, education and experience relevant to this board:*

BA in Culinary Management, Chef for over 20 years in and around the Triangle area, educator in a culinary school teaching safety and sanitation for 8 years, father is a local physician, mother is a retired realtor, knowledge of many varied areas concerning Chapel Hill and the surrounding areas.

*Reasons for wanting to serve on this board:*

I am an active promoter of Chapel Hill, have worked in sales, education, and business my whole life. I have children in the CHCCS school district and have an interest in continuing the growth of our city and county. Proper promotion, internal and external, is the main way to keep our area vibrant and growing appropriately.

*Conflict of Interest:*

Eventually, years down the road, I am looking to open a small local business that would fit well in Chapel Hill or Hillsborough.

**Supplemental Questions:**

**Boards/Commissions appointments:**

**Other Comments:**

This application was current on: 1/4/2019 2:56:32 PM  Date Printed: 1/7/2019
SUBJECT: Orange County Planning Board - Appointments

DEPARTMENT: Board of Commissioners

ATTACHMENT(S):
Member Roster
Applicant Interest List
Applicant Interest List by Segmentation
Applications for Persons on the Interest List

INFORMATION CONTACT:
Clerk’s Office, 919-245-2130

PURPOSE: To consider making BOCC appointments to the Orange County Planning Board.

*NOTE: Historically, the Orange County Planning Board does not make recommendations.

*NOTE: The “Applicant Interest List is represented in two formats for convenience. One is the standard format that is normally supplied and the other is broken down by segmentation (“At-Large” and “Townships” with vacancies).

BACKGROUND: The following information is for Board consideration:

<table>
<thead>
<tr>
<th>POSITION NO.</th>
<th>NAME</th>
<th>SPECIAL REPRESENTATIVE</th>
<th>TYPE OF APPOINTMENT TERM</th>
<th>EXPIRATION DATE</th>
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<tbody>
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<td>03/31/2021</td>
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<td>At-Large</td>
<td>First Full Term</td>
<td>03/31/2022</td>
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<td>Partial Term</td>
<td>03/31/2020</td>
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NOTE - If the individuals listed above are appointed, the following vacancies remain:
None

FINANCIAL IMPACT: None
SOCIAL JUSTICE IMPACT: Enable Full Civic Participation. Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

RECOMMENDATION(S): The Manager recommends that the Board consider making appointments to the Orange County Planning Board.
# Board and Commission Members

**Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)**

Meeting Times: 7:00 pm first Wednesday of each month  
Meeting Place: West Campus (Temp @ Whitted)  
Contact Person: Perdita Holtz  
Contact Phone: 919-245-2578

<table>
<thead>
<tr>
<th>Positions: 12</th>
<th>Length: 3 years</th>
<th>Terms: 2</th>
</tr>
</thead>
</table>

Description: All members are appointed by the Board of Commissioners. This board studies Orange County and surrounding areas to determine objectives in the development of the County. It prepares and recommends plans to achieve that development, including the suggesting of policies, ordinances, and procedures. It reviews development applications and makes recommendations to the Board of Commissioners. It holds regular monthly meetings and may attend quarterly public hearings with the Board of Commissioners.

## Mr. Adam Beeman

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<thead>
<tr>
<th>Sex: Male</th>
<th>Township: Cedar Grove</th>
<th>Race: white</th>
<th>Resid/Special Req: Cedar Grove Township</th>
<th>First Appointed: 12/12/2017</th>
<th>Current Appointment: 03/07/2019</th>
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<th>Number of Terms: 1</th>
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## VACANT

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<th>Township:</th>
<th>Race:</th>
<th>Resid/Special Req:</th>
<th>First Appointed:</th>
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<th>Expiration:</th>
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## Patricia Roberts

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<th>Race: Other</th>
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## Carrie Fletcher

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## Mr. David Blankfard

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## VACANT

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## Hunter Spitzer

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### Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)

#### Meeting Times:
7:00 pm first Wednesday of each month

#### Meeting Place:
West Campus (Temp @ Whitted)

<table>
<thead>
<tr>
<th>Board and Commission Members</th>
<th>And Vacant Positions</th>
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<tr>
<td><strong>Orange County Planning Board</strong></td>
<td><strong>REQUIRES DISCLOSURE STATEMENT</strong></td>
</tr>
<tr>
<td><strong>Contact Person:</strong></td>
<td><strong>Perdita Holtz</strong></td>
</tr>
<tr>
<td><strong>Contact Phone:</strong></td>
<td><strong>919-245-2578</strong></td>
</tr>
<tr>
<td><strong>Positions:</strong></td>
<td><strong>12</strong></td>
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<td><strong>3 years</strong></td>
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<tr>
<td><strong>Terms:</strong></td>
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### VACANT

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<th>Special Repr</th>
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### Lydia Wegman

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<td>At-Large</td>
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### Kim Piracci

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<th>Name</th>
<th>Position</th>
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### VACANT

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### Julian (Randy) Marshall Jr.

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APPLICANT INTEREST LIST
ORANGE COUNTY PLANNING BOARD

AT-LARGE APPLICANTS

Jessica Aguilar
2531 Miller Road
Hillsborough, NC 27278
Day Phone: 919-280-1084
Evening Phone: 919-280-1084
Cell Phone: 919-280-1084
Sex: Male
Race: white
Township: Hillsborough
Res. Eligibility: County
Date Applied: 1/30/2019

Thomas Gray
2531 Miller Road
Hillsborough, NC 27278
Day Phone: 919-280-1084
Evening Phone: 919-280-1084
Cell Phone: 919-280-1084
Sex: Male
Race: white
Township: Hillsborough
Res. Eligibility: County
Date Applied: 1/30/2019

Bonnie Hauser
4301 Sugar Ridge Road
Hillsborough, NC 27278
Day Phone: 919-732-9316
Evening Phone: 919-732-9316
Cell Phone: 919-619-4354
Sex: Female
Race: white
Township: Bingham
Res. Eligibility: County
Date Applied: 2/19/2019

Hathaway Pendergrass
362 Papyrus
Hillsborough, NC 27278
Day Phone: 919-929-0323
Evening Phone: 919-929-0323
Cell Phone: 919-302-0144
Sex: Male
Race: white
Township: Hillsborough
Res. Eligibility: H City
Date Applied: 2/19/2019

Nathaniel Zarzar
1812 Orange Grove Rd.
#11
Hillsborough, NC 27278
Day Phone: 919-724-2633
Evening Phone: 919-724-2633
Cell Phone: 919-724-2633
Sex: Male
Race: white
Township: Hillsborough
Res. Eligibility: ETJ
Date Applied: 1/24/2019

Chapel Hill Township

Susan Hunter
607 Rock Creek Road
Chapel Hill, NC 27514
Day Phone: 919-824-6603
Evening Phone: 919-824-6603
Cell Phone: 919-824-6603
Sex: Female
Race: white
Township: Chapel Hill
Res. Eligibility: CH City
Date Applied: 1/6/2019

David Mansor
105D Weatherstone Drive
Chapel Hill, NC 27514
Day Phone: 919-843-1067
Evening Phone: 919-843-1067
Cell Phone: 919-843-1067
Sex: Male
Race: white
Township: Chapel Hill
Res. Eligibility: CH City
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# Volunteer Application

Orange County Advisory Boards and Commissions

**Name:** Mrs. Jessica Aguilar  
**Name Called:**  
**Home Address:** 915 Waterstone Park Circle  
Hillsborough NC  27278  
**Phone (Day):** 9192265918  
**Phone (Evening):** 9192265918  
**Phone (Cell):** 9192265918  
**Email:** Jessica.dcd@yahoo.com  
**Place of Employment:** Legal Aid of North Carolina  
**Job Title:** Community Resource Coordinator  
**Year of OC Residence:** 2005  
**Township of Residence:** Hillsborough  
**Zone of Residence:**  
**Sex:** Female  
**Ethnic Background:** Native American

