

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: October 20, 2020

**Action Agenda
Item No. 8-a**

SUBJECT: Minutes

DEPARTMENT: Board of County
Commissioners

ATTACHMENT(S):
Draft Minutes (Under Separate Cover)

INFORMATION CONTACT:
Greg Wilder, Interim Clerk to the Board,
919-245-2130

PURPOSE: To correct and/or approve the draft minutes as submitted by the Interim 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.

September 10, 2020	Virtual Work Session
September 15, 2020*	Virtual Business Meeting
September 22, 2020*	Continued 9/15/2020 Virtual Business Meeting

*The September 15, 2020 Virtual Business Meeting was recessed and reconvened on September 22, 2020 thus resulting in one set of meeting minutes.

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 this item.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends the Board approve minutes as presented or as amended.

**MINUTES
BOARD OF COMMISSIONERS
VIRTUAL WORK SESSION
SEPTEMBER 10, 2020
7:00 p.m.**

The Orange County Board of Commissioners met for a Virtual Work Session on Thursday, September 10, 2020 at 7:00 p.m.

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

COUNTY COMMISSIONERS ABSENT: NONE

COUNTY ATTORNEYS PRESENT: John Roberts

COUNTY STAFF PRESENT: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren, Deputy Clerk to the Board David Hunt, and Assistant Deputy Clerk II Allen Coleman (All other staff members will be identified appropriately below.)

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

Due to current public health concerns, the Board of Commissioners is conducting a Virtual Work Session on Thursday, September 10, 2020. Members of the Board of Commissioners participated in the meeting remotely. As in prior meetings, members of the public were able to view and listen to the meeting via live streaming video at <http://www.orangecountync.gov/967/Meeting-Videos> and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

1. Additional Discussion on Potential Regulation of the Discharge of Firearms in Areas of the County with High Residential Unit Density

PURPOSE: To discuss options related to the regulation of firearms discharge in limited urbanized areas of the County.

BACKGROUND:

This topic was briefly discussed by the 2016 Firearms Safety Committee at its meetings, but did not result in any substantive recommendations to the Board of Commissioners in that Committee's final recommendation. The proposed recommendations from the Committee included a recommendation that the Code of Ordinances be amended to prohibit the discharge of firearms while an individual is impaired, required discharged projectiles remain on the property on which they are discharged, and individuals discharging firearms maintain adequate backstops. These recommendations were adopted as shown in Attachment E.

The Board of Commissioners revisited this issue in September 2019 and directed the County Attorney to bring back additional information at a 2020 work session including a map showing more roads, a map showing subdivisions, the current Orange County ordinance, maps of the extra-territorial jurisdiction (ETJ) areas including subdivisions, and Geographic Information System enlarged maps of larger subdivisions. North Carolina General Statute 153A-129 specifically authorizes counties to regulate the discharge of firearms (Attachment B). Other

1 statutes limit the extent to which counties may regulate firearms in general and the discharge of
2 firearms, particularly with respect to the discharge of firearms on “sport shooting ranges.”
3

4 Ordinances of this type are generally prospective only. In response to a question from
5 Commissioner Jamezetta Bedford about retroactive applicability at the September 2019 work
6 session, the County Attorney indicated that an ordinance adopted to promote gun safety in
7 urbanized areas could retroactively apply to shooting ranges. This response was overly broad
8 and did not specify the strict limitations of retroactive enforcement. Retroactive enforcement
9 would only apply to shooting ranges constructed or developed without appropriate approvals
10 since the County’s firearms discharge ordinance was adopted in 2016.
11

12 To show where such regulations could be imposed, Planning staff developed multiple County
13 maps showing areas of the County with various residential housing densities. These maps are
14 for illustrative purposes only and show where an ordinance of this type could be applicable.
15 According to Planning staff, Map 1 in Attachment A shows a suburban equivalent density – that
16 being one or more dwelling units per 1/3 acre. It is clear from the map that there are very few
17 areas with this residential density within Orange County’s jurisdiction. Map 2 shows a density of
18 one or more dwelling units per one acre. Map 3 shows an intermediate rural density of one or
19 more dwelling units per 1.25 acres. Map 4 shows a substantially less dense arrangement of one
20 or more dwelling units per 2 acres. According to the Planning staff, Map 5 shows all
21 subdivisions within the County’s jurisdiction that contain 10 lots or more, including such
22 subdivisions within town ETJ areas. Map 6 is an aerial map showing lots and buildings within
23 the Churton Grove subdivision, a subdivision having lots of approximately ½ acre on average.
24 Map 7 is an aerial map showing lots and buildings within the Hunt’s Preserve subdivision, a
25 subdivision having lots of approximately 2.4 acres on average with a range of 1.2 to 5.8 acres.
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27 Regulated areas could be established within designated subdivisions with enforcement focused
28 on discharges occurring within the subdivision. As is apparent from the map, focusing only on
29 areas with suburban like density would create small islands of enforcement near municipal
30 boundaries.
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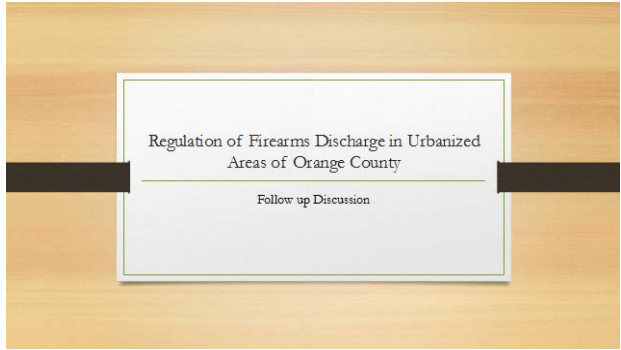
32 Durham County previously had a similar ordinance in which the ordinance only applied to
33 discharge of firearms within 600 feet of a residence within one of many designated high density
34 areas. Durham also had a permit process for shooting ranges that existed in the regulated areas
35 prior to the adoption of the ordinance (Attachment C). According to the Durham County
36 Attorney, enforcement proved exceptionally difficult and in December 2018 Durham County
37 amended its ordinance to remove the references to high density areas and now restricts
38 firearms discharge throughout the county if it occurs within 900 feet of the property lines of
39 properties containing houses, schools, and churches (Attachment D). This level of restriction
40 may not be appropriate for Orange County, which is substantially more rural than Durham.
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42 The County Attorney consulted the Orange County Sheriff’s Office on this issue and, as in prior
43 discussions of this topic, and as Durham County experienced with a similar ordinance, the
44 Sheriff’s office indicates enforcement of an ordinance similar to Durham’s prior or current
45 ordinance would be difficult due to the nature of the regulated activities, that being generally
46 short in duration and, unless visually observed by a deputy, difficult to precisely locate. Pursuant
47 to North Carolina law any regulation such as that discussed would apply to all discharges of
48 firearms in Orange County’s jurisdiction including discharges on shooting ranges constructed
49 after any amendment adopted by the Board and on existing ranges as noted above. Any
50 ordinance adopted would not apply to the discharge of firearms for lawful hunting activities,

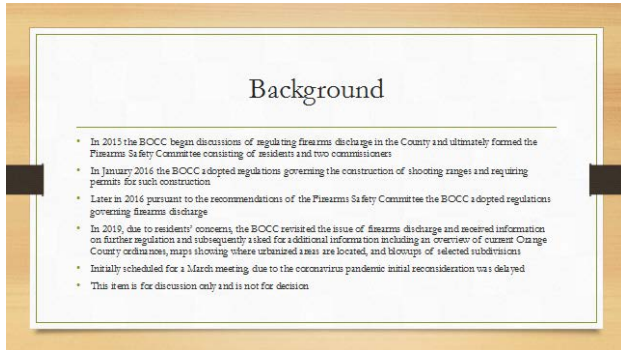
1 discharges occurring in the defense of person or property, or discharges pursuant to the lawful
2 directions of law enforcement officers.

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4 **RECOMMENDATION(S):** The Manager recommends the Board discuss this issue and provide
5 direction to staff.

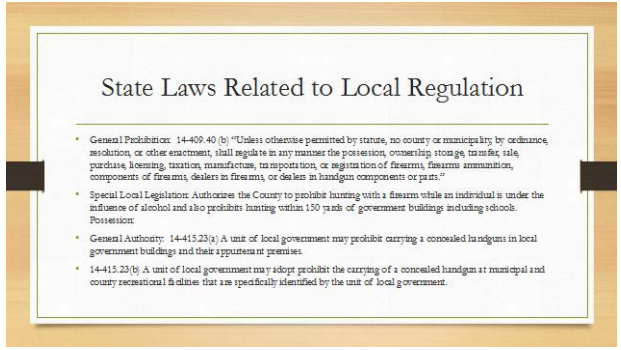
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7 John Roberts made the following PowerPoint presentation:
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State Laws Related to Local Regulation

- 14-409.40(f) Counties may "prohibit the possession of firearms in public-owned buildings, on the grounds or parking areas of those buildings, or in public parks or recreation areas." This applies to open carry.
- Public Display and Discharge: 153A-129. (Effective October 1, 2017) Firearms.
 - (a) Except as provided in this section, a county may by ordinance regulate, restrict, or prohibit the discharge of firearms at any time or place except in any of the following instances: (1) When used to take birds or animals pursuant to Chapter 113, Subchapter IV. (2) When used in defense of person or property. (3) When used pursuant to lawful directions of law-enforcement officers.
 - (b) A county may by ordinance prohibit hunting on Sunday as allowed under G.S. 103-2...
 - (c) A county may regulate the display of firearms on the public roads, sidewalks, alleys, or other public property.

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State Laws Related to Local Regulation

- Sport Shooting Range Protection Act
- Sport shooting range defined as "An area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting"
- Owners of sport shooting ranges not subject to private nuisance cases
- Owners of sport shooting ranges not subject to civil or criminal liability if shooting range is in compliance with existing law at the time a new ordinance is passed
- Local governments cannot regulate firearms discharge at sport shooting ranges that predate the regulating ordinance so long as they were in compliance with existing law
 - No subsequently adopted noise or nuisance regulation
 - No subsequently adopted land use regulation

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Orange County Ordinances

General Code

- Firearms discharge excluded from noise ordinance
- Prohibits most discharge except into water or constructed building
- Prohibits negligent discharge
- Prohibits discharge in which the projectile leaves the property on which the firearm is discharged
- Prohibits the discharge of firearms while the shooter is impaired and also prohibits hunting within 150 yards of government buildings
- Doesn't apply to hunting (except while impaired), self-defense, etc.
- Also prohibits possession of firearms in county buildings and on certain county properties
- Adopted December 2016

UDO

- Regulates the construction of shooting ranges and requires permits for same
- Not allowed within 300 feet of property lines or 1000 feet of occupied dwelling units
- 15 foot high 30 foot deep backdrop required
- Shooting only allowed 10 a.m. to 6 p.m. daily
- Maintain a buffer around the range
- Also regulates indoor shooting ranges
- Adopted January 2016

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Durham County Ordinances

Old

- Prohibited discharge within 600 feet of a residence located in a predominantly residential area
- Prohibited discharge of a firearm by a minor within 600 feet of a residence located in a predominantly residential area
- Prohibited negligent discharge in all other unincorporated areas of the County
- Doesn't apply to hunting, self-defense, etc.

New

- Prohibits discharge on all county property and in all unincorporated areas of the County.
 - Within 500 feet of domestic premises on the property line of a dwelling, school, church, occupied building, park, other public gathering place
- Prohibits discharge over roads, sidewalks, or public vehicular areas
- Prohibits the discharge of weapons by minors under 12
- Doesn't apply to hunting, self-defense, etc.