## Community Activities/Organizational Memberships:

- **Community Resource Coordinator**  
  Legal Aid of North Carolina - Durham, NC  
  January 2019 to Present  
  Work on the Eviction Diversion Team to network community resources and agencies to address non legal needs of clients such as; respite housing, food, funds for past due rent, funds for past due utilities, mental health service referrals, etc.  
- **Lead Investigator**  
  Durham County District Attorney’s Office - Durham, NC  
  March 2013 to October 2018  
  510 S. Dillard St.  
  Durham, NC 27701 United States  
  03/2013 - Present  
  Salary: 55,000.00 USD Per Year  
  Hours per week: 40  
  **Duties, Accomplishments and Related Skills:**  
  Lead investigator of violent crimes SA, DV, homicide. Analyze defendant and witness statements, analyze defendant jail calls, analyze evidence and create functional reports for prosecutors, testify in trials as needed, maintain working knowledge of law, continual training.  
  **Supervisor:** Honorable Rodger Echols (919-808-3010)  
  **Okay to contact this Supervisor:** Yes
NC Department of Public Safety
4201 mail service center
Raleigh, NC 27699 United States
Parole Officer
October 2010 to April 2013
Duties, Accomplishments and Related
Monitor high risk case load of the second chance program, insure offender compliance with judgment and execute violations and warrants as needed, testify for the state routinely
Supervisor: HR (919-716-3100)
Okay to contact this Supervisor: Yes
Center for Youth Development
800 N Mangum St
Durham, NC 27701 United States
05/2009 - 10/2010
Salary: 20.00 USD Per Hour
Hours per week: 40
Program Director
Duties, Accomplishments and Related Skills:
Designed therapeutic education plans for each consumer, supervised all staff, maintained quality of staff training, enforced disciplinary actions, enforced quality control, reviewed staff notes on consumer progress and updates consumer education an accordingly
Supervisor: Steve Fletcher (919-337-3865)
Okay to contact this Supervisor: Yes
Towergate Youth and Family Services
201 E Main St
Durham, NC 27701 United States
02/2006 - 05/2009
Salary: 18.00 USD Per Hour
Hours per week: 40
Quality Assurance Manager
Duties, Accomplishments and Related Skills:
Maintain quality of consumer files, review case notes for compliance with consumer education plan, schedule training, attend training
Supervisor: Steve Fletcher (9193373865)
Okay to contact this Supervisor: Yes
Education
Master s in Sociology/Criminology/communications
NC State University Raleigh - Raleigh, NC
May 2005
Master s in Foreign Languages
Appalachian State University Boone - Boone, NC
Skills:
May 2002
Bachelor s in Foreign Languages
Appalachian State University Boone - Boone, NC
May 2000
Skills
Microsoft Office (10+ years), Excel (10+ years), Powerpoint (10+ years), Research and analysis (10+ years), Program Development (10+ years), Program Management (10+ years)

Military Service
Branch: US Army Reserve
Service Country: United States
Rank: 1LT
October 2016 to Present
Chaplain Candidate; counseling soldiers and their families and guiding command decisions in matters of cultural competency

Orange County School Board Member 2015-2016
Orange County Human Relations Committee Member 2016 (early withdrawal from office for military duty)
CEO local Veterans Service Nonprofit Organization 2008-presant

Past Service on Orange County Advisory Boards:
Former School Board Member
Former Human Relations Committee Member

Boards/Commissions applied for:
Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)
Background, education and experience relevant to this board:
Extensive knowledge of local, state, and federal policy and procedures practices. Extensive leadership in all levels of government and a decade and a half of observation and participation in the growth and development of Orange County

Reasons for wanting to serve on this board:
Continue to be involved with planning and development of my home community and protect the integrity of policies for my children and peers.

Conflict of Interest:

Supplemental Questions:

Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)
Please list the work/volunteer experience/qualifications that would add to your expertise for this board.
Eviction Diversion; Investigator to the DAs Office; Probation Officer; Mental Health Specialist; Army Chaplain; mother of 7; Army Wife; Primary Personal Caregiver to a disabled Veteran

What unique perspective can you bring to the Orange County Planning Board?
My husband and I are both disabled Veterans, we have 7 children in all levels of public schools, I offer a unique perspective from several minority classifications.

What do you see as the responsibilities of this board, and what do you hope to accomplish if appointed?
To review policy, processes and law for applicability to our community and effectiveness in ensuring the safety of all community members with equality and attention to enforcement without bias or prejudice.

What do you consider to be the most important issues facing Orange County related to growth?

Inclusion of a diverse and dynamic population and not falling into the trap of gentrification that is all too commonly covertly inserted into growth plans

What role should the Planning Board take in guiding and regulating growth?

Inclusion of the historic population and creation of an inviting environment for new community members and networking with other committees to infuse this tone into the community environment on a large scale

How would you, as a member of the Planning Board, contribute to the implementation of the Board of Commissioners' adopted Goals and Priorities?

Gather further information on resources that exist, assess possible niches for growth, work on organizational relationships moving forward, work towards total community inclusion and involvement.

Boards/Commissions appointments:

Other Comments:

This application was current on: 3/20/2019 8:31:30 AM

Date Printed: 3/28/2019
Volunteer Application
Orange County Advisory Boards and Commissions

Name: Tom Gray
Name Called: 
Home Address: 2513 Miller Rd
Hillsborough NC 27278
Phone (Day): 919-280-1084 
Phone (Evening): 919-280-1084 
Phone (Cell): 919-280-1084 
Email: tom.gray@kimley-horn.com 
Place of Employment: Kimley-Horn and Associates, Inc. 
Job Title: Civil Engineer 
Year of OC Residence: 2017 
Township of Residence: Hillsborough 
Zone of Residence: County 
Sex: Male 
Ethnic Background: white 

Community Activities/Organizational Memberships: 
Chapel Hill Stormwater Department Stream Clean-up and Monitoring Volunteer 
Ellerbe Creek Watershed Association Water Management Committee Volunteer 

Past Service on Orange County Advisory Boards: None 

Boards/Commissions applied for: 
Hillsborough Planning Board 
Background, education and experience relevant to this board: 
As a civil engineer, I am familiar with engineering and planning activities associated with balancing the demands of development, budget and asset management, and natural resources preservation. 

Reasons for wanting to serve on this board: 
I am interested in being a part of discussions related to future growth and development and the management and preservation of natural resources and recreation facilities in Hillsborough. 

Conflict of Interest: 
There could be a perceived business interest, because I am employed by a private engineering firm.
Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)

Background, education and experience relevant to this board:
As a civil engineer, I am familiar with engineering and planning activities associated with balancing the demands of development, budget and asset management, and natural resources preservation.

Reasons for wanting to serve on this board:
I have an interest in serving my community and contributing my knowledge of roadway and greenway facilities planning and design and water resources management to help where needed.

Conflict of Interest:
There could be a perceived business interest, because I am employed by a private engineering firm.

Orange Unified Transportation Board

Background, education and experience relevant to this board:
I am a practicing civil engineer with a background in water resources management, planning and design with an emphasis on roadway and greenway planning and design.

Reasons for wanting to serve on this board:
I enjoy outdoor activities, and I believe parks and recreational facilities are one of the more important assets of a community. I would like to participate in helping make decisions about how community recreational facilities are maintained, upgraded and expanded.

Conflict of Interest:
Because I work for a private consulting firm, information shared with or received from this board may be perceived as being a conflict of interest; however, I am confident I would be able to separate my work from my interest to serve my community.

Supplemental Questions:

Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)

Please list the work/volunteer experience/qualifications that would add to your expertise for this board.
15 year of civil engineering experience related to watershed management, floodplain management, roadway and greenway design.

Graduate of Hillsborough Citizens Academy

Volunteer with Town of Chapel Hill Stormwater Department

What unique perspective can you bring to the Orange County Planning Board?
I have an engineering perspective for planning

I actively use state and local recreation facilities, and have an appreciation for camping, hiking, hunting, fishing and natural resources preservation

I am beginning to experiment with small-scale farming and have an appreciation for the planning of how agricultural land within the county is managed and preserved

What do you see as the responsibilities of this board, and what do you hope to accomplish if appointed?
I see the foremost responsibility being a contribution of honest evaluations and consideration of all citizen viewpoints

I hope to be able to share my professional expertise where it is useful
What do you consider to be the most important issues facing Orange County related to growth?
Managing stormwater and preserving water quality
Preserving food production sources (agricultural land)

What role should the Planning Board take in guiding and regulating growth?
Develop a continuously strengthening framework for guiding development and growth, and regulate fairly from this framework.

How would you, as a member of the Planning Board, contribute to the implementation of the Board of Commissioners’ adopted Goals and Priorities?
I would contribute my knowledge about transportation improvement projects and natural resources management, regulation and protection.

Boards/Commissions appointments:

Other Comments:

This application was current on: 11/20/2017 4:50:27 PM
Date Printed: 9/21/2018
Volunteer Application
Orange County Advisory Boards and Commissions

Name: Bonnie Hauser

Name Called: 

Home Address: 4301 Sugar Ridge Road
Hillsborough NC 27278

Phone (Day): 919-732-9316
Phone (Evening): 919-732-9316
Phone (Cell): 919-619-4354

Email: bahauser@aol.com

Place of Employment: retired
Job Title: retired

Year of OC Residence: 2003

Township of Residence: Bingham
Zone of Residence: County
Sex: Female
Ethnic Background: white

Community Activities/Organizational Memberships:
Northern Orange NAACP, Exec Committee
Orange County Rural Alliance, Officer
Orange County Voice, Officer
United Voices of Efland, Board
Big Brothers Big Sisters Triangle, Board

Past Service on Orange County Advisory Boards:
Bicycle Safety Task Force Emergency Services Work Group

Boards/Commissions applied for:
Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)

Background, education and experience relevant to this board:
Knowledgeable in county land use, zoning and economic development issues, as well as critical watershed protections. I live in the Cane Creek Critical watershed.

Reasons for wanting to serve on this board:
To help plan future development in a manner that embraces the county’s rural character, and enables development in the targeted EDDs.

Conflict of Interest:
Orange Unified Transportation Board

Background, education and experience relevant to this board:
I have worked extensively in complete streets policies, bicycle safety and light rail. I am knowledgeable in transportation funding processes and policies, and particular transportation issues facing Bingham and surrounding areas.

Reasons for wanting to serve on this board:
Because transportation is critical to the future of our community - including services for aging rural populations, routes for cycling, adopting micro-transit, and other services.

Conflict of Interest:

Supplemental Questions:

Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)

Please list the work/volunteer experience/qualifications that would add to your expertise for this board.
actively involved in land use/conservation activities in Efland and Bingham.

What unique perspective can you bring to the Orange County Planning Board?

What do you see as the responsibilities of this board, and what do you hope to accomplish if appointed?
Assure that county zoning and land use ordinances continue to support rural character while enabling desired development in county EDDs. Would specifically like to help find ways to use zoning to help bring affordable housing to selected parts of the county.

What do you consider to be the most important issues facing Orange County related to growth?
1. Diversify tax base with private sector contributions
2. Contain growth in a smart, strategic manner that protects rural character and creates workforce opportunities
3. Complement town growth plans

What role should the Planning Board take in guiding and regulating growth?
Assure that water protections and rural character continues, and that areas under county zoning control are zoned appropriately to complement town growth plans.

How would you, as a member of the Planning Board, contribute to the implementation of the Board of Commissioners' adopted Goals and Priorities?

Boards/Commissions appointments:

Animal Services Hearing Panel Pool
Application Date: 8/8/2017

Background, education and experience relevant to this board:
own 3 dogs, was involved in the advocacy that resulted in the creation of the board.

Reasons for wanting to serve on this board:
To allow citizens to appeal decisions without having to hire an attorney
Conflict of Interest:

Work Experience: Retired Partner, PricewaterhouseCoopers specializing in strategy development, cost restructuring and business process improvement. Extensive experience in complex project planning including evaluation of alternatives and cost development.

Volunteer Experience: Founder and president, Orange County Voice (3 years) Board of Directors, Maple View Agricultural Education Center (6 months) Volunteer, Pet Pals - working at Orange County Schools (4 years) Countywide leader, Justice United (2 years).

Education: MBA, New York University BA, Magna Cum Laude, SUNY at Buffalo Phi Beta Kappa

Other Comments:
Over the last year I have become fairly knowledgeable in the issues under study by the work group and have a great appreciation of delicate balance of good decisions and their impact on safety and taxes. My strongest credential to serve is that I have the support and confidence of citizens throughout the county. They trust me to properly represent their interests and priorities - and to ask questions and keep them informed on important issues as they arise.


ADDRESS VERIFICATION: 4301 Sugar Ridge Road, Hillsborough, NC is Bingham Township, OC Jurisdiction.
Volunteer Application

Orange County Advisory Boards and Commissions

Name: Mr. Hathaway Pendergrass
Name Called: 
Home Address: 362 Papyrus Place
               Hillsborough NC 27278
Phone (Day): 9199290323
Phone (Evening): 9199290323
Phone (Cell): 9193020144
Email: hspendergrass@gmail.com
Place of Employment: Epting & Hackney
Job Title: Attorney
Year of OC Residence: 1984
Township of Residence: Hillsborough
Zone of Residence: 
Sex: Male
Ethnic Background: white

Community Activities/Organizational Memberships:
- Orange County Rape Crisis Center - Board Member, President 2016-2018
- 15B Judicial District Bar - President, 2017 - Present
- Volunteers for Youth - Teen Court Judge, 2014 - Present
- Orange County Bar Association - Board Member, 2016 - Present
- Carrboro Planning Board - Member, 2015 - 2017
- University United Methodist Church - Lay Leadership Board Member, 2018 - Present

Past Service on Orange County Advisory Boards:
- None.

Boards/Commissions applied for:
- Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)

  Background, education and experience relevant to this board:
  As a lifelong citizen of Orange County, I have watched our community grow from a group of
  small sleepy towns, to an ever-expanding, bustling County. My experience on the Carrboro
  Planning Board taught me the language of planning. I was able to apply my knowledge of
  Carrboro to the machinations of planning. The combination of planning experience and
  knowledge of Orange County will allow me to provide a unique perspective to the Orange
  County Planning Board.

  Reasons for wanting to serve on this board:
  As mentioned above, I have watched our County change over the past 34 years. I believe our
  leaders have done a wonderful and thoughtful job planning for our future, taking into
  consideration population growth, the environment, schools, and equitable/affordable housing.
  These same elements will continue to frame our decisions. I hope to serve my community by
  shaping the planning of our County for the next generations.

  Conflict of Interest:
Supplemental Questions:

Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)

Please list the work/volunteer experience/qualifications that would add to your expertise for this board.

Attorney at Epting & Hackney (criminal and civil litigation)
Former member of Carrboro Planning Board
President of Orange County Rape Crisis Center Board of Directors and President of 15B Judicial District Bar

What unique perspective can you bring to the Orange County Planning Board?

Born and raised Orange County resident combined with service on the Carrboro Planning Board.

What do you see as the responsibilities of this board, and what do you hope to accomplish if appointed?

To plan for the next 20 to 30 years of our community. Address planning issues brought to the Board from Planning Department Staff. Work in an efficient manner to review plans and proposals in order to provide the Commissioners a well-developed, thoughtful, and insightful opinion.

What do you consider to be the most important issues facing Orange County related to growth?

Affordable housing, environmental sustainability, and an adequate mix or residential and commercial development.

What role should the Planning Board take in guiding and regulating growth?

The Planning Board is an integral part to guiding and regulating growth. Planning Board members provide the Commissioners an insight as to how lay people and community members see a certain project or plan. The Planning Board is not tasked with making a final decision as to a proposal but can be an integral part to helping the Commissioners see the positives, negatives, and places for improvement with each proposal.

How would you, as a member of the Planning Board, contribute to the implementation of the Board of Commissioners’ adopted Goals and Priorities?

In order to contribute to the implementation of the Commissioners’ Goals and Priorities, I will use the following guideposts in my decision-making: (i) equity, including but not limited to, as it relates to housing, cost of living, and opportunities; (ii) economic sustainability; and (iii) seeking the best mix possible related to residential and commercial development.

Boards/Commissions appointments:

Other Comments:

This application was current on: 2/19/2019

Date Printed: 2/19/2019
Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mr. Nathaniel Zarzar
Name Called:
Home Address: 1812 Orange Grove Road, #111
Hillsborough NC  27278-9584
Phone (Day): 9197242633
Phone (Evening): 9197242633
Phone (Cell): 9197242633
Email: natezarzar@gmail.com
Place of Employment: Cypress Creek Renewables
Job Title: Project Accountant
Year of OC Residence: 1991
Township of Residence: Hillsborough
Zone of Residence: Hillsborough ETJ
Sex: Male
Ethnic Background: white

Community Activities/Organizational Memberships:
I have participated in OCASL (soccer) and OC Rec Basketball, however I do not have any current volunteer memberships in Orange County. I previously lived in Durham (2014-2017) I was a member of the Exchange Club of Greater Durham for 4.5 years and served as a Board Member for 2 of those years. I am excited for a new opportunity to serve my hometown community in Orange County.