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3 John Roberts referred to attachment A, map 1, and said the Planning Department
4 classifies this housing density as suburban in nature within all of Orange County that is not
5 within an incorporated area. He said the only large area is Churton Grove, northeast of
6 Hillsborough. He said suburban density is one dwelling unit per 1/3 acre. He said the next map
7 is one more housing unit per one acre, using 10-acre grids. He said these are mostly around
8 Hillsborough and Efland/Mebane, with a few in other areas of the County.

9 John Roberts referred to map 3, which has one or more units per 1.25 acres, and a final
10 map shows one or more dwelling units per 2 acres.

11 John Roberts said the next map is every subdivision in the County and extraterritorial
12 jurisdiction (ETJ) areas with at least 10 lots in the subdivision. He said staff also looked at 3-lot
13 subdivisions, which lead to most areas of the County being covered in yellow.

14 John Roberts said map 6 is the Churton Grove area in Hillsborough, which shows the
15 largest suburban type density. He said there are several hundred houses; with the north side of
16 the development surrounded by farms, any of which could potentially host hunting.

17 John Roberts said map 7 is the Hunts Preserve subdivision south of Chapel Hill, which is
18 not considered suburban density.

19 Commissioner Price asked if the information about Durham pertained to Durham City,
20 County, or both.

21 John Roberts said that was Durham County's ordinance.

22 Commissioner Price asked if the ordinance has any jurisdiction in the City of Durham.

23 John Roberts said no.

24 Chair Rich said one cannot fire a gun in the city of Durham.

25 John Roberts said cities have additional legislative authority that counties do not.

26 Commissioner Dorosin asked if municipalities have the same authority in their ETJs.

27 John Roberts said no. He said the municipalities can enforce land ordinances in the
28 ETJ, but any police power would have to come from the County.

29 Commissioner Dorosin referred to map number 2 and compared it to map number 5, and
30 asked if the difference between the two could be clarified.

31 John Roberts said the subdivision map has lots that are not developed, and many of
32 them will have lots that are larger than the 1/3-1 acre. He said map 2 has more densely packed
33 subdivisions, but also may be roads along a street and not an actual subdivision.

34 Commissioner Dorosin said the yellow subdivisions have 10 or more lots, and the lots
35 per acre are between zero and 1. He asked if this is different than one house per acre.

36 John Roberts said some of the lots will not be developed.

37 Commissioner Marcoplos referred to one of the subdivisions, which is where he lives.
38 He said they are 10.01-acre lots, and a lot of the yellow ones are one house per 10 acres like
39 where he lives.

40 John Roberts said that suggests the key is not accurate.

41 Commissioner Dorosin said the map says if it is yellow, there is zero to one lot per acre.

1 Commissioner Marcoplos said zero lots per acre would mean there are no lots at all, and
2 with 10-acre lots, there are 0.1 lots per acre. He said the key is accurate, but a bit obtuse.

3 Commissioner Dorosin asked if the County was able to regulate firearms in public parks.

4 John Roberts said no, that right was taken away about 5 or 6 years ago. He said people
5 can carry firearms onto playgrounds.

6 Commissioner Dorosin asked if cities could regulate firearms in their parks.

7 Commissioner Greene said no county or municipality can regulate firearms.

8 Commissioner Marcoplos said he thinks the Durham ordinance may work well in Orange
9 County. He said even on a 10-acre lot, if people are shooting it is really loud and if one is not
10 aware of who it is, it can be a problem. He asked if there is a reason why the Board is tiptoeing
11 around this distancing. He said 450 feet of no hunting from public buildings is still very close.
12 He said it does not make a lot of sense. He said it just seems there is a lot of room to put some
13 serious distances in, and still not violate people's rights.

14 Chair Rich asked if the Board of County Commissioners (BOCC) takes Commissioner
15 Marcoplos' recommendation to impose a 900 feet boundary, would shooting ranges built prior to
16 2016 be exempt?

17 John Roberts said anything in existence today would not be subject to this amendment.

18 Commissioner McKee asked if the Commissioners can create something that is not
19 burdensome to the Sheriff's Office. He said he served on the shooting committee.

20 John Roberts said he does not know. He said the Sheriff would be responsible for
21 enforcing any laws passed by the BOCC. He said the Sherriff advised it would be extremely
22 hard to monitor 900-foot distance, unless a deputy is present at the time of shooting.

23 Commissioner McKee said that almost never happens.

24 John Roberts said yes. He said the Sheriff is not in favor of the distance ordinance, due
25 to the difficulty of enforcement.

26 Commissioner Marcoplos said it may still be helpful.

27 John Roberts said the Board has the authority to make this amendment. He said the
28 State says the County can regulate firearms, and it does come down to whether it is
29 enforceable.

30 John Roberts asked for direction, or if additional exploration is needed.

31 Commissioner Price referred to the noise, and asked if the BOCC can regulate noise if it
32 is not a shooting range.

33 John Roberts said the County currently regulates the negligent and dangerous discharge
34 of firearms. He said putting it into the noise ordinance as well would not apply to proper
35 shooting ranges, but could apply to people shooting off dangerously in their backyard

36 Commissioner Dorosin said he supported Commissioner Marcoplos' recommendation.
37 He referred to Churton Grove, and asked if there is any restrictions to one shooting in such a
38 densely populated area

39 John Roberts said there is, and the current ordinance says one cannot recklessly or
40 negligently discharge a firearm. He said discharging a firearm in a neighborhood like Churton
41 Grove is inherently dangerous.

42 Commissioner Dorosin said the current ordinance does not apply specifically to that
43 neighborhood, but to everyone.

44 John Roberts said correct. He said the Board cannot regulate professional sporting
45 ranges, but none currently exist in the County.

46 Commissioner Dorosin asked if there is a formal permitting process to establish a
47 shooting range.

48 John Roberts said there are no professional quality ranges in the County, and all are
49 privately owned for private use, so the total number is not known. He said it can be a naturally
50 occurring barrier, but if it is a barrier that was constructed prior to the County's standards, it
51 probably satisfies the statutory definition.

1 Commissioner Dorosin asked if one was constructed after the 2016 regulation change,
2 would the berm be inspected to determine its adequacy.

3 John Roberts said if it was constructed after 2016, it is subject to regulation, and
4 Planning Staff could go out to inspect. He said the resident is supposed to go through staff, but
5 may not always do so. He said the Planning Department operates on a complaint driven
6 system, and investigate concerns if complaints are raised.

7 Commissioner Dorosin said if there was a regulatory system, and one built a range
8 without going through the proper process, the complaint would be not that it was built, but that it
9 did not follow protocol.

10 John Roberts said staff would have to be able to prove that the structure was built after
11 the ordinance was changed.

12 Commissioner McKee said the firearms committee spent a lot of time trying to define
13 noise, but was unable to do so other than by decibel levels. He referred to Churton Grove, and
14 whether regulations apply to Churton Grove, and said it does apply to any and all tight
15 subdivisions because one cannot discharge a firearm and keep the projectile on the property.
16 He said there is not enough room on the lots to build berms.

17 Commissioner Greene said she is more concerned about the land neighboring these
18 types of subdivisions, and she is unsure what she thinks about all of this. She said just because
19 a regulation is difficult to enforce does not mean it should not be on the books. She said she
20 thinks most people want to follow the law, and having laws on the books can be a deterrent.

21 Chair Rich said she is hearing some support for the 900 feet distance requirement.

22 Commissioner McKee said he needed to be convinced that a 900-foot requirement
23 would not eliminate 70 percent of homes in Orange County. He said he does not know how it
24 would work. He said he knows there are difficult situations, and he has a neighbor that shoots
25 excessively, in his opinion. He agrees with Commissioner Greene that most residents are able
26 to cease, when asked, but those are not the residents who are causing problems. He said
27 those who are causing problems are not going to be accommodating to neighbors.

28 Chair Rich said she is having a hard time picturing 900 feet.

29 Commissioner McKee said it is a long distance.

30 Commissioner Greene said 900 feet is three football fields.

31 John Roberts said Planning Staff can map every residence, in the non-incorporated
32 areas, and put a 900 foot circle around each one. He said it would cover a substantial portion of
33 the County.

34 Commissioner McKee said he would like to see that map.

35 John Roberts said staff would work on it.

36 Commissioner Marcoplos said the Board has to decide what is important: saying one
37 must be able to shoot on one's own property no matter what, or does one go to another friend's
38 land to shoot. He said he has given people permission to shoot on his land, and this new
39 recommendation does not take away anyone's rights. He said the noise will still be loud even at
40 900 feet.

41 Commissioner Greene asked if 900 feet blankets the County, would it be wise to
42 consider 600 feet. She said it may be helpful to have both options mapped out.

43 Chair Rich said the BOCC is considering having a regulation, and Commissioner
44 Dorosin indicated a desire to have a process to regulate the building of berms.

45 John Roberts asked if the BOCC would like this back at a regular work session or a
46 business meeting.

47 Chair Rich said the public will need to be able to weigh in.

48 Commissioner McKee agreed, and thinks this item would need to be done when the
49 BOCC is meeting in public, not virtually.

1 Commissioner Bedford said she agrees with the aforementioned comments, and said
2 she would like to know how far bullets can travel for certain types of guns, and the potential for
3 bodily harm.

4 Commissioner McKee said a small caliber gun (like a 22 rifle) will travel less than a mile,
5 but a large caliber gun (AR-15, etc.) can travel several miles, unless one is shooting into a stop.

6 Commissioner Bedford said the permitting idea has more value to her.

7 Commissioner Rich said the Sheriff indicated the last time a stray bullet hit a person in
8 Orange County was in 1967.

9 Commissioner Bedford said it has happened more recently in the municipalities.

10 Commissioner Dorosin said a woman was killed in Durham from a stray bullet.

11 Chair Rich said it sounds like this item would need to come before a work session before
12 coming before a public hearing.

14 2. Follow-up Discussion on County Capital Investment Plan (CIP) Years 2 through 5

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16 **PURPOSE:** To facilitate a discussion on the outstanding amendments to the Capital Investment
17 Plan following the Intent to Adopt work session on June 9, 2020.

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19 **BACKGROUND:** During the Intent to Adopt Budget work session on June 9, 2020, the Board
20 approved amendments to the Capital Investment Plan that advanced the expansion of the
21 Durham Technical Community College and amended several projects in Year 1 intended to
22 offset the cost of advancing that project. The approved amendments are in **bold** in *Attachment*
23 *A – Updated List of CIP Amendments*. An excerpt of the draft minutes from the work session is
24 also included as *Attachment B – Draft Minutes from June 9, 2020 Work Session*.

25
26 The Board chose to postpone making decisions on proposed project deferrals in Years 2
27 through 5 that are intended to more fully offset the cost of advancing the Durham Tech
28 Expansion project into Years 1 – 3. The remaining proposed amendments are also included in
29 Attachment A, and the CIP project pages that would be amended by the proposal are attached
30 in *Attachment C – Relevant CIP Project Pages*.

31
32 Finally, the impact of the proposed amendments on the County's debt affordability metrics is also
33 modeled in *Attachment D – Debt Metric Models*.

34 The goal of the work session is to provide sufficient direction to staff to finalize the FY2021-2025
35 Capital Investment Plan for final adoption.