Past Service on Orange County Advisory Boards:
NONE

Boards/Commissions applied for:
Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)

Background, education and experience relevant to this board:
My background as a resident of Orange County (Hillsborough) for the vast majority of my life (21 of 27 years) will serve me well in my understanding the area. I completed my B.S.B.A (Accounting focus) at UNC-Wilmington, and spent my first 4.5 years working in Public Accounting specializing in Tax. I think this accounting experience will allow me to understand the actual costs of proposed County changes very well. I have always had an ability to understand the financial side of things, and whether endeavors are financially feasible, and I hope to bring that skill to the table as a member of the Planning Board. Currently I work as a project accountant for a Utility-Scale Solar Farm Construction company - I am familiar with the permitting processes, zoning process, etc. and am very familiar with all the intricacies of a new development project and future planning.

Reasons for wanting to serve on this board:
I’ve always enjoyed being a contributing member of my community, and now back in Hillsborough I am looking for a way to be an active voice for my hometown. I think serving on the Orange County Planning board would provide me with an opportunity to serve my community, and participate in something I feel very passionate about - the development and planning of my
Supplemental Questions:

**Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)**

Please list the work/volunteer experience/qualifications that would add to your expertise for this board.

- Project Accountant (Solar Construction) - 9 months
- Senior Tax Accountant - 2 years
- Staff Accountant - 2 years

**What unique perspective can you bring to the Orange County Planning Board?**

I think I can bring the perspective of someone who was born and raised in OC, as well as someone who is early into their adult life. My skills being focused in finance and accounting will hopefully make me a valuable member of the Board when considering costs, and the financial impact that proposed changes will have (both the financial impact to the individuals in our communities, and to the community as a whole).

**What do you see as the responsibilities of this board, and what do you hope to accomplish if appointed?**

First and foremost, I think the Planning Board should serve as a gut-check for the county's annual budget - ensuring that all items included have been thoroughly discussed and contemplated. Further, I think the responsibilities of the Planning Board include a thorough analysis of proposed developments, changes, and ideas that will have an impact on our county's residents. Primarily the Planning Board should serve as a voice of the community.

**What do you consider to be the most important issues facing Orange County related to growth?**

It may sound simple, but I believe that transportation is the most important issue facing Orange County today and in the near future. With population growth inevitable, and occurring year-over-year, the need for updated transportation systems is becoming more evident. You see this with longer traffic jams all across the county. Another important issue I think we are facing is affordable housing. With the increase in population, also has come a greater demand for homes, and thus an increased premium on housing costs. I am interested in joining this discussion on how we can create solutions to this issue.

**What role should the Planning Board take in guiding and regulating growth?**

In my opinion Growth is inevitable and generally a positive thing. I believe the role of the Planning Board in regards to guiding and regulating growth is to ensure that the RESULT of said growth is a sustainable community. That can mean a lot of different things must be taken into consideration - population density, financial feasibility, town utility abilities, etc. But I think the ultimate role in guiding and regulating growth is to ensure a sustainable, thriving community is created.

**How would you, as a member of the Planning Board, contribute to the implementation of the Board of Commissioners’ adopted Goals and Priorities?**

I think I could do a great job of analyzing the budget and helping with a successful implementation/communication of said budget. My familiarity with Orange County will provide me with the ability to have an expert understanding of what kind of impact land use changes and zoning changes will have. And my passion for long-term investing will hopefully help contribute towards the long term implementation of the Capital Investment Plan.

**Boards/Commissions appointments:**

- Boards/Commissions appointments:
  - home county s future.
  - Conflict of Interest: None outside of my home-ownership
Other Comments:

This application was current on: 1/18/2019 4:14:17 PM

Date Printed: 1/24/2019
Volunteer Application
Orange County Advisory Boards and Commissions

Name: Ms. Susan Hunter
Name Called: 
Home Address: 607 Rock Creek Road
Chapel Hill NC  27514
Phone (Day): 9198246603
Phone (Evening): 9198246603
Phone (Cell): 9198246603
Email: huntress919@gmail.com
Place of Employment: Duke University
Job Title: Research Practice Manager
Year of OC Residence: 1986
Township of Residence: Chapel Hill
Zone of Residence:
Sex: Female
Ethnic Background: white

Community Activities/Organizational Memberships:
Board member of community organization NEXT Chapel Hill-Carrboro
Member of Chapel Hill and Durham transit work group
Chapel Hill-Carrboro NAACP
UNC Alumni
Orange County Transit Advocates

Past Service on Orange County Advisory Boards:
None

Boards/Commissions applied for:
Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)

Background, education and experience relevant to this board:
I first came to Orange County as a UNC student in 1986, and lived in Chapel Hill until 1996. I returned to Chapel Hill in 2013, after moving away for graduate school and spending 14 years in Durham. I've seen the region grow significantly since 1986. I've worked at Duke for 15 years and have seen the increase in congestion as employees commute to our local academic medical centers, Duke and UNC. I began attending Durham Chapel Hill Carrboro Metropolitan Planning Organization community presentations around 2007, as I became interested in long range planning along the Highway 54 corridor. It was around that time I learned about the Durham Orange Light Rail Transit project, and became interested in supporting development of a better transit infrastructure in the Triangle area.

Reasons for wanting to serve on this board:
I'm interested in serving on this board because I recognize the opportunity we have to reduce the impact of climate change through planning, including transit oriented development. Perhaps more importantly, I both volunteered and worked for a number of years with domestic violence organizations in Durham, Orange, and Chatham counties, as well as in the Atlanta area.
managed multiple shelters, including those in rural areas, and I helped my clients navigate housing and transportation options, which were generally quite limited. I have seen first hand how the area in which you live impacts the opportunities you have in life. I recognize that planning decisions are a mechanism with which we can change the lives of our citizens for the better.

**Conflict of Interest:**

**Supplemental Questions:**

**Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)**

Please list the work/volunteer experience/qualifications that would add to your expertise for this board.

Orange/Durham Coalition for Battered Women
Family Violence and Rape Crisis, Chatham County
Partnership Against Domestic Violence
Orange County Transit Advocates
Chapel Hill Durham transit work group
NEXT Chapel Hill Carrboro

What unique perspective can you bring to the Orange County Planning Board?

I’ve worked extensively with women and children, trying to start over with virtually no resources. I understand how important access to housing and transportation can be, and how planning decisions impact the supply of those resources. I moved to Chapel Hill in 1986 before Interstate 40 was completed, and I’ve seen the challenges we face as the area has continued to grow.

What do you see as the responsibilities of this board, and what do you hope to accomplish if appointed?

The board must make decisions that serve the greater good of the entire community. I hope to contribute to the planning process, and know that I’ve made an effort to increase affordable housing, access to transit, access to employment and access to opportunities for all Orange county residents.

What do you consider to be be the most important issues facing Orange County related to growth?

Affordable housing and transit infrastructure, and developing our tax base

What role should the Planning Board take in guiding and regulating growth?

The planning board should use evidence based best practices and data to make their decisions. Their role is to make objective decisions rather than decisions that may serve their own self-interests.

How would you, as a member of the Planning Board, contribute to the implementation of the Board of Commissioners’ adopted Goals and Priorities?

Planning decisions that foster smart growth would help reduce Orange County’s contribution to climate change, and would benefit all citizens by increasing access to affordable housing, transportation, and economic opportunities.

**Boards/Commissions appointments:**

**Other Comments:**

This application was current on: 1/6/2019 1:42:36 PM Date Printed: 1/7/2019
Volunteer Application
Orange County Advisory Boards and Commissions

Name: David Mansor
Name Called: 
Home Address: 105D Weatherstone Dr.
Chapel Hill NC 27514
Phone (Day): 9148431067
Phone (Evening): 9148431067
Phone (Cell): 9148431067
Email: Davidjmansor@gmail.com
Place of Employment: UNC School of Law and Light Switch Business Co
Job Title: Student, and Business Consultant
Year of OC Residence: 2016
Township of Residence: Chapel Hill
Zone of Residence: C.H. City Limits
Sex: Male
Ethnic Background: white

Community Activities/Organizational Memberships:
Currently, I am an active member of the Chapel Hill Carrboro Chamber of Commerce, and a Rugby player. I play for the Chapel Hill Men’s Rugby team, and I am a sponsor of the Chapel Hill Highlanders High School Rugby team. In addition, I also a sponsored the East Chapel Hill High School football team this past Fall season.

Past Service on Orange County Advisory Boards:
N/A

Boards/Commissions applied for:

Orange Unified Transportation Board

Background, education and experience relevant to this board:
Specifically, I can create tremendous value for Orange Unified Transportation Board in three nuanced ways:

First, I understand identifying and approaching professionals for cooperative partnerships is usually much more than just talking numbers and market factors. I am cognizant of the economic, personal, political, and public perception implications a deal can have. Through my own negotiations, I have learned about the importance of timing, and empathy within any deal. While working with the board I plan to use my strong interpersonal skills to work effectively with board members and community partners to accomplish our goals.

Second, I have practical experience on how deals are found, developed, and completed. I understand the various types of value advantages a deal can produce. Beyond the scope of the law, I can read and build pro-forma breakeven analysis charts, cash flow projections, and have a working concept of some corporate financing tools. Through the Entrepreneur Lab class (Spring 2017 Section), I will gain more hands-on experience working with start-up founders, growth executives, and venture capitalists. This work will advise me on how we can better foster these relationships and growths going forward in the planning of Orange County. The business skills
learned will continue to round my perspective and insight for my responsibilities on the board. I want to bring these business skills and my strong interpersonal abilities to the Board.

Third, I understand how enthusiasm is essential and contagious in the workplace; it breathes life into everything. As a successful door-to-door insurance salesman, I learned the value of enthusiasm combined with the habit of happily doing more than you are asked can create previously nonexistent opportunities. I plan to bring these two habits to my membership on the board, and keep momentum up.

I desire to be on the Orange Unified Transportation Board, because of the Orange County’s emphasis on innovation, and growth over the next twenty years. For me, an opportunity to add value to the incredible on-going work at in Orange County will be a long-term investment in the organization, and my commitment to be a Tar-Heel.

**Reasons for wanting to serve on this board:**

I am a JD/MBA student at the University of North Carolina at Chapel Hill. I would like to get involved in helping your team to implement the Durham-Orange Light Rail project. With my background in entrepreneurship and the law, I could be a tremendous free asset for your team to utilize. I have attached a resume, and included my Linkedin HTML link so you can verify my abilities to execute and work on high level projects.

Over the next four years I will be in the area pursuing a JD/MBA, and would love an opportunity to work on this project throughout all four years.

Thank you for your time. I look forward to speaking soon.

**Conflict of Interest:**

I own two properties.

105D Weatherstone Drive Chapel Hill, NC 27514
107C Weatherstone Drive Chapel Hill, NC 27514
Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)

Background, education and experience relevant to this board:
Specifically, I can create tremendous value for Orange Unified Transportation Board in three nuanced ways:

First, I understand identifying and approaching professionals for cooperative partnerships is usually much more than just talking numbers and market factors. I am cognizant of the economic, personal, political, and public perception implications a deal can have. Through my own negotiations, I have learned about the importance of timing, and empathy within any deal. While working with the board I plan to use my strong interpersonal skills to work effectively with board members and community partners to accomplish our goals.

Second, I have practical experience on how deals are found, developed, and completed. I understand the various types of value advantages a deal can produce. Beyond the scope of the law, I can read and build pro-forma breakeven analysis charts, cash flow projections, and have a working concept of some corporate financing tools. Through the Entrepreneur Lab class (Spring 2017 Section), I will gain more hands-on experience working with start-up founders, growth executives, and venture capitalists. This work will advise me on how we can better foster these relationships and growths going forward in the planning of Orange County. The business skills learned will continue to round my perspective and insight for my responsibilities on the board. I want to bring these business skills and my strong interpersonal abilities to the Orange County Planning Board.

Third, I understand how enthusiasm is essential and contagious in the work place; it breathes life into everything. As a successful door-to-door insurance salesman, I learned the value of enthusiasm combined with the habit of happily doing more than you are asked can create previously nonexistent opportunities. I plan to bring these two habits to my membership on the board, and keep momentum up.

I desire to be on the Orange County Planning Board, because of the Orange County’s emphasis on innovation, and growth over the next twenty years. For me, an opportunity to add value to the incredible on-going work at in Orange County will be a long-term investment in the organization, and my commitment to be a Tar-Heel.

Reasons for wanting to serve on this board:
I am a JD/MBA student at the University of North Carolina at Chapel Hill. I would like to get involved in helping your team to implement the Durham-Orange Light Rail project. With my background in entrepreneurship and the law, I could be a tremendous free asset for your team to utilize. I have attached a resume, and included my Linkedin HTML link so you can verify my abilities to execute and work on high level projects.

Conflict of Interest:
I own two properties.

105D Weatherstone Drive Chapel Hill, NC 27514
107C Weatherstone Drive Chapel Hill, NC 27514

Supplemental Questions:

Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)

Please list the work/volunteer experience/qualifications that would add to your expertise for this board.
https://www.linkedin.com/in/davidmansor/

What unique perspective can you bring to the Orange County Planning Board?
My life experiences distinguish me from other candidates.

I am determined to be successful despite growing up with two parents who suffer from drug addictions. I have overcome spending my middle school years living in a crack house with my little brother John. After raising my brother in that environment for nearly two years, my house was raided by SWAT and we were placed in a Child Protective Services (CPS) group home. The group home was toxic, we were abused, and no one expected us to succeed.

However, I learned that you need to be aware of the opportunities that exist through creative application of rules and regulations. CPS allocates funds per child for living expenses, and by leveraging CPS’s resources in combination with private scholarships, we were able to get out of the group home for the summers. Fortunately, my brother received three scholarships to attend a summer camp in the Adirondack Mountains. I was privileged to participate in three programs: a service trip to build a cafeteria in Belize, an exchange trip to China, and even spent a summer at Harvard. I want to apply my ability to identify creative strategies has enabled me to see tremendous opportunities that have been overlooked.

My unique background would certainly bring a fresh perspective to the school. I firmly believe that "hard work beats talent, when talent does not hustle" – Justin Wu. Every day was as struggle, and I worked tremendously hard to get where I am today. I still struggle to figure out: why we have the resources and knowledge to solve the world’s problems, but do not? Like the world, my parents had everything, and self-destructively lost it all to bad habits. I am passionate about solving these problems, and overcoming society’s bad habits.

What do you see as the responsibilities of this board, and what do you hope to accomplish if appointed?

The board’s responsibilities are to make decisions that benefit the entire county’s needs for economic growth, infrastructure development, and improvements in Orange County’s overall quality of life.

What do you consider to be the most important issues facing Orange County related to growth?

The Orange-Durham Light Rail Project

What role should the Planning Board take in guiding and regulating growth?

The Planning board should take a strong role in facilitating cooperation between politicians, private business, and non-for-profits to make progress in the following areas: public transportation, education, affordable housing, and public health.

How would you, as a member of the Planning Board, contribute to the implementation of the Board of Commissioners’ adopted Goals and Priorities?

The document and link did not load. Therefore, I cannot give you an adequate response at this time.

Boards/Commissions appointments:

Other Comments:

This application was current on: 2/19/2019

Date Printed: 2/19/2019
Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mrs Gio Mollinedo
Name Called: 
Home Address: 8903 Laurel Springs
Chapel Hill NC 27516
Phone (Day): 9195999497
Phone (Evening): 9195999497
Phone (Cell): 9195999497
Email: giovannamollinedo@gmail.com
Place of Employment: D'Gio InternatiOnal
Job Title: Business owner
Year of OC Residence: 2015
Township of Residence: Chapel Hill
Zone of Residence: County
Sex: Female
Ethnic Background: Hispanic

Community Activities/Organizational Memberships:
El Centro Hispano
Parent School
Habitad
Compass Center

Past Service on Orange County Advisory Boards:
none

Boards/Commissions applied for:
Affordable Housing Advisory Board
Background, education and experience relevant to this board:
I am a business owner since 2004, Be traveling in different town, and countries. I am a
psychologist organizational, therapist but I did not get my degree here so I have been working
hard to keep my family with all their needs. Finally I bought our property in Orange County and I
think my experience in to be moving more than five times in different areas and in different
scenario give me an idea how a family should take more expertise and resources by themselves
if none give it to them , like in my case. sMy emphatic personality and get close to people help in
so many ways.

Reasons for wanting to serve on this board:
I think is time to get more involve in my community and give them back all what I learn in all
these years, of course I can wait for a position like that.

Conflict of Interest:
My business are in Durham and in Richmond, is a retail store.