36
37 Travis Myren made the following PowerPoint Presentation:

38 39 **Review of Outstanding Proposed Amendments to the FY2020-25 Capital Investment Plan** 40 **September 10, 2020** 41 **Work Session**

42 43 **Capital Investment Plan Amendments** 44 **Amendments Adopted 6/9 – page 2**

45 Project	46 Amendment	47 Total Expenditure Amount	48 Adopted Amendments
49 Durham Tech Expansion Project	Move the Durham Tech Expansion Project Planning up to Year 1	\$ 1,000,000	\$ 1,000,000
50 Durham Tech Expansion Project	Move the Durham Tech Expansion Project Phase 2 up to Year 2	\$ 14,000,000	\$ 14,000,000
Durham Tech Expansion Project	Move the Durham Tech Expansion Project Phase 3 up to Year 3	\$ 11,547,911	\$ 11,547,911
	Total	\$ 26,547,911	\$ 26,547,911

**Capital Investment Plan Amendments
Amendments Adopted 6/9 – page 3**

Amendment	Total Expenditure Amount	Adopted Amendments	Notes
Delay the following CIP projects from Year 1 (FY 20-21) to Years 6-10			
Roofing Projects - Library Design	\$ (25,000)	\$ (25,000)	<i>Project Withdrawn by Staff</i>
EMS Substation - Morgue Project	\$ (675,000)	\$ (675,000)	<i>Project Budget Reduced to \$525,000</i>
Blackwood Farm Park	\$ (350,000)	\$ (350,000)	<i>Remediate and Rehabilitate Farm House</i>
IT - Infrastructure, Laptop/Desktop Replacements, Connectivity	\$ (900,000)	\$ (500,000)	<i>\$934,500 Total Budget</i>
Vehicle Replacements	\$ (250,000)	\$ (250,000)	<i>Financed Replacements</i>
• Why are the future years important?	\$ (2,200,000)	\$ (1,800,000)	

Purpose of Future Years – page 4

Board approves Year 1 as the Capital Budget for that fiscal year

– Future years remain flexible to adapt to changing needs, circumstances, and Board priorities

– Long Range Financial Planning

- Debt to General Fund Revenue Policy
- Implications for Debt Service requirements and the overall expenditure and revenue plan

– Project Management

- Resolve project contingencies prior to appropriation
- Create staffing plan to manage future projects

Capital Investment Plan Amendments – page 5

Debt Service to General Fund Revenue Analysis 15% Policy Target				
Year	Recommended CIP	6/9 Approved Amendments	All Proposed Amendments	
2021	14.12%	14.12%	14.12%	
2022	16.43%	16.40%	16.41%	
2023	16.19%	16.25%	16.15%	
2024	16.22%	16.69%	16.29%	
2025	15.18%	15.90%	15.20%	
2026	14.44%	15.13%	14.31%	

Capital Investment Plan Amendments – page 6

Tax Equivalent Debt Service Analysis in Cents per \$100 Valuation			
Year	Recommended CIP	Approved 6/9 Amendments	All Proposed Amendments
2021	1.37 Delayed with Emergency Measures	1.37 Delayed with Emergency Measures	1.37 Delayed with Emergency Measures
2022	3.48	3.44	3.44
2023	-	0.11	-
2024	0.36	1.01	0.48
2025	-	-	-
TOTAL	5.21	5.93	5.29

Capital Investment Plan Amendments – page 7

Amendment	Total Expenditure Amount	Proposed Amendment	Amendment Impact
Delay the following CIP project from Year 2 (FY 21-22) to Years 6-10			
Soccer.com	\$ (4,589,000)	\$ (4,589,000)	<ul style="list-style-type: none"> • Delays field expansion, parking improvements, and restrooms • Reduces ability to attract large scale tournaments • Due to schedule, project would be delayed to year 3
Some IT Infrastructure - Infrastructure, County Fiber	\$ (1,500,000)	\$ (1,500,000)	<ul style="list-style-type: none"> • \$1.16 million proposed to extend County owned fiber to Southern OC Facilities • Remaining \$340,000 from Laptop/Desktop Replacements • Aging Report indicates 279 devices (25%) 7-9 years old; 370 devices (33%) 5-6 years old. • Devices age out of warranty at year 4.

Capital Investment Plan Amendments – page 8

Amendment	Total Expenditure Amount	Proposed Amendment	Amendment Impact
Delay the following CIP project from Year 2 (FY 21-22) to Years 6-10			
Lands Legacy	\$ (500,000)	\$ (250,000)	<ul style="list-style-type: none"> • County financing \$250,000 • \$1.83 million project balance • \$1.5 million expected to be used in FY2020-21 as

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Capital Investment Plan Amendments – page 9

Amendment	Total Expenditure Amount	Proposed Amendment	Amendment Impact
Delay the following CIP project from Year 2 (FY 21-22) to Years 6-10			
Twin Creeks Park	\$ (220,000)	\$ (220,000)	<ul style="list-style-type: none"> • <i>Engineering and pre-construction drawings</i> • <i>Southern roadway may be advancing but no current timeline</i>
Old Courthouse Square - Exterior Restoration	\$ (220,000)	\$ (200,000)	<ul style="list-style-type: none"> • <i>Amendment preserves \$20,000 for Architect/Structural Engineer</i> • <i>Delays removal of plantings, brick restoration, drainage improvements, portico brick restoration, roof system work on SE corner</i> • <i>Restoration work has no impact on building integrity; \$50,000 roof correction would be prioritized</i>
Vehicle Replacements	\$ (250,000)	\$ (250,000)	<ul style="list-style-type: none"> • <i>\$1.1 million total budget</i> • <i>23% reduction in Sheriff vehicles and Emergency Services vehicles</i>
Total	\$ (8,079,526)	\$ (7,559,526)	

Capital Investment Plan Amendments – page 10

Amendment	Total Expenditure Amount	Proposed Amendment	Amendment Impact
Delay the following CIP projects from Year 3 (FY 22-23) to Years 6-10:			
Millhouse Road Park	\$ (6,400,000)	\$ (3,200,000)	<ul style="list-style-type: none"> • <i>Joint project with Town of Chapel Hill</i> • <i>No current Master Plan</i> • <i>Chapel Hill staff has acknowledged the proposed project delay</i>

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Commissioner McKee asked if clarification could be provided regarding the wording of “Chapel Hill staff has acknowledged”.

Travis Myren said the County chose those words carefully. He said staff does not know what the Town Council may think, but this project is included in year 3 of the Town’s CIP. He said the County has informed the Town that this may be a possibility, but that is all he can say about that.

Commissioner Price referred to the Conversation Easements, and asked if this is just in year one.

Travis Myren said this would be the year 3 amount.

Commissioner Price said it would not be in year 1 or 2, even though the County gets this money every year.

Bonnie Hammersley said the County has been putting money in every other year.

Travis Myren said, based on that cadence, the next opportunity would be year 5. He resumed the presentation:

Capital Investment Plan Amendments – page 11

Amendment	Total Expenditure Amount	Proposed Amendment	Amendment Impact
Delay the following CIP projects from Year 3 (FY 22-23) to Years 6-10:			
Old Courthouse Square	\$ (390,000)	\$ (390,000)	<ul style="list-style-type: none"> • Delays finish carpentry and storm windows, landscaping and plantings • Stone sidewalk repair/ADA improvements (\$40,000)
IT - Infrastructure, Laptop/Desktop Replacements, Cyber Security	\$ (748,385)	\$ (748,385)	<ul style="list-style-type: none"> • Delays Cybersecurity (\$100,000), infrastructure (\$254,616), Laptop Replacements (\$393,769) • Aging report indicates 12 devices (1%) 10-14 years old, 546 devices (48%) 7-9 years old, 348 devices (31%) 5-6 years old assuming Year 2 funding is reduced.
Vehicle Replacements	\$ (250,000)	\$ (250,000)	<ul style="list-style-type: none"> • \$933,592 total budget • 27% reduction in Sheriff vehicles and Emergency Services vehicles
Total	\$ (12,868,385)	\$ (9,168,385)	

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Commissioner Marcoplos asked if there are implications for delaying the cyber security investment.

Travis Myren said that item is a high priority item, and if not funded in the CIP, staff would probably seek to find operating budget funds instead. He resumed the presentation:

Capital Investment Plan Amendments – page 12

Amendment	Total Expenditure Amount	Proposed Amendment	Amendment Impact
Delay the following CIP projects from Year 4 (FY 23-24) to Years 6-10:			
EMS Substation - New Standalone Facility in Northern Corridor	\$ (4,000,000)	\$ (4,000,000)	• <i>No current site identified</i>
Total	\$ (4,000,000)	\$ (4,000,000)	
Delay the following CIP projects from Year 5 (FY 24-25) to Years 6-10:			
Facility Safety and Accessibility Projects - Fire Alarm System Upgrades	\$ (1,095,980)	\$ (1,095,980)	• <i>Delays 16 fire alarm system upgrades in various facilities by one year</i>
Lake Orange Dam - Intake Tower and De-mucking	\$ (1,900,000)	\$ (1,900,000)	• <i>Delays Intake Tower De-mucking one year</i>
HVAC Projects - New Courthouse HVAC Replacement	\$ (124,020)	\$ (124,020)	• <i>Delays HVAC replacement one year</i>
Total	\$ (3,120,000)	\$ (3,120,000)	
Grand Total CIP Projects Delayed	\$ (30,267,911)	\$ (25,647,911)	

Travis Myren said Commissioner Marcoplos asked about the impact of improving response times in the northern corridor, and he said the new EMS substation would improve efficiency by 3 minutes. He resumed the presentation:

Capital Investment Plan Amendments – page 13

Debt Service to General Fund Revenue Analysis 15% Policy Target			
Year	Recommended CIP	6/9 Approved Amendments	All Proposed Amendments
2021	14.12%	14.12%	14.12%
2022	16.43%	16.40%	16.41%
2023	16.19%	16.25%	16.15%
2024	16.22%	16.69%	16.29%
2025	15.18%	15.90%	15.20%
2026	14.44%	15.13%	14.31%

Capital Investment Plan Amendments – page 14

Tax Equivalent Debt Service Analysis in Cents per \$100 Valuation			
Year	Recommended CIP	Approved 6/9 Amendments	All Proposed Amendments
2021	1.37 Delayed with Emergency Measures	1.37 Delayed with Emergency Measures	1.37 Delayed with Emergency Measures
2022	3.48	3.44	3.44
2023	-	0.11	-
2024	0.36	1.01	0.48
2025	-	-	-
TOTAL	5.21	5.93	5.29

RECOMMENDATION(S): The Manager recommends that the Board continue its discussion of the FY2020-2025 Capital Investment Plan and provide direction to staff to finalize the Plan.

Commissioner Marcoplos asked if a channel repair could be defined.

Travis Myren said he is not a dam expert, but he would assume it improves flow through the channel.

Commissioner Marcoplos said it is his understanding that without the repair there could be flooding and property damage, and he wondered if this is accurate.

Travis Myren said he would get that information.

Commissioner McKee said it is an undermining of the spillway.

1 Commissioner Greene asked if she could have some clarification on the conservation
2 easements. She clarified that in year 2, \$250,000 can be financed by the County, but she is
3 unclear about year 3.

4 Travis Myren said the County is currently funding conversation easements every other
5 year, and the next year in the sequence would be year 3. He said the County would fund them
6 this year, not next year, and then again in year 3, etc.

7 Commissioner Greene said there is \$250,000 specified in year 2.

8 Bonnie Hammersley said that funding is for Lands Legacy.

9 Commissioner Dorosin said it might be good to zoom out, and be reminded why this
10 came back. He said at the end of the budget season, the Board voted to move up the Durham
11 Tech project. He said there would be offsetting delays in the CIP to make it revenue neutral,
12 and not raise taxes. He said the year one amount was \$1 million added, and the Board voted to
13 find the savings for year 1. He said the issue before the Board currently is figuring out savings
14 for years 2 and 3. He said the slideshow indicates proposals from him and Commissioner Price,
15 some of which they agreed on and others they did not.

16 Commissioner Dorosin said the intent of moving forward with Durham Tech is to have no
17 additional costs moving forward. He said the other thing to remember is the Board will have to
18 do this every spring, and all projects will be funded based on actuals revenues and costs. He
19 said he hopes the Board can support this Durham Tech item, which is consistent with the
20 Board's critical mission focus on education in this County.

21 Commissioner McKee said he would like to hear other comments before he proceeds
22 with making his comments or recommendation to the Board.

23 Commissioner Price echoed Commissioner Dorosin's comments, and sees this as an
24 investment opportunity. She asked if the impact of delaying the replacement of older vehicles,
25 and if employees will still be safe. She said she is feeling nervous about putting off the
26 technology needs.