Supplemental Questions:
Boards/Commissions appointments:

Other Comments:

This application was current on: 1/22/2019 8:32:49 PM  Date Printed: 1/23/2019
Volunteer Application
Orange County Advisory Boards and Commissions

Name: Joseph Parrish
Name Called: 
Home Address: 1250 Ephesus Church Rd, Apt. G5
Chapel Hill NC 27517
Phone (Day): 3365044195
Phone (Evening): 3365044195
Phone (Cell): 3365044195
Email: josephparrisnnc@gmail.com
Place of Employment: Unemployed
Job Title: None
Year of OC Residence: 2016
Township of Residence: Chapel Hill
Zone of Residence: 
Sex: Male
Ethnic Background: Caucasian

Community Activities/Organizational Memberships:
Orange County Democratic Party - Messaging Committee
Orange County Young Dems
Rotary Club

Past Service on Orange County Advisory Boards:
None

Boards/Commissions applied for:
Chapel Hill Planning Commission

Background, education and experience relevant to this board:
I am a former member of the NC National Guard and a graduate of UNC with a degree in political science. I have been a frequent attendant of a variety of local government meetings/functions and even ran for office in the state legislature in the November elections.

Reasons for wanting to serve on this board:
I want to have a hand in public service, either professionally or as a volunteer. I see this board as an opportunity to serve the public and as a learning opportunity that can inform my public service in the future.

Conflict of Interest:
Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)
Background, education and experience relevant to this board:
I am a former member of the NC National Guard and a graduate of UNC with a degree in political science. I have been a frequent attendant of a variety of local government meetings/functions and even ran for office in the state legislature in the November elections.

Reasons for wanting to serve on this board:
I want to have a hand in public service, either professionally or as a volunteer. I see this board as an opportunity to serve the public and as a learning opportunity that can inform my public service in the future.

Conflict of Interest:

Supplemental Questions:

What unique perspective can you bring to the Orange County Planning Board?
Being a young, but relevantly educated resident, I have a strong sense of the years to come and the need for good, long-term planning.

Furthermore, utilizing the strategic thinking methods handed down to me in my military education, I find it easy to look at issues and break them down into basic ideas for effective planning and communication to others.

What do you see as the responsibilities of this board, and what do you hope to accomplish if appointed?
I think the responsibility of the board is to assist local governance by providing foresight in the development and use of public assets. If appointed, I hope to help guide the community along a thriving path for future success.

What do you consider to be the most important issues facing Orange County related to growth?
As part of the ever-growing Triangle, I see issues such as transportation, housing, and education being vitally important. We must successfully tackle these issues for the purpose of accommodating higher levels of commerce, growing neighborhoods, and the needs of the children that live in these growing neighborhoods.

**What role should the Planning Board take in guiding and regulating growth?**

To make an effective plan for any group or organization, you need to be a step ahead. The Planning Board should therefore take a leading, proactive role in guiding and developing growth. It has to set the pace.

Additionally, we should have a role at the end of the process, in order to hear feedback from other entities and determine how successful our planning has been so far. Foresight requires hindsight.

**How would you, as a member of the Planning Board, contribute to the implementation of the Board of Commissioners’ adopted Goals and Priorities?**

I would be a part of those informing the Board of Commissioners about what those things should be. Once those goals and priorities are handed to us, it would be up to us to envision how to make them possible, much like how orders are passed along in the military to the next level down.

**Boards/Commissions appointments:**

**Other Comments:**

This application was current on: 02/21/2019  Date Printed:  2/21/2019
Volunteer Application
Orange County Advisory Boards and Commissions

Name: Scott Radway
Name Called:
Home Address: 2627 Meacham Road
               Chapel Hill NC 27516
Phone (Day): 9198805579
Phone (Evening): 9198805579
Phone (Cell): 9198805579
Email: scott@radwaydesign.com
Place of Employment: Radway Design
Job Title: Founder - Principal
Year of OC Residence: 1989
Township of Residence: Chapel Hill
Zone of Residence: County
Sex: Male
Ethnic Background: white

Community Activities/Organizational Memberships:
Chapel Hill Carrboro Chamber of Commerce
Justice United
Kidzu Building Committee for larger facility
Formerly Chapel Hill Public Art Commission and Planning Board

Past Service on Orange County Advisory Boards:
Orange County Affordable Housing Advisory Board
Orange County Smart Growth Advisory Board

Boards/Commissions applied for:
Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)

  Background, education and experience relevant to this board:
  City Planning & Environmental Law education, planning director in two municipalities, consultant
to many towns and counties. When resident of Chapel Hill served on Planning Board,
Community Design Commission, Public Art Commission, Inclusionary Zoning Task Force. Have
represented owner/applicants for development proposals in Chapel Hill, Carrboro, Hillsborough
and Orange County. Not presently representing any development application for property within
the Orange County Government Planning and Zoning Jurisdiction.

Reasons for wanting to serve on this board:
Interested in the continuing process of planning for economic and employment growth in
appropriate locations in Orange County AND the provision of affordable housing and the rules
and regulations that protect the important environmental features of the County. [Water courses,
productive farm land, wildlife & corridors, etc.]

Conflict of Interest:
I don’t believe I am working with or for anyone with a current or prospective development
application that is within the Orange County planning or zoning jurisdiction.
Orange Unified Transportation Board

Background, education and experience relevant to this board:
Prior experience in municipal and regional transportation planning activity including corridor and route location studies and EIS components for rail transit systems in Atlanta, San Francisco, Dallas. Town of Chapel Hill citizen representative to RTP regional rail transportation planning in mid 1990s

Reasons for wanting to serve on this board:
I believe I understand the issues and know the capabilities of transportation systems. Particularly the need for a multi-modal and social equity systems capabilities physically and financially.

Conflict of Interest:

Supplemental Questions:

Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)

Please list the work/volunteer experience/qualifications that would add to your expertise for this board.
30 years as a resident and city planning/land development consultant in Orange County, Chapel Hill, Carrboro and Hillsborough. Thorough knowledge of the role of the Planning Board and a background in economic development and housing development within the County. I was the primary consultant to the owner/developer of the Waterstone Development and initiated the conversations with County Commissioners and Durham Tech that resulted in the location of the Orange County Campus within that development.

What unique perspective can you bring to the Orange County Planning Board?
Pragmatic experience in realistic agricultural land preservation, the economics of development, community design, and the relationship of County planning and economic development efforts in conjunction with the Town of Hillsborough. In addition, I have been developing Fiscal Impact analyses for proposed developments and local government comprehensive plans for about 40 years, including the Fiscal Impact analysis of Waterstone and several development proposals in Chapel Hill and Durham.

What do you see as the responsibilities of this board, and what do you hope to accomplish if appointed?
While a planning board is charged with providing advice and recommendations to the Commissioners on planning, zoning and development matters; it is a board that should [and in Orange County does] provide a thorough sounding board location for residents, businesses and county government entities especially - more specific topical advisory boards - to merge the conversations about needs and desires for our future community. As product, the board seek to synthesize and develop proposed plans to reach the community goals, plans then vetted through a broad review process ending up in the hands of the elected commissioners for adoption and or modification and adoption.

What do you consider to be the most important issues facing Orange County related to growth?
As strange as it may sound to many, making sure our public education system [Orange County, Chapel Hill - Carrboro, and Durham Tech] provides a thorough education for all our residents. Without adequate education, good employment opportunities and economic growth for all residents will be limited and reduce our ability to provide the quality of life conditions we want for all. Beyond this, I believe that the limitations on the extension of public water and sewer beyond the current limited areas around Hillsborough and Chapel Hill / Carrboro need to be re-examined and I believe it is the role of the County to initiate this discussion.
What role should the Planning Board take in guiding and regulating growth?

I think one of the most important roles should be an annual review of movement toward accomplishing the Board of Commissioners adopted Goals and Priorities. The Planning Board should play a role in this process. Too often, changing conditions - especially those factors well beyond local control - force us to recognize that the achievement of our goals must be pursued via revised regulations. Witness the many changes made to local control by the current and immediately past NC State Legislature.

How would you, as a member of the Planning Board, contribute to the implementation of the Board of Commissioners’ adopted Goals and Priorities?

I am a strong supporter of the adopted goals and priorities - especially the social equity issues. Other than comprehensive planning, the planning board’s major interaction with many of these goals is encouraging and measuring if and how proposed private [and public] development meets community goals AND provides safe, livable neighborhoods and business areas.