27 Commissioner Marcoplos said a lot of these items would spark public interest, and he
28 asked if the BOCC is able to inform/receive input from the public. He said it is important to
29 engage the public.

30 Chair Rich said this would have to come back during a regular meeting, and the public
31 would have a chance to weigh in then.

32 Chair Rich asked if the Board could go back through the slideshow, item by item.

33 Commissioner Dorosin said the goal is to make things balance, and staff has identified
34 projects that were included erroneously, or projects that can be delayed. He asked if there are
35 items that are not on this list that should be considered.

36 Bonnie Hammersley said staff went back through the CIP, and this is everything in the
37 CIP.

38 39 **Soccer.com**

40 Commissioner McKee asked if the Board votes to delay this, the project will be moved
41 from year 2 to the out years in order to accommodate the Durham Tech project.

42 Bonnie Hammersely said yes.

43 Commissioner Dorosin said soccer.com is already being delayed to year 3.

44 Commissioner McKee said he has no issue with moving this project out.

45 Commissioner Marcoplos said he would like more information. He said this is a wildly
46 popular resource and delaying it could have economic and recreational impact. He said he is
47 60% in favor of delaying soccer.com.

48 Commissioner Bedford said she is still not convinced that Durham Tech should be
49 moved up to years 1, 2 and 3, and she will vote no to delaying soccer.com. She said the
50 County is beginning a facilities study and does not know what resources will come available,
51 and higher education is in flux, due to Covid, and it would be wise to just wait. She said the

1 Durham Tech project is not worth putting the County in a financial bind. She said the prior Board
 2 set aside \$2 million for land banking for mobile home residents, with \$300,000 having been
 3 used. She said she would be open to identifying some of the remaining \$1.7 million to move
 4 forward with Durham Tech.

5 Commissioner Price asked if staff has an understanding from soccer.com as to the
 6 impact of delaying this project.

7 Bonnie Hammersley said the County will not be able to attract the larger soccer
 8 tournaments. She said soccer.com has naming rights to the facility, but the County does all the
 9 day-to-day management, and does not go through soccer.com for anything.

10 David Stancil, Environment, Agriculture, Parks and Recreation (DEAPR) Director, said
 11 the current soccer fields are very active, and maxed out in every way. He said the expansion
 12 would allow the facility to go to the next level. He said the delay would move the expansion out
 13 to year 6 to 10.

14 Chair Rich asked if a public private partnership would be possible.

15 David Stancil said it is a possible on a limited scale. He said the amount of funding
 16 would not be large.

21 IT Infrastructure

22 Commissioner McKee said the Board should not delay the infrastructure project. He
 23 said this directly affects the petition he made last week about expanding broadband, and the
 24 County does not want to get behind on software.

25 Commissioner Price said she was concerned about the replacement schedule being
 26 delayed, and good equipment is needed for County employees. She said she is willing to delay
 27 the fiber, but would want to keep current with aging equipment.

28 Commissioner Dorosin echoed those comments, and recommending keeping the \$1.6
 29 million cut, and split the computer replacements between two years.

30 Commissioner Greene said she agreed with Commissioner Dorosin and Commissioner
 31 Price.

33 Lands Legacy

34 Commissioner Marcoplos said he would not be able to support delaying lands legacy.

35 Commissioner Greene asked if \$250,000 is restored through County financing.

36 Bonnie Hammersley said everything in the CIP is financed, and the chart is just saying
 37 that of the \$500,000, the County is responsible for \$250,000, which would be financed.

38 Commissioner Greene said she would oppose the delay.

39 Commissioner Dorosin said this item has a \$1.8 million balance, and the delay is not
 40 tantamount to abandoning the program. He said the County will continue to be committed to
 41 this project, and a one-time delay is not significant.

42 Commissioner Price said there is a balance, but it is her understanding that that balance
 43 is going to be used this fiscal year.

44 Travis Myren said it all depends on the Board moving forward with the property
 45 acquisition. He said if the Board does so, then there would be \$300,000 remaining.

46 Commissioner Price asked if there is an update on this project.

47 Travis Myren said the grant has been awarded, and now the County would need to
 48 follow through with the land acquisition.

49 Commissioner Price asked if the County has identified properties to acquire.

50 Travis Myren said yes.

1 Commissioner Price said she would want to keep this in, as it is directly related to
2 climate change issues.

3 Commissioner McKee said this project is of high value, and should not be delayed.

4 Commissioner Greene said she appreciates Commissioners Dorosin's point. She said it
5 is only \$250,000, and she thinks there has to be a work around. She said the members of the
6 public think the BOCC wants to kill the Lands Legacy, which is not accurate

7 Chair Rich said she would like to find the \$250,000 somewhere else. She said Lands
8 Legacy was on a bond way back when, and when residents vote on a bond, she feels the
9 BOCC should spend the money as it said it would. She said perhaps the Board can use some
10 of the \$1.7 million referenced by Commissioner Bedford.

11 Commissioner Dorosin said for the record that this is no longer bond money.

12 Bonnie Hammersley said that is correct.

13 Chair Rich apologized, and asked how the County adds money to Lands Legacy.

14 Travis Myren said this would be the first time the County has added money, and would
15 be a multiyear effort to replenish this fund.

16 Bonnie Hammersley said when staff brings this back, it will present 2 options for further
17 discussion, based on objections heard tonight.

18 Commissioner Price clarified that there are not enough BOCC members wanting to take
19 this off.

20 Chair Rich said yes, and staff will bring back options.

21 Commissioner Price said she wants to save Lands Legacy.

22 Bonnie Hammersley said that is what staff is hearing as the majority opinion at this time.

23 24 **Lake Orange Dam**

25 Travis Myren said this is a painting job and has nothing to do with the structural integrity.

26 Chair Rich said to move on.

27 28 **Little River Park – Phase 2**

29 Bonnie Hammersley said this park is in Durham and Orange counties, but Orange
30 County manages all operations. She said staff informed Durham County that Orange County
31 would be delaying this project, and Durham County understood.

32 Travis Myren said staff would want to move forward with \$50,000 in road repairs.

33 David Stancil said the actual total is \$100,000 with the costs being split between to the
34 two counties.

35 36 **Twin Creeks**

37 Commissioner Marcoplos said Twins Creek has been promised for a long, long time,
38 and he has a hard time telling the public it will be delayed even further.

39 Commissioner Price said she was on the committee for this park way back when, but
40 she does not know where it stands at this point. She expressed she does not have a problem
41 delaying this project, and would suggest staff get an update on this project.

42 David Stancil said there is an adopted master plan, but it is 10-15 years old. He said
43 there has been conversations with Carrboro about the road at the southern end of the property.
44 He said these particular funds are design and engineering funds for year 3 of the project. He
45 said this project has been delayed, but it also has other obstacles to overcome.

46 47 **Old Courthouse Square**

48 Travis Myren said this is repair funding, and staff would prioritize the roof.

49 There were no comments.

50 51 **Vehicle Replacements**

1 Commissioner Price said she would like to know how old the vehicles that would be
2 replaced.

3 Travis Myren said he would get more information.
4

5 **Millhouse Road Park**

6 Chair Rich said this land is owned by the County, and is not within the Town of Chapel
7 Hill City limits.

8 There were no Board comments.
9

10 **Twin Creeks**

11 Travis Myren said this is construction money that was tied to engineering cost in the
12 previous slide.

13 Commissioner Marcoplos said delaying this item would push the start of construction to
14 20 years after the original plan was thought up. He said this item has been pushed too many
15 times.
16

17 **Conservation Easements**

18 Commissioner Greene said she is clear on this issue now, but does not want to see
19 them go.

20 Commissioner Marcoplos agreed.

21 Commissioner Price asked if there are projects in the queue where this money would be
22 needed.

23 David Stencil said there are about 12 farms that are interested in pursuing easements,
24 and this project has always moved at the speed of funds available, which has been faster at
25 some times than others. He said there is \$500,000 approved in the current year, and this would
26 be the next installment in year 3.

27 Commissioner Price said the County gets a match from the state, and has properties
28 interested in the program. She asked if all those interested can be executed this year, or would
29 they have to carry over.

30 David Stencil said there is never enough money to meet the interest, and so they carry
31 over from year to year and move forward as funds are available.

32 Commissioner Greene said the Board has not heard from her recently about her
33 participation in the Upper Neuse River Basin Authority (UNRBA), but she will have an update
34 shortly. She said the County will be faced with a decision on how to go forward with a realistic
35 plan to fulfill the County's obligation of improving the water quality of Falls Lake. She said
36 hopefully the State authority will buy off on it, and allow the County to count the conservation of
37 land as credit towards debt that is owed. She said that is an additional reason why she was not
38 in favor of losing this money in this fiscal year.

39 Travis Myren said he is hearing a mixed bag of votes.

40 Commissioner Dorosin said the Board funds this program every other year, and will
41 continue to do so moving forward. He said it is a question of balancing priorities, and making
42 tough decisions.

43 Chair Rich said she agrees with Commissioner Dorosin, and feels a great deal has been
44 accomplished. She said she would not mind delaying this item, but is hearing mixed opinions
45 from the Board.

46 Commissioner McKee said this is an example of every \$2 spent costs the County \$1.
47 He said these conservation easements started off very sketchy and slowly, as there was
48 concern about the entire program, but it has increased in popularity over the years, and has
49 conserved as much, if not more, land than Lands Legacy.

50 Chair Rich echoed Commissioner Dorosin's comments about being able to bring this
51 back in year 3.

1 Commissioner McKee said he cannot argue with that, but feels the County must be
2 careful about delaying items where full blown partners are picking up half the cost, and a
3 program that has become well respected and trusted.

4 Commissioner Price said this is a really important program, and a great deal of effort has
5 been put into it. She said losing the momentum now would be a shame. She said Durham
6 Tech would help people, but the County needs to continue helping the farming community.

7 Commissioner Greene thanked Commissioner McKee for his perspective.
8

9 **Blackwood Farm Park**

10 David Stancil said the nature center is part of the park master plan, but it is not part of
11 the construction project that has already been approved. He said staff is still working with
12 several organizations to help fund at least 50% of the nature center, but there are no
13 commitments as yet.

14 Chair Rich said it sounds like a good one to delay.
15

16 **Old Courthouse**

17 Travis Myren said if staff were to prioritize one part, it would be the stone sidewalk
18 repair.

19 Commissioner Greene asked if the Old Courthouse is ADA accessible.

20 Travis Myren said it is compliant, but someone with mobility issues would have a difficult
21 time navigating this portion of the sidewalk.

22 Commissioner Greene said there are other ways to access the building.
23

24 **IT – infrastructure**

25 Commissioner McKee said he does not support a delay, and wants to avoid a crisis.

26 Commissioner Marcoplos said he liked Commissioner Dorosin's comments before about
27 delaying a portion of the amendment. He said some of these funds could be available. He said
28 delaying the cyber security could be a problem, and he would like more details.

29 Commissioner Dorosin said the numbers on this slide presumed there are no
30 replacements in the earlier years. He said the numbers would change if the Board replaced the
31 oldest ones in year 2.

32 Commissioner Greene said she is also concerned about the cyber security, and would
33 prefer not to delay that portion.

34 Commissioner Price said she would not want to delay the cyber security either.

35 Travis Myren said these issues walk hand in hand. He said if the Board moves forward
36 with cyber security, then the \$254,000 would follow.

37 Commissioner McKee said he is favor of this.

38 Chair Rich said it is \$354,000 by keeping the items together.

39 Commissioner Price said if the County is attacked, it will be far more expensive in the
40 long run. She said the previous attack took weeks to mitigate.

41 Travis Myren said the last attack led to a few days of total shut down, but took months to
42 fully clean up.

43 Commissioner McKee said, for better or worse, everyone is wholly dependent on
44 devices, and the County cannot delay. He said it is important to remain on an IT schedule.

45 Commissioner Marcoplos said he is reticent to delay, but he is open to persuasion. He
46 said he is just scratching the surface on his knowledge level, and he reserves the right to hear
47 more information and possibly be persuaded.

48 Chair Rich said this looks divided at this time, and staff will bring back more information.
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50 **Vehicle Replacement**

51 Travis Myren said he would bring more information back.

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EMS Substation

Commissioner McKee said he is fine with delaying this project, and there is a successful colocation movement underfoot, and he is hesitant to build new stand-alone stations. He said the 3-minute savings may not be worth it.

Commissioner Marcoplos said he would like to learn more, and 3 minutes can make a huge difference. He said he would like to see pros and cons.

Commissioner Dorosin echoed Commissioner McKee,
Chair Rich echoed Commissioner McKee.

Commissioner Price said she would like more information before making a decision.

Chair Rich said staff can bring back more information.

Bonnie Hammersley said this is a very uncertain item, as no site has been identified, and there will be a leadership change.

Chair Rich said it seems the Board is leaning towards a delay.

Chair Rich asked if this entire item needs to come back to another work session, or it is ready for a regular Business Meeting.

Travis Myren said staff will look at it and see where it best fits.

Commissioner McKee said the BOCC moved Durham Tech to years 1, 2 and 3, and asked if the original years for this item could be identified.

Travis Myren said years 6-10.

Bonnie Hammersley said her recommendation was years 6-10, because it might have become part of a bond.

Commissioner McKee asked for the Board's indulgence in his comments. He said Durham Tech is an integral part of the education system in Orange County. He said he has supported it for 10 years. He said the County is facing a full-blown crisis, which could affect a generation of students, and despite the very best efforts of the school systems and teachers, the most vulnerable of students are not currently receiving a good education. He said the children with parents who can afford a tutor, or have a parent who can stay home, will be fine; but the students whose parents who are working two jobs, lack the technical ability to help their children, and those children with special needs are going to fall behind drastically. He said the BOCC must address this discrepancy. He recommended returning Durham Tech to years 6-10, and taking the funding associated with it and reallocating it to any necessary infrastructure to ensure that every house has broadband. He said there are students who have to do their work in a car in a school parking lot, which is unforgivable.

Commissioner McKee asked if Durham Tech could be repositioned to its original years of 6-10, and use the funds to ensure broadband availability in Orange County.

Commissioner Bedford said she agreed with Commissioner McKee that broadband for all is a greater need, but does not know if the County can be involved in such activity.

Commissioner McKee said as he understands the County can build towers, can lay fiber, and then present the infrastructure to a carrier, as the County cannot operate it. He asked if the Attorney could verify this information.

John Roberts said he is hearing a recommendation to build infrastructure, at the County's expense, and then to give it a provider to operate. He said he does not think there is legal authority to do this. He said the Fiber Act did not pass, which would have allowed for counties and cities to build infrastructure and lease it to service providers. He said without the authority to do so, the County can only give grants to service providers and hope they will build. He said grants could be an option.

Commissioner Price said Durham Tech was pushed out to year 6, and the Board started looking for another building for the Orange County campus years ago. She said this is not a new project.

1 Commissioner Dorosin said he is the current commissioner on Durham Tech (DT)
2 Board. He said the new DT president has made a commitment to focus on Orange County,
3 which makes the project all the more urgent.

4 Commissioner Dorosin referred to Commissioner McKee's proposal, and the troubles
5 with accessing online learning. He agreed with the assessment about students being hurt by
6 the current situation, but he has a lot of concerns with the County building this infrastructure and
7 then giving it away with the hope that companies would provide services to residents. He said
8 there is renewed focus at the Governor's office on expansion of broadband. He said the
9 Durham Tech project is critical. He said he would be interested in learning more about
10 Commissioner McKee's idea, but there is not enough information to push such a project forward
11 without more information.

12 Chair Rich said she has been working with the Legislature and Jim Northrup, Chief
13 Information Officer, and it continues to get harder and harder to make progress. She said the
14 Governor has put money on the table for immediate Internet access, but there is a bigger issue
15 as Commissioner McKee said. She said the red tape is ridiculous, but she feels uncomfortable
16 building infrastructure and then giving it away. She said broadband should be a utility.

17 Chair Rich referenced a study that Katie Loois did for a study skills center, which is in
18 need of a building space. She said providing the DT space seems important and timely, and
19 she would like to find a way to work out the budget.

20 Commissioner McKee said he is well aware that this is a long-term problem. He said he
21 is old enough to remember separate but equal, and regardless of the issue, he never wants to
22 return to that way of practicing education. He said everyone is essentially held hostage to the
23 screens, and it is wrong to prioritize building a building when students are sitting outside trying
24 to access schoolwork. He said he understands the importance getting Durham Tech up to
25 speed, but students are losing a full year of education because they do not have Internet.

26 Commissioner Marcoplos said Commissioner McKee made a very ambitious proposal,
27 and raised many questions. He said he would like to let the election happen, and see if there is
28 a Democrat majority in the legislature that will allow municipalities to control the internet. He
29 said that is the end goal, and by next spring there should be more information.

30 Chair Rich said Durham Tech still has the Boards' support of keeping it in years 1-3.

31 Commissioner McKee said he just wants to start the discussion. He said his short-term
32 solution is to fund hotspots for students. He said he would like to find \$150,000-\$200,000 to
33 purchase additional hotspots.

34 Chair Rich said Commissioner McKee's numbers are not matching up with what the
35 schools have reported. She said 400 hot spots have been received, and staff can follow up.
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37

38 **3. Discussion Regarding the Membership Composition of the Planned Committee to** 39 **Examine the Election Method for Members of the Orange County Board of** 40 **Commissioners**

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42 **PURPOSE:** To discuss the membership composition of the planned committee to be appointed
43 to make recommendations on the election method for members of the Orange County Board of
44 Commissioners.
45

46 **BACKGROUND:** At the Board of Commissioners' April 7, 2020 Virtual Business meeting, a
47 petition was voiced that the Board discuss and potentially change a portion of the process under
48 which some or all Board members are elected.
49

50 The Board subsequently discussed the issue at its May 5, 2020 Virtual Business meeting and
51 voted to:

- 1) Establish a committee to study alternative methods of election;
- 2) Select members for the committee no later than January 31, 2021;
- 3) Have the committee review options and report back by July 31, 2021; and
- 4) For the Board to review the recommendations, and if necessary conduct public hearings and make a decision in time for the March 2022 primary election.

CURRENT CONSIDERATION

This item is presented for the Board to discuss the membership composition of the proposed committee. During the May 5th meeting, there was discussion that the group should consist of experts, residents, nonprofits, etc., but there was not consensus. There was, however, consensus that the Board of Commissioners, as constituted after December 7, 2020 should decide on the ultimate individual appointees to the committee.

Staff seeks direction from the Board on:

- the total number of members the committee should include;
- whether the committee should consist entirely of residents;
- whether election or other experts will be considered/appointed;
- whether there should be representation from nonprofit entities;
- whether there will be a formal application process; and
- any other details regarding the establishment of the committee.

Assuming there is an application process, a formal determination now of the general consistency and number of members of the committee will allow the Clerk's office to begin soliciting membership applications and should allow for a sizeable pool of candidates for the Board to review by December 7, 2020, with appointments made by the January 31, 2021 deadline.

RECOMMENDATION(S): The Manager recommends the Board discuss the nature of the committee to be established based on the considerations noted above and provide direction to staff.

John Roberts said this committee will be appointed by the new Board in December. He said the goal this evening is to determine the number of committee members, the type of qualifications, residency, etc.

Commissioner Dorosin said he would like to see a committee of approximately 12-15 residents, with an application process that strives for demographic and geographic diversity. He would like the committee members to determine the need for experts.

Chair Rich restated the committee dates in the abstract.

Commissioner Greene said she likes Commissioner Dorosin's comments, and likes an application. She said there are a lot of educated people in this community.

Commissioner Bedford said the Board may want to have a member of the County Attorney's Office on the committee. She said a Board of Elections staff member may be a conflict of interest, but it might be wise to suggest resources for appropriate input such as the School of Government.

David Hunt asked if these committee members will be at-large positions, with the BOCC seeking to secure diversity.

Chair Rich said she would not even say at large, but just seek those interested in being on the committee. She said the Commissioners would review applications and make sure the appropriate balance is present. She said the BOCC does need to determine what is included on the application.

1 Commissioner Price asked if there is a timeline for the application being created.
 2 Chair Rich said the Clerk's Office could pull together an application that solicits basic
 3 information.

4 Commissioner Bedford asked if the basic advisory board application could be tweaked
 5 for this use.

6 Thom Freeman-Stuart, Assistant Deputy Clerk I, asked if the current application could be
 7 used.

8 Chair Rich said she expects so.

9 Commissioner Marcoplos asked if the BOCC could look back at how prior committees
 10 were formed to do this work.

11 Chair Rich said staff will follow up on this process.

12

13 **4. Discussion of Travel Policies and Procedures for the Board of County** 14 **Commissioners**

15

16 **PURPOSE:** To discuss appropriate guidelines for travel and transportation required of elected
 17 officials conducting business for Orange County.

18

19 **BACKGROUND:** The County has established policy and procedures for the purposes of
 20 authorizing and providing funds for County employees to travel for County business. These
 21 policy and procedures are approved by the Chief Financial Officer (CFO), administered by the
 22 Finance and Administrative Services department, and reviewed regularly. The policy and
 23 procedures apply to all Orange County departments and employees, except departments of
 24 elected officials. Elected officials may choose to follow the County's policy and procedures or
 25 develop an alternate policy.

26

27 The School of Government (SOG) at University of North Carolina at Chapel Hill encourages
 28 local governments to establish a County Commissioner/Elected Official travel policy as a best
 29 practice and for accountability.

30

31 Over the years, the Clerk to the Board's Office has included travel guidelines as part of the new
 32 Commissioners' orientation guide and revised those guidelines as appropriate.

33

34 Each County Commissioner receives a monthly car allowance of \$200 for in-state travel.

35

36 Note: The current annual operating budget does not include funding for travel and/or training
 37 items outside of the monthly car allowance.

38

39 Chair Rich presented the following County Commissioner Travel Policy:

40

41 **Draft County Commissioner Travel Policy** 42 **(Excerpt from BOCC Orientation Guide)**

43

44 Purpose: This policy establishes appropriate guidelines for travel and transportation required of
 45 elected officials conducting business for Orange County.

46

47 All travel and training for the Orange County Board of Commissioners (BOCC) will be budgeted
 48 as part of the Clerk to the Board's departmental budget. Please contact the Clerk to the Board
 49 and/or the Office Manager by phone or email if you have any questions or need assistance.

50

1 All county incurred expenses should be paid for by using your assigned County procurement
 2 card (p-card). Please remember, all financial transactions are considered Public Record and are
 3 subject to be requested and viewed.

4
 5 **Monthly Car Allowance**

6 Covers the following items in relation to business of Orange County:

- 7 • Use of personal vehicle/gas/miles driven within North Carolina

8
 9 **Transportation (Outside of Orange County)**

10 Detailed receipts must be submitted to the Office Manager.

11 *Please indicate on the receipt the date and purpose.*

- 12 • A County vehicle may be available, and can be reserved upon request utilizing the
 13 County's CarShare
 14 program: <https://intranet.orangecountync.gov/Transportation/CarShare.asp>
- 15 • Other modes of transportation - travel by airplane, rental vehicle, taxi, etc. will be paid at
 16 actual cost using your p-card.
- 17 • Other travel related costs such as gas, parking fees and tolls will be paid at actual cost
 18 using your p-card.