Boards/Commissions appointments:

Other Comments:

This application was current on: 2/19/2019  Date Printed: 2/19/2019
Volunteer Application
Orange County Advisory Boards and Commissions

Name: Will Raymond
Name Called: Will Raymond
Home Address: 209 Mt. Bolus Rd.
Chapel Hill NC 27514
Phone (Day): 919-932-1035
Phone (Evening): 919-932-1035
Phone (Cell): 919-932-1035
Email: campaign@willraymond.org
Place of Employment: na
Job Title: Senior Software Engineer
Year of OC Residence: 1988
Township of Residence: Chapel Hill
Zone of Residence:
Sex: Male
Ethnic Background: white

Community Activities/Organizational Memberships:
- Board of Directors OWASA
- Board of Directors Exchange Pool
- Friends of Bolin Creek

Past Service on Orange County Advisory Boards:
- No Orange County
  - Chapel Hill’s Technology Advisory Board, Horace-Williams Citizens Committee,
    Downtown Parking Task Force,
    Sustainable Community Visioning Task Force. Chapel Hill appointee to OWASA.

Boards/Commissions applied for:
Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)
  Background, education and experience relevant to this board:
  Participated in OC UDO discussions. Familiar with basic OC planning regulations, ordinances.
  Citizen participant in economic development zone discussions early 2000s.

  Have actively participated in numerous Chapel Hill and Carrboro land-use issues - notably initial
  Comprehensive Plan rework, UNC’s Carolina North development agreement, small area
  planning process (Central West, Ephesus Church, 15-501 Corridor, Glenn Lennox, CH2020,
  Rogers Road ETJ, Ephesus-Fordham form-based code district, etc.) over the last 17 years.
  I was involved in the UNC airport relocation discussions, became more familiar with rural
  Orange County development concerns as a member of OWASA and gave feedback on spurring
  economic development county-wide during several of the preliminary Orange County EDD
  discussions (and am interested in how those districts are evolving).

  Reasons for wanting to serve on this board:
Orange County is now implementing a refined UDO and new economic policies that will have far reaching effects on land-use planning. I would like to serve as a conduit for citizen input and take a more active role in reviewing these new changes to help the BOCC get the best results for their initiatives.

Conflict of Interest:

Supplemental Questions:

Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)

Please list the work/volunteer experience/qualifications that would add to your expertise for this board.

At the County level, I’ve served as a citizen activist on numerous county-wide issues.

Within Chapel Hill, I’ve served on Chapel Hill’s Technology Advisory Board, Horace-Williams Citizens Committee, Downtown Parking Task Force, Sustainable Community Visioning Task Force.

As Chapel Hill’s appointee to OWASA, I have worked hard to maintain the highest fiscal and environmental standards throughout the organization. As the current Chair of the HR Committee, I’ve emphasized policies that serve to bolster a productive and effective work force.

What unique perspective can you bring to the Orange County Planning Board?

I’ve worked on a number of issues - social services, environment, transit and economic development - with County-wide impact and would bring a holistic perspective grounded in that experience. It’s important that our wider community has access to the decisions that are made on their behalf and I’d work hard to improve communication and participation by our citizens in this key governmental process.

What do you see as the responsibilities of this board, and what do you hope to accomplish if appointed?

The Board has both operational and strategic responsibilities. Strategically, the Board reviews relevant policy changes by other Board’s for impacts on land-use policy. The Board is responsible for analyzing changes within the UDO (and other regulatory frameworks) to make sure they align with the BOCC’s goals as well as serving the general public good. Operationally, the Board reviews proposed projects to make sure they adhere to established regulatory requirements, align with BOCC initiatives, synchronize with economic, social and environmental goals. The Board can recommend improvements in plans and determine if variances in policy are warranted by an overriding public good.

What do you consider to be the most important issues facing Orange County related to growth?

Integration and consistency. Integration of municipal growth within Orange County. Integration of social, transit, economic and environmental policies with planning policy. Integration of policy within a wider regional context. Consistency within Orange County’s own approach and overlaps with municipal and ETJ concerns.

What role should the Planning Board take in guiding and regulating growth?

The Planning Board can take the time and provide the analysis to make sure our community is being well-served by growth. As Orange County grows we need to make sure that our citizens can continue to be able to afford to live here, that the quality of life we’ve come to accept isn’t degraded, that our economic base is improved without diminishing the environment.

How would you, as a member of the Planning Board, contribute to the implementation of the Board of Commissioners’ adopted Goals and Priorities?
I have an established record of promoting transparency within the governance process and would like to work on improving communication between the Board and the wider community on Planning issues. I’ve also worked on numerous environmental issues throughout Orange County and realize that OC has a regional role to play as these concerns straddle our county’s boundaries. As a member of Orange County’s Project Connect, a social service outreach process, I’m well aware of the depth and growing need within our community. I’d work to make sure our Planning policies encourage an economically and socially diverse community.

Boards/Commissions appointments:

Other Comments:

This application was current on: 2/19/2019

Date Printed: 2/19/2019
Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mr Erle Smith
Name Called:
Home Address: 103 Sunset Creek Cir
                           Chapel Hill NC 27516
Phone (Day): 9192592100
Phone (Evening): 9192592100
Phone (Cell): 9192592100
Email: Erle@ErleSmith.com
Place of Employment: Retired
Job Title: Retired
Year of OC Residence: 1998
Township of Residence: Chapel Hill
Zone of Residence:
Sex: Male
Ethnic Background: white

Community Activities/Organizational Memberships:
Carrboro Citizen Academy

Past Service on Orange County Advisory Boards:
Orange Unified Transportation Board 2016 - 2018

Boards/Commissions applied for:

Carrboro Planning Board
  Background, education and experience relevant to this board:
  My experience as a corporate executive has prepared me to contribute to the town's goals and
  objectives. In particular, my experience with supply chain optimization is useful experience.

  Reasons for wanting to serve on this board:
  As a retiree, I have available time to devote to my community.

  Conflict of Interest:
  OUTBoard representative for Chapel Hill 2-16-2018
  Director Supply Chain Strategy

Carrboro Board of Adjustment
  Background, education and experience relevant to this board:
  My experience as a corporate executive has prepared me to contribute to the town's goals and
  objectives. In particular, my experience with supply chain optimization is useful experience.

  Reasons for wanting to serve on this board:
  As a retiree, I have available time to devote to my community.

  Conflict of Interest:
Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)

Background, education and experience relevant to this board:
OUTBoard representative for Chapel Hill 2-16-2018
Director Supply Chain Strategy

Reasons for wanting to serve on this board:
As a retiree, I have available time to devote to my community.

Conflict of Interest:

Supplemental Questions:

Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)

Please list the work/volunteer experience/qualifications that would add to your expertise for this board.
OUTBoard representative for Chapel Hill 2-16-2018
Director Supply Chain Strategy

What unique perspective can you bring to the Orange County Planning Board?
I have been a homeowner for 20 years and understand the area as it changes and grows

What do you see as the responsibilities of this board, and what do you hope to accomplish if appointed?
I see the board as a contributor to the county’s goals & objectives.

What do you consider to be the most important issues facing Orange County related to growth?
We will see significant growth in Orange County as the universities and the RTP business communities continue to grow. This will increase demands for housing of several cost structures along with the associated transportation needs.

What role should the Planning Board take in guiding and regulating growth?
The board should encourage growth in the areas that need acceleration. The decisions should support the county’s goals and objectives.

How would you, as a member of the Planning Board, contribute to the implementation of the Board of Commissioners’ adopted Goals and Priorities?
I would remain current with the goals and priorities and then encourage progress toward those goals as activities come within the board’s agenda.

Boards/Commissions appointments:

Other Comments:
This application was current on: 2/19/2019
Date Printed: 2/19/2019
Volunteer Application
Orange County Advisory Boards and Commissions

Name: Statler Gilfillen
Name Called: Statler Gilfillen
Home Address: 3302 St. Mary's Road
              Hillsborough NC 27278
Phone (Day): 919-732-6123
Phone (Evening): 919-732-6123
Phone (Cell): 919-732-6123
Email: statler@OUTLOOK.COM
Place of Employment: self
Job Title: Architect
Year of OC Residence: 2007
Township of Residence: Eno
Zone of Residence:
Sex: Male
Ethnic Background: white

Community Activities/Organizational Memberships:
Past vice chair of Orange County Historic Board

Past Service on Orange County Advisory Boards:
Orange County Historic Board

Boards/Commissions applied for:
Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)
Background, education and experience relevant to this board:
Over 25 years as registered Architect involved in planning, design and construction.

Reasons for wanting to serve on this board:
To be of service and because I believe my background can be of service to the planning board

Conflict of Interest:
Throughout my career as an Architect I have always been diligent to follow the law and fully
disclose even the potential perception of what might be any conflict. Currently, I maintain an
office for the practice of Architecture in Orange County.