19
 20 **Meals**

21 Detailed receipts must be submitted to the Office Manager.

22 *Please indicate on the receipt the date(s), meal selection (Breakfast, Lunch, or Dinner), event
 23 name, and purpose.*

- 24 • Outside of Orange County – expenses related to meals and non-alcoholic beverages
 25 should be purchased using your County assigned p-card.
- 26 • Meals within Orange County - only meals related to serving the public at "official
 27 functions" are eligible for reimbursement (Examples of "official functions" may include
 28 but not limited to: Mayors and Commissioner Meetings, Peer Elected Official/Staff
 29 Meetings). Meals other than those for "official functions" that are purchased within
 30 Orange County solely for the convenience of the traveler are not eligible for
 31 reimbursement.
- 32 • Tips related to eligible meals as outlined above should be paid for by using your County
 33 assigned p-card.
- 34 • Tips for hospitality services (maid service, bellhop, etc.) should be paid for by using your
 35 County assigned p-card.

36
 37 **Hotel & Lodging (Outside of Orange County)**

38 Detailed receipts must be submitted to the Office Manager.

39 *Please indicate on the receipt the date(s), event name, and purpose.*

- 40 • Payment will be made for actual costs (including deposits and taxes) using your County
 41 assigned p-card.
- 42 • Reimbursement will not be made for hotel & lodging within Orange County.

43
 44 **Other Costs**

45 The Clerk's Office will handle transactions related to travel and/or training such as event
 46 registrations, conference materials, educational literature, etc. Please contact the Office
 47 Manager to coordinate any anticipated travel or training/registration requests. A detailed receipt
 48 must be submitted to the Office Manager if you chose to purchase materials, event registrations,
 49 etc. on your own.

50

1 **Travel Advance**

- 2 • Travel advances and stipends are not permitted. Please use your County assigned p-
3 card for travel related purchases.
4

5 **Budget**

- 6 • The Clerk's Office will budget for County Commissioners' travel and training each fiscal
7 year.
8 • For accountability purposes, a detailed financial report will be provided to the Board of
9 County Commissioners quarterly regarding travel/training expenses incurred by each
10 Commissioner
11 • Please contact the Clerk to the Board and/or the Assistant Deputy Clerk I – Office
12 Manager to confirm the availability of travel and/or training budgets.
13

14 **RECOMMENDATION(S):** The Manager recommends that the Board review and discuss the
15 proposed County Commissioner Travel Policy and provide direction to staff, as appropriate.
16

17 Chair Rich reminded the Board that Donna Baker worked on this draft over the summer,
18 reaching out to other clerks around the state, and seeking to gather best practices.

19 Commissioner Marcoplos referred to the monthly car allowance, which covers usage in
20 North Carolina, for travel outside of Orange County, and said one of those needs to change. He
21 said it makes sense for the allowance to go to travel within Orange and immediately surrounding
22 counties.

23 Chair Rich said the intent behind the monthly allowance is to cover anything within North
24 Carolina, and if one goes out of State, then one can ask to use a County vehicle, or using your
25 procurement card for gas.

26 Commissioner Marcoplos said it should state outside of North Carolina. He said North
27 Carolina is fairly wide, and not very tall, and a trip to Asheville is quite far. He said \$200 can get
28 used up pretty quickly, and suggested the Board look at this again to insure financial
29 consistency.

30 Commissioner Price said the Board should establish a radius from one's home, or
31 certain counties for travel. She said distances vary depending from where one starts. She said
32 Virginia is much closer than certain parts of North Carolina, and she would favor a mileage
33 radius from one's home for travel calculations.

34 Commissioner Greene said she felt Commissioner Price's suggestion might be hard to
35 to administer. She said it could be limited to the seven Triangle J counties, as parts of the State
36 are far away. She said it may be more trouble than it is worth for the Clerk's Office to track.

37 Commissioner Price said the Commissioners would be responsible for keeping track.

38 Chair Rich said the School of Government did not advise tracking mileage. She said all
39 records are available to the public, and County Commissioners can always use a County car.

40 Commissioner Dorosin said \$200 a month is generous, and he doubts anyone uses that
41 much every year, and it likely offsets over the 12-month period. He said he has never had a job
42 with such a monthly allowance, and thinks it will all balance out in the end keeping the policy as
43 it is.

44 Commissioner Bedford said it is a generous policy, and agreed with Commissioner
45 Dorosin. She said it is easy for an auditor to audit, as well as the Finance Department, and the
46 Commissioners themselves.

47 Commissioner Bedford said there needs to be a budget amendment to cover the cost of
48 the new commissioners training at the School of Government.

49 Chair Rich said to change the wording under transportation that states "Outside of North
50 Carolina". She said all travel should be organized through the Clerk's Office.

1 Chair Rich said meals and other costs are the next section, and all purchases must be
 2 made through one's procurement card, so that there is a record of all purchases. She said she
 3 takes photos of her receipts, notes the purpose on the top, and sends it immediately to the
 4 Clerk's Office.

5 Chair Rich referred to a page 5 change, and said there was a wording error, and travel
 6 advances or stipends should not be given to any elected official.

7 Chair Rich said the new travel policy will be added to the New Commissioner Orientation
 8 Guide.

9
 10 **Appointments**

11 The current appointment process would be to move these agreed upon appointments to
 12 the next BOCC Business Meeting and they would be listed under the Consent Agenda. The
 13 next BOCC Business Meeting is scheduled for Tuesday, October 6, 2020.

14
 15 Advisory Board members who are to be re-appointed may continue to serve in their
 16 same capacity. Individuals who are new appointments may attend meetings, but will officially
 17 assume their participation on October 7, 2020.

18
 19 **5. Adult Care Home Community Advisory Committee – Appointment Discussion**

20
 21 A motion was made by Commissioner Dorosin, seconded by Commissioner Bedford to
 22 appoint the following people:

23
 24 Position #9 – Olivia Fisher

25 Position #11 – Marylou Gelblum

26 Position #12 – Karen Green-McElveen

27
 28 The Board agreed by consensus.

29 John Roberts said an official roll call can be done at the next business meeting.

30
 31 Commissioner Dorosin said no other applicants were selected for the training, and asked
 32 if the BOCC is responsible for selecting people for training.

33 Thom Freeman-Stuart said no, it is done in a separate process.

34
 35 **6. Advisory Board on Aging – Appointment Discussion**

36
 37 A motion was made by Commissioner Greene, seconded by Commissioner Price to
 38 appoint the following people:

39
 40 Position #1 – Rachel Bearman

41 Position #2 – Colin Austin

42
 43 The Board agreed by consensus.

44
 45 **7. Affordable Housing Advisory Board – Appointment Discussion**

46
 47 A motion was made by Commissioner Bedford, seconded by Commissioner Greene to
 48 appoint the following people:

49
 50 Position #2 – Andy Hoang

51 Position #5 – Mae McLendon

- 1 Position #8 – Allison Mahaley
- 2 Position #13 – Holly Meschko
- 3 Position #14 – Jenn Sykes

4
5 The Board agreed by consensus.

6
7
8 **8. Agricultural Preservation Board – Appointment Discussion**

9
10 A motion was made by Commissioner McKee, seconded by Commissioner Bedford to
11 appoint the following people:

- 12
13 Position #3 – Cecilia Redding

14
15 The Board agreed by consensus.

16
17
18 **9. Animal Services Advisory Board – Appointment Discussion**

19
20 A motion was made by Commissioner Bedford, seconded by Commissioner Price to
21 appoint the following people:

- 22
23 Position #1 – Dr. Lee Pickett
24 Position #10 – Lori Gershon
25 Position #12 – Allan Polak
26 Position #13 – Susan Spinks

27
28 The Board agreed by consensus.

29
30 Commissioner Dorosin asked if the requirement for the animal welfare position could be
31 identified. He said he would move Meggy Romic for either of the remaining positions.

32 Thom Freeman-Stuart said someone who volunteers, and is in the business of rescue
33 service.

34 Commissioner Price recommended Kim Odom, who is a Cedar Grove applicant
35 interested in the advocacy slot.

36 Commissioner Dorosin said she would also meet the non-municipal slot.

37 Commissioner Marcoplos said Dawn Roberts also meets the animal welfare slot.

38
39 Chair Rich asked to get these votes moved forward and reminded the Board of the
40 pending closed session item.

41
42 A motion was made by Commissioner Dorosin to recommended Meggy Romic as
43 Animal Advocacy. Position #11.

44
45 The Board agreed by consensus.

46
47 A motion was made by Commissioner Marcoplos, seconded by Commissioner Bedford
48 to appoint Dawn Roberts to position #8

49
50 The Board agreed by consensus.

51

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10. Animal Services Hearing Panel Pool – Appointment Discussion

Position #4 – to be determined by the BOCC

Chair Rich asked for input from Thom Freeman-Stuart.

Thom Freeman Stuart said this was a Town of Chapel Hill jurisdictional vacancy but the Town of Chapel Hill does not make any recommendations regarding this appointment.

Chair Rich asked if there was a candidate available from the Town of Chapel Hill jurisdiction.

Commissioner Price said she would recommend Mark Solomon.

Chair Rich said he was from Hillsborough.

Thom Freeman Stuart said Stacy Shinkle would be Chapel Hill, but not the Town of Chapel Hill.

Commissioner Rich said move this item to the next meeting since they have no applicants.

11. Arts Commission – Appointment Discussion

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

- Position #3 – Matthew Keith
- Position #7 – Sean T. Bailey

The Board agreed by consensus.

12. Board of Health – Appointment Discussion

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

- Position #2 – Dr. Brian Crandell

The Board agreed by consensus.

13. Board of Social Services – Appointment Discussion

A motion was made by Commissioner Bedford, seconded by Commissioner Marcoplos to appoint the following people:

- Position #4 – Jane Garrett

The Board agreed by consensus.

14. Chapel Hill Orange County Visitors Bureau – Appointment Discussion

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

- 1 Position #10 – Beverly Payne
- 2 Position #14 – Jon Hartman-Brown
- 3 Position #15 – Matt Gladdek

4
5 The Board agreed by consensus.

6
7 **15. Economic Development Advisory Board – Appointment Discussion**

8
9 A motion was made by Commissioner McKee, seconded by Commissioner Bedford to
10 appoint the following people:

- 11
- 12
- 13 Position #4 – Sharon Hill
- 14 Position #6 – Paige Zinn
- 15 Position #9 – Jonna Hunt
- 16 Position #10 – Tom Proctor

17
18 Commissioner Price asked if there is a reason why Paige Zinn is being amended for
19 extension.

20 Thom Freeman-Stuart said Economic Development Director Steve Brantley provided an
21 explanation.

22 Commissioner McKee said it is important to have members with experience.

23 Commissioner Price asked if someone could read the addendum.

24 Commissioner Bedford read the request from Steve Brantley.

25
26 The Board agreed by consensus.

27
28 **16. Hillsborough Board of Adjustment – Appointment Discussion**

29
30 A motion was made by Commissioner Bedford, seconded by Commissioner McKee to
31 appoint the following people:

- 32
- 33 Position #1 – Rob Bray
- 34 Position #3 – Raul Herrera

35
36 The Board agreed by consensus.

37
38 **17. Hillsborough Planning Board – Appointment Discussion**

39
40 A motion was made by Commissioner Marcoplos, seconded by Commissioner McKee to
41 appoint the following people:

- 42
- 43 Position #1 – Chris Johnston

44
45 The Board agreed by consensus.

46
47 **18. Historic Preservation Commission – Appointment Discussion**

48
49 A motion was made by Commissioner Price, seconded by Commissioner Bedford to
50 appoint the following people:

51

1 Position #2 – Thomas Loter

2
3 The Board agreed by consensus.

4
5
6 **19. Nursing Home Community Advisory Committee – Appointment Discussion**

7
8 A motion was made by Commissioner Dorosin, seconded by Commissioner McKee to
9 appoint the following people:

10
11 Position #4 – Stephanie Boswell

12
13 Chair Rich said positions are open but they require training.

14 Thom Freeman-Stuart said these boards are having a really hard time finding folks to
15 serve in this role.

16 Commissioner Dorosin said this board has twelve slots, with 5 vacancies, some of which
17 have been vacant for 2-3 years.

18 Thom Freeman-Stuart said this board cannot do what it was designed to do currently,
19 due to Covid.

20 Chair Rich asked if this is a state statutory board.

21 Thom Freeman-Stuart said yes, and there has not yet been success at combining the
22 two aging boards.

23 Commissioner Dorosin said the Board may want to add this request to its list for the
24 legislature.

25 John Roberts said it is not up to the legislature to combine these two boards, but rather
26 the County Commissioners can do so.

27 Chair Rich asked if staff would make this an agenda item.

28 Commissioner Dorosin said he would be delighted to not go before the legislature.

29 Commissioner Greene said nursing homes are regulated by the state, and she would
30 like to know what authority these committees have to make any difference. She said these
31 boards raise a lot of concerns, but seem to have no authority to fix anything.

32 John Roberts said he would have to look at the statute.

33 Chair Rich said she does not think these boards have much authority.

34
35 The Board agreed by consensus.

36
37 **20. Orange County Board of Adjustment – Appointment Discussion**

38
39 Position #2 – TBD (BOCC Appointment)

40 Position #3 – Samantha Cabe

41 Position #4 – TBD (BOCC Appointment)

42 Position #6 – TBD (BOCC Appointment)

43 Position #7 – TBD (BOCC Appointment)

44
45 Commissioner Bedford asked if there is a conflict of interest for Judge Cabe.

46 Commissioner Price said she thinks it is more a question of her having enough time.

47 Commissioner Dorosin agreed with Commissioner Bedford, and said having the chief
48 district court judge creates undue influence on other board members.

49 Commissioner Price asked if a resolution was passed stating other elected officials
50 would not be eligible to serve on advisory boards.

51

1 A motion was made by Commissioner Price, seconded by Commissioner Bedford to
 2 appoint Nathan Boucher (#2), Kent Candle (#4), Jeff Scott (#6) and Scott Taylor (#7)
 3

4 Commissioner Price asked if there are any age limits for these positions.

5 Thom Freeman-Stuart said no.

6 Chair Rich said she does not want to vote to Nathan Boucher because he wants to run
 7 for Town Council in Chapel Hill, and she does not want these boards to be used as a spring
 8 board.

9 Commissioner McKee said he served on the planning board as a spring board to the
 10 BOCC.

11 Commissioner Greene said those boards are good training grounds within the same
 12 municipality.
 13

14 **Position #2**

15 **Votes: Ayes, 3 (Commissioner Bedford, Commissioner Price, and Commissioner McKee);**

16 **Nays, 4 (Chair Rich, Commissioner Dorosin, Commissioner Greene, Commissioner**

17 **Macroplos)**

18 **MOTION FAILS**
 19

20 **Positions #4, 6 and 7**

21 The Board agreed by consensus
 22

23 **21. Closed Session**
 24

25 "Pursuant to G.S. § 143-318.11(a)(3) "to consult with an attorney retained by the Board in order
 26 to preserve the attorney-client privilege between the attorney and the Board" and
 27

28 "Pursuant to G.S. § 143-318.11(a)(6) "to consider qualifications, competence, performance,
 29 character fitness, condition of appointment, or conditions of initial employment of an individual
 30 public officer or employer or prospective public officer or employee."
 31

32 A motion was made by Commissioner Dorosin, seconded by Commissioner Greene to
 33 go into closed session at 10:44 p.m.
 34

35 **VOTE: UNANIMOUS**
 36

37 **RECONVENE INTO REGULAR SESSION**
 38

39 A motion was made by Commissioner McKee, seconded by Commissioner Greene to
 40 return to open session at 11:12 p.m.
 41

42 **VOTE: UNANIMOUS**
 43

44 **Adjournment**
 45

46 A motion was made by Commissioner McKee, seconded by Commissioner Greene to
 47 adjourn the meeting at 11:12 p.m.
 48

49 **VOTE: UNANIMOUS**
 50
 51

Penny Rich, Chair

- 1
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- 6

Allen Coleman
Assistant Deputy Clerk II

Submitted for approval by Gregory A. Wilder, Interim Clerk to the Board.

**MINUTES
ORANGE COUNTY
BOARD OF COMMISSIONERS
VIRTUAL BUSINESS MEETING
SEPTEMBER 15, 2020
7:00 p.m.**

The Orange County Board of Commissioners met for a Virtual Business Meeting on Tuesday, September 15, 2020 at 7:00 p.m.

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

COUNTY COMMISSIONERS ABSENT: NONE

COUNTY ATTORNEYS PRESENT: John Roberts

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

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

Due to current public health concerns, the Board of Commissioners conducted a Virtual Business Meeting on September 15, 2020. Members of the Board of Commissioners participated in the meeting remotely. As in prior meetings, members of the public were able to view and listen to the meeting via live streaming video at orangecountync.gov/967/Meeting-Videos and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

In this new virtual process, there are two methods for public comment.

- Written submittals by email
- Speaking during the virtual meeting

Detailed public comment instructions for each method are provided at the bottom of this agenda. (Pre-registration is required.)

1. Additions or Changes to the Agenda

Chair Rich requested that the Consent Agenda, item 8, be moved after item 4 and before item 5.

The Board agreed by consensus.

Chair Rich read the public charge.

Chair Rich acknowledged the 3-minute timer for public comments, and said there are 90 people signed up to speak.

Arts Moment – No Arts Moment will be available for this meeting.

2. Public Comments

a. Matters not on the Printed Agenda

NONE

1 **b. Matters on the Printed Agenda**

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

4
5 **3. Announcements, Petitions and Comments by Board Members**

6 Commissioner Price expressed congratulations to Julia Drazhal Orange County's
7 Governor's Medallion Award winner for volunteer service, as well as all other nominees from
8 Orange County.

9 Commissioner Price referred to the Andrea Harris Social, Economic, Environmental
10 Health and Equity Task Force, which is focusing currently on communities of color and the
11 disproportionate impact of Covid-19 on these communities. She said this group is seeking
12 public input, via 2-minute time slots on 9/22 and 9/29, related to its 5 focus areas.

13 Commissioner Price said that on Sunday, September 27 at 3pm there will be a Zoom
14 event called, "Breaking Barriers: women of color and the right to vote", with Valerie Johnson of
15 Shaw University. She said the Human Relations Commission is sponsoring this event.

16 Commission Bedford had no comments.

17 Commissioner Greene said she attended the Family Success Alliance (FSA) meeting,
18 and was interested to learn about the scholastic support center at the YMCA. She said this
19 provides K-8 grade socially distanced spaces to complete schoolwork. She said this is a great
20 program for parents of lower income children.

21 Commissioner Marcoplos said he has been thinking about the amount of idling, due to
22 increased use of drive-thrus. He said local students did such wonderful work last year promoting
23 an anti-idling campaign. He said he would like to ask the Commission for the Environment to
24 explore how to work with all local businesses, banks, restaurants, etc. to look into the issue of
25 idling.

26 Commissioner Marcoplos said the Board has discussed the possibility of a new EMS
27 substation. He said he spoke with David Silvan, part time EMS worker, and asked what he
28 thought about response times and if a 3 minute reduction would really have an impact in
29 northern Orange County. He said there was a plan proposed by Nick Waters to have
30 paramedics with "fly cars", which have response times of 8 minutes, as opposed to 12-15
31 minutes instead of ambulances. He asked to explore this possibility, as paramedics are highly
32 trained and can handle so much in the field.

33 Commissioner Marcoplos said the Orange County Climate Council is having a public
34 outreach event on Thursday, October 22nd, 2020 at 7p.m., to celebrate the first year of work. He
35 said this will be via Zoom, and invited everyone to tune in.

36
37 *Commissioner McKee joined the meeting at 7:07 p.m.*

38
39 Commissioner Dorosin said 90 people plan to speak this evening, and asked if the plan
40 was to meet until 1:00 a.m.

41 Chair Rich said because it is a Public Hearing the Board of County Commissioners
42 (BOCC) cannot limit the amount of speakers, and it is likely there will be approximately 4 hours
43 of public comment.

44 Commissioner Dorosin asked if other agenda items could be continued, or the public
45 hearing be spread out over two meetings. He said he wants to be conscientious of the
46 speakers, and be most fair and effective.

47 Commissioner McKee said he spoke about broadband last week, and Orange County
48 Schools (OCS) purchased and distributed 900 units, but still has a 400-person waiting list for
49 hotspots. He said he would like to move expeditiously to help address this problem. He
50 petitioned the Board to ask the Manager to contact Orange County Schools Superintendent and
51 Board of Education Chair to determine how and in what manner Orange County could aid in

1 procuring the 400 units for hotspots. He said OCS is pursuing grant funding to acquire the
 2 hotspots, but that is too slow. He said Chapel Hill Carrboro City Schools (CHCCS) may need
 3 some help too.

4 Chair Rich acknowledged Ralph Karpinos, Town of Chapel Hill Attorney's Office, who is
 5 the longest serving municipal attorney in the State and is retiring. She applauded his service.

6 Chair Rich and Commissioner Price met with the joint school boards in anticipation of
 7 the joint meeting next week. She said CHCCS does not need any more hotspots. She said
 8 both school districts are opening learning centers with the YMCA and churches to help students
 9 and families. She said the schools are also discussing various re-opening plans for January,
 10 and it is currently unclear how things will proceed.

11 Chair Rich provided a COVID update: Orange County is under 4% of test positive rate,
 12 and needs to stay under 5% for at least 2 weeks to get the gathering limits back up.

13 Chair Rich said flu season starts in October and goes through May. She urged
 14 everyone to get flu shots.

15 Chair Rich said the Health Department will be able to swab twice, testing for Flu and
 16 COVID tests at the same time.

17 Chair Rich said the peak hurricane season is here, and there are 5 hurricanes in the
 18 ocean currently, with hurricane Sally possibly headed for North Carolina.