During the last 2 years I have provided services to Orange County Asset Management where I
have provides services on a number of studies and small projects. Some of those studies and/or
projects were:
Study: Decision to build new jail compared to renovating existing jail.
Study: Buy/Lease for existing space
Study: Physical Assessment Old Town Hall in Chapel Hill and created web
site http://www.OldTownHallINC.wordpress.com
Space modifications, bid packages and establishing standards for future modifications.
Renovations to the Board of Elections
Design and construction of 5 Single use toilets
Supplemental Questions:

Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)

Please list the work/volunteer experience/qualifications that would add to your expertise for this board.

Statler Gilfillen, Architect MBA has over 20 years of experience in planning, development, architecture, construction, teaching and business. He has been a University Professor, Operations Manager for a major Boston architectural firm and maintained his own architectural practice for over 12 years with a staff of 14. His work has varied from acting as the lead Architect for the 7 million dollar renovations at the Kennedy Space Center to historic preservation. He has worked for major developers, corporations, and known clients for large scale multifamily, medical, retail, high rise, commercial, and single family residential. He is fully versed in the public process and the demands of the private sector. He is specifically qualified in the in historic preservation and accessible design. For many years he traveled and studied in Europe. He brings a global concept of planning, architecture and business. He believes that good design must meet clients needs, environmental demands and fit visually into the setting. In 2007, he settled his young family in Hillsborough, NC from Piran, Slovenia.

What unique perspective can you bring to the Orange County Planning Board?

Global view of planning with professional training and expertise

What do you see as the responsibilities of this board, and what do you hope to accomplish if appointed?

Protect a natural environment that includes clean water, clean air, wildlife, important natural lands and sustainable energy for present and future generations. Promote proactive reforms necessary to maintain this goal.

Review and approve planning and economic development policies under the current laws which create a balanced dynamic local economy and which promote diversity, sustainable growth and enhance revenue while embracing community values.

What do you consider to be the most important issues facing Orange County related to growth?

By supporting the strategic growth policies and constantly working to improve them.

What role should the Planning Board take in guiding and regulating growth?

By administrating the current laws and promoting positive changes necessary.

How would you, as a member of the Planning Board, contribute to the implementation of the Board of Commissioners’ adopted Goals and Priorities?

By working to support the work of the Planning Board utilizing my extensive professional background.

Boards/Commissions appointments:

Other Comments:

This application was current on: 2/19/2019
Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mrs. Melissa Poole
Name Called: 
Home Address: 5620 Kiger Road  
Rougement NC 27572
Phone (Day): 9196432023
Phone (Evening): 9196432023
Phone (Cell): 9194185068
Email: melissapoole05@gmail.com
Place of Employment: PinPoint Solutions
Job Title: Strategic Accounts Director
Year of OC Residence: 1993
Township of Residence: Little River
Zone of Residence: 
Sex: Female
Ethnic Background: white

Community Activities/Organizational Memberships:
Sunday School Teacher, New Sharon UMC
Basketball Coach Upwards @ Ebenezer Baptist Church
Cub Scout Pack Chairperson Pack 467

Past Service on Orange County Advisory Boards:
N/A

Boards/Commissions applied for:
Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)
Background, education and experience relevant to this board:
I am an Account Director working with Fortune level companies to midsized companies. I identify
talent and source, interview and present candidates to executive level roles. I work with
companies across the country and am very versed in cost of living assessments across the
country.

Reasons for wanting to serve on this board:
I believe very much in the Little River Township/Caldwell area and being able to be serve and
give back to the community.

Conflict of Interest:

Supplemental Questions:

Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)
Please list the work/volunteer experience/qualifications that would add to your expertise
for this board.
All of my volunteer work has been with children.
What unique perspective can you bring to the Orange County Planning Board?
I bring a national view and strong business experience to the planning board.

What do you see as the responsibilities of this board, and what do you hope to accomplish if appointed?
My thoughts are it is the responsibility of the board to enact positive growth within the county. Also, working to make the process as seamless as possible. This is the introductory face of the county if someone is wanting to come to OC.

What do you consider to be the most important issues facing Orange County related to growth?
Infrastructure.

What role should the Planning Board take in guiding and regulating growth?
The planning board should be heavily involved in guiding and regulating growth, without stemming growth.

How would you, as a member of the Planning Board, contribute to the implementation of the Board of Commissioners’ adopted Goals and Priorities?
I have to create a budget and am responsible for a P&L. My previous volunteer as the Treasurer at church has certainly given me the experience with budgeting and planning. I work with contracts every day in my job and held a Director of Contracts role, in a healthcare organization.

Boards/Commissions appointments:

Other Comments:
This application was current on: 2/6/2019 9:21:18 AM          Date Printed: 2/7/2019
## BOCC Meeting Follow-up Actions

(Individuals with an * by their name are the lead facilitators for the group of individuals responsible for an item)

<table>
<thead>
<tr>
<th>Meeting Date</th>
<th>Task</th>
<th>Target Date</th>
<th>Person(s) Responsible</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/2/19</td>
<td>Review and consider request by member of the public regarding inability to access OPT services</td>
<td>5/1/2019</td>
<td>Chair/Vice Chair/Manager Theo Letman</td>
<td>DONE</td>
</tr>
<tr>
<td>4/2/19</td>
<td>Pursue potential to post entire Courageous Conversations video on the County website</td>
<td>6/1/2019</td>
<td>Annette Moore</td>
<td>DONE</td>
</tr>
<tr>
<td>4/2/19</td>
<td>Review and consider request by Commissioner Dorosin that the Board send a letter or consider a resolution expressing support for bills recently introduced in the NC General Assembly regarding non-discrimination</td>
<td>5/21/2019</td>
<td>John Roberts</td>
<td>County Attorney to address</td>
</tr>
<tr>
<td>4/2/19</td>
<td>Review and consider request by Commissioner Dorosin that the Board consider a resolution expressing support for a bill recently introduced in the NC General Assembly providing for a Personal Care Allowance</td>
<td>5/21/2019</td>
<td>John Roberts</td>
<td>County Attorney to address</td>
</tr>
<tr>
<td>4/2/19</td>
<td>Review and consider request by Commissioner McKee that staff, in follow-up to already providing an update to the Board on the Town of Chapel Hill’s out-standing bus and transit needs, start the process to work with Carrboro, Hillsborough and potentially Mebane on their transit services and needs and provide that information to the Board (Commissioner Marcoplos suggested a work session discussion to discuss how decisions are made and the process that occurs)</td>
<td>6/1/2019</td>
<td>Travis Myren</td>
<td>To be accomplished through development of new Orange County Transit Plan</td>
</tr>
<tr>
<td>4/2/19</td>
<td>Review and consider request by Commissioner Price that staff review potentially re-establishing the Commission for Women</td>
<td>10/1/2019</td>
<td>Annette Moore</td>
<td>Staff to pursue</td>
</tr>
<tr>
<td>4/2/19</td>
<td>Review and consider request by Commissioner Bedford that the County formally express and share its desire to be aligned in the same region with Wake and Durham counties</td>
<td>4/17/2019</td>
<td>Travis Myren</td>
<td>DONE</td>
</tr>
<tr>
<td>Meeting Date</td>
<td>Task</td>
<td>Target Date</td>
<td>Person(s) Responsible</td>
<td>Status</td>
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<tr>
<td>4/2/19</td>
<td>Review and consider request by Commissioner Rich that the Board consider a proclamation recognizing Fred Battle (Commissioner Price suggested the Board send something to Mr. Battle’s family)</td>
<td>5/1/2019</td>
<td>Chair/Vice Chair/Manager Donna Baker</td>
<td>DONE</td>
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<tr>
<td></td>
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<td></td>
<td>Proclamation included on April 16 meeting agenda; card sent to Battle family</td>
</tr>
<tr>
<td>4/2/19</td>
<td>In prep for April 9, 2019 work session, follow-up on cost comparison for solar array and associated costs versus proposed generator for PFAP</td>
<td>4/9/2019</td>
<td>Travis Myren Paul Laughton</td>
<td>DONE</td>
</tr>
<tr>
<td>4/2/19</td>
<td>Provide information to the Board on the expected costs and timeframe associated with the light rail project shutdown and the process to terminate the transit sales tax</td>
<td>5/1/2019</td>
<td>Travis Myren John Roberts</td>
<td>Information to be provided</td>
</tr>
</tbody>
</table>