19 Chair Rich said emergency services said Hurricane Sally will be a mostly rain event.
 20

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

22 **a. Resolution Supporting the Decriminalization of Marijuana**

23 The Board considered voting to adopt a Resolution Supporting the Decriminalization of
 24 Marijuana.
 25

26 **BACKGROUND:**

27 BOCC Chair Penny Rich submitted a petition at the Board's September 1, 2020 Business
 28 meeting proposing that the Board consider a resolution supporting the decriminalization of
 29 marijuana.
 30

31 **Public Comment:**

32 Riley Ruske said tobacco is not allowed to be smoked in public places in Orange
 33 County, and he wonders if Orange County would add marijuana to this list, thus re-criminalizing
 34 its use after decriminalizing it. He said there are other health risks with marijuana, and it is often
 35 seen as a gateway drug to other more dangerous drugs. He encouraged the BOCC not to pass
 36 this resolution.
 37

38 Chair Rich read the resolution:
 39

40 RES-2020-052
 41

42 **ORANGE COUNTY BOARD OF COMMISSIONERS** 43 **A RESOLUTION SUPPORTING THE DECRIMINALIZATION OF MARIJUANA** 44

45 WHEREAS, The current prohibition of marijuana in North Carolina has caused the needless
 46 arrest and incarceration of thousands of individuals, predominantly people of color, for
 47 nonviolent crimes, at great social and economic cost despite the fact that people of color and
 48 whites use marijuana at the same rates, and
 49

1 WHEREAS, According to an American Civil Liberties Union study, as a result of disparate
2 enforcement, Black North Carolinians are over three times more likely to be arrested for
3 marijuana possession, and
4

5 WHEREAS, an arrest for possession of marijuana can have an impact on housing, student
6 loans, future employment, child custody determinations and many other circumstances; and
7

8 WHEREAS, Studies also show that criminalization has not protected public health, in terms of
9 adverse effects of marijuana itself or in deterring substance abuse and addiction; and
10

11 WHEREAS, Marijuana legalization is sound public policy, necessary to address the health and
12 societal impacts of marijuana criminalization and the inequitable implementation of
13 incarceration-based policies, and
14

15 WHEREAS, the most recent Public Policy Polling results show North Carolinians support
16 marijuana legalization by a margin of 48% to 42%;
17

18 NOW THEREFORE BE IT RESOLVED THAT the Orange County Board of Commissioners
19 supports the decriminalization of marijuana in North Carolina and state legislation to legalize the
20 distribution, sale, and use of marijuana products pursuant to regulatory and taxation frameworks
21 designed to ensure appropriate use (including through age and other evidence-based
22 restrictions) for recreational and medical purposes while providing treatment for substance
23 abuse;
24

25 BE IT FURTHERMORE RESOLVED that the Board believes such legislation should also
26 provide for the expungement of records for individuals previously convicted of crimes of
27 distribution, possession, or use of marijuana products;
28

29 BE IT FURTHER RESOLVED that the Board believes funds from the taxation of marijuana
30 sales should be used for the benefit of the communities most impacted by the incarceration of
31 people for behavior that society is legalizing, including the investment of marijuana sales tax
32 revenues for job training, reentry services, diversion programs, legal aid, literacy programs,
33 youth mentoring and substance use treatment;
34

35 AND BE IT FURTHER RESOLVED THAT the Orange County Board of Commissioners
36 requests that the North Carolina General Assembly advocate for federal legislation to end the
37 prohibition of marijuana at the federal level, with its removal from the Controlled Substance Act,
38 and the expungement of records for those previously convicted of federal crimes for the
39 distribution, possession, or use of marijuana, as well as authorize state legalization policies and
40 enabling the use of marijuana for medical purposes, including in federally funded programs.
41

42 This the 15th day of September, 2020.
43

44 _____
45 Penny Rich, Chair
46 Orange County Board of Commissioners
47

48 A motion was made by Commissioner Dorosin, seconded by Commissioner Marcoplos
49 to adopt the Resolution, and authorize the Board Chair to sign the Resolution.
50

1 Commissioner McKee said he will not vote in favor of this. He said the title of the
2 resolution mentions decriminalization, but the points within the resolution mention legalization of
3 marijuana, taxes to be collected from marijuana, etc., which seems in conflict to the title.

4
5 **Roll call ensued**

6
7 **VOTE: Ayes (6); Nays (1) Commissioner McKee**

8
9 Chair Rich asked if staff would send the resolution to Orange County's local legislators,
10 and all other counties across the State.

11
12 **CONSENT AGENDA MOVED UP**

13
14 **8. Consent Agenda**

- 15
16 • Removal of Any Items from Consent Agenda
17 **None**
18
19 • Approval of Remaining Consent Agenda

20
21 A motion was made by Commissioner McKee, seconded by Commissioner Price to
22 approve the consent agenda.

23
24 **Roll call ensued**

25
26 **VOTE: UNANIMOUS**

27
28 **a. Minutes – None**

29 **b. Submission of 2021 Reappraisal Schedules of Values**

30 The Board received the proposed 2021 Reappraisal Schedules of Values (SOV); review a
31 statutory-compliant timeline of the proposed adoption process; and schedule a public hearing on
32 October 6, 2020 concerning adoption.

33 **c. Amendment to and Renewal of Health Services Agreement with Southern Health**
34 **Partners for Medical Services at the Orange County Detention Center**

35 The Board approved an amendment to and renewal of the Health Services Agreement with
36 Southern Health Partners for medical services at the Orange County Detention Center.

37 **d. Designation of Orange County Agent for FEMA Public Assistance**

38 The Board approved a resolution, which is incorporated by reference, designating an agent for
39 Orange County's application for the Federal Emergency Management Agency's (FEMA) Public
40 Assistance for the recovery related to COVID-19, affecting Orange County's entire community
41 since March 2020 with expected impacts to continue for years out and authorize the Chair to
42 sign.

43 **e. Approval of Driveway Easement Extending from Jacobs Trail**

44 The Board granted a driveway easement in an unused, undeveloped dedicated right of way
45 extending from the end of Jacobs Trail and authorize the Chair to execute the documents.

46 **f. City of Durham's Teer Quarry Reservoir – Resolution of Support from Orange County**
47 **for Reclassifying a Segment of the Eno River for Water Supply in Durham County**

48 The Board approve the signature by the Board Chair of a Resolution of Support from Orange
49 County related to the City of Durham's (City's) proposed initiative to make the Teer Quarry
50 Reservoir a new public water supply and reclassifying a segment of the Eno River within
51 Durham County as Water Supply, in conformance with the State's Water Supply Watershed

1 Protection Program. The City has formally requested Orange County's support for this effort
 2 which would require the County to take the necessary steps to provide public notice and initiate
 3 the associated public hearing(s), Planning Board meeting(s) and Board of County
 4 Commissioners (BOCC) meeting(s) to amend land use restrictions imposed by water supply
 5 watershed protection rules for the affected areas within Orange County.

6 **g. Appointment of Interim Clerk**

7 The Board appointed an Interim Clerk to the Board of Commissioners during the search for a
 8 permanent Clerk and authorized the Chair to sign.

9 **h. Citizen Participation Plan for Federal Housing/Community Development Funds**

10 The Board approved the Citizen Participation Plan for use in the implementation of Federal
 11 housing programs and funds and authorized the Chair to sign.

12
 13 **5. Public Hearings**

14 Chair Rich asked if John Roberts could help the Board of County Commissioners
 15 (BOCC) determine the best course of action for the large public hearing.

16 John Roberts said the Board can establish reasonable rules, and holding the public
 17 hearing over multiple evenings is permissible. He said there is a new law in place pertaining to
 18 remote meetings, and there is argument on both sides as to whether a vote can be taken on the
 19 same night as a meeting. He recommended the Board conduct the public hearing, and vote at
 20 a subsequent meeting, as the new law does require a 24-hour written comment period after any
 21 remote public hearing. He said he would favor holding the entire public hearing on the same
 22 night.

23 Commissioner Dorosin said the Board wants to hear all comments, and his goal is to
 24 making the public hearing most effective and efficient as possible. He said a 5 or 6 hour
 25 meeting is not effective or efficient. He said not everyone has that much time to wait. He said
 26 the most accommodating and most transparent method would be to break the hearing into 2 or
 27 3 sessions. He said allowing for written comments is good, and he wants to have the most
 28 meaningful opportunity for all. He recommended breaking up the public hearing into 2 or 3
 29 nights, and revisit the remaining agenda and vote to delay items to another meeting.

30 Commissioner McKee agreed with Commissioner Dorosin. He said the Board will not be
 31 fresh and attentive after 5 hours.

32 Commissioner McKee asked the County Attorney if a 2 week notice would still be
 33 required if the Board were to spread the public hearing over 2 evenings.

34 John Roberts said the Board can continue to the public hearing to a date certain, and
 35 does not have to give further public notice.

36 Commissioner McKee recommended continuing the public hearing to Thursday or next
 37 Tuesday evening, so that it remains fresh on everyone's minds and allows everyone the chance
 38 to speak.

39 Chair Rich said the BOCC does not currently have a meeting scheduled for 9/17 or 9/22,
 40 and asked if continuing the public hearing would require a special meeting.

41 John Roberts said it would be a continued public hearing, and the announcement this
 42 evening would satisfy the notice requirement.

43 Commissioner Price asked if the second half of the meeting must be held immediately or
 44 if it could wait until the next business meeting.

45 Chair Rich said the next business meeting was 3 weeks away.

46 John Roberts said the Board could continue the meeting until the next business meeting
 47 on 10/6.

48 Commissioner Price asked if staff could identify easily how to break up the public
 49 speakers into two groups now, so that people are not waiting to speak.

50 Chair Rich said yes, the names are on a list, and she can identify the last speaker.

1 Commissioner Marcoplos suggested continuing the public hearing to the October 6th
2 business meeting and voting at the October 20th meeting.

3 Commissioner Greene agreed with splitting the meeting up, and said she is not available
4 this Thursday, due to speaking at other forums.

5 Commission McKee said he is worried about dragging out the Public Hearing, and
6 October seems a bit far. He said this item is very important to many people.

7 Commissioner Bedford asked if the October 6th agenda is already full, and, if so, she
8 would support adding another meeting.

9 Bonnie Hammersley said the big item for October 6th is this item, as staff expected the
10 Board to complete the public hearing tonight and need October 6th for discussion and voting.
11 She said if the Board wants to cut items from tonight's agenda, she would remind the Board that
12 the legislative agenda has a deadline of 9/30 to be sent to North Carolina Association of County
13 Commissioners (NCACC).

14 Chair Rich said she does not want to wait until October 6th, and she recommend
15 continuing the public hearing to September 22, 2020.

16 Commissioner McKee asked if any Board members have a conflict September 22, 2020.

17 There was no apparent conflict.

18 Commissioner Dorosin said staff should identify the halfway mark of those signed up for
19 public comment, so those people will know they will not get to speak tonight.

20 Chair Rich asked if this suggestion was acceptable to staff.

21 Bonnie Hammersley asked if new people will be allowed to speak at the continued
22 hearing, and if people will be allowed to speak a second time, etc.

23 John Roberts said no new or repeat speakers will be allowed. He said anyone can
24 submit written comment within 24 hours after the public hearing closes.

25
26 A motion was made by Commissioner McKee, seconded by Commissioner Bedford
27 continue the public hearing to date certain September 22nd, 2020 at 7:00 p.m.

28
29 Commissioner Dorosin made a friendly amendment to continue the public hearing to
30 September 29, 2020, as the Board does not have any other meetings that week.

31 Commissioner McKee said he would accept that friendly amendment if the seconder
32 does so as well.

33 Commissioner Bedford said she would accept.

34 Commissioner Price said she cannot attend on September 29th.

35
36 Chair Rich called for a vote on the original motion for the 22nd.

37
38 **Roll call ensued**

39
40 **VOTE: Ayes, 4 (Greene, Bedford, Rich, McKee); Nays, 3 (Dorosin, Marcoplos, Price)**

41
42 **MOTION PASSES**

43
44 A motion was made by Commissioner McKee, seconded by Commissioner Greene to
45 read off the names of those who will make public comment at this meeting.

46
47 Commissioner Marcoplos requested a follow-up email be sent those who will make
48 public comment on September 22, 2020.

49 The Board agreed by consensus.

50
51 **Roll call ensued**

1
2 **VOTE: UNANIMOUS**

3
4 Chair Rich read the names of those that will make public comment at this meeting (45
5 names).

6
7 **a. Zoning Atlas Amendment – Master Plan Development Conditional Zoning District**
8 **(MPD-CZ) for the Research Triangle Logistics Park (RTLP)**
9

10 The Board held a public hearing to receive the Planning Board/staff recommendation
11 and public comment, and scheduled an action for a specific future date on applicant initiated
12 Zoning Atlas Amendments for parcels within the Hillsborough Township of Orange County.

13 Specifically, Terra Equity, Incorporated is seeking to rezone 3 parcels west of Old NC
14 Highway 86/south of Interstate 40 to Master Plan Development Conditional Zoning (MPD-CZ)
15 district.

16 A copy of the application is contained in Attachment 1. Attachment 2 contains a vicinity
17 map of the subject parcels. The complete application package, including full size maps, is
18 available on the County website at: [https://www.orangecountync.gov/1722/Current-Interest-
19 Projects](https://www.orangecountync.gov/1722/Current-Interest-Projects).

20
21
22 **BACKGROUND:**

23 On January 23, 2018 the Orange County Board of Commissioners (BOCC) approved a zoning
24 atlas amendment creating a Master Plan Development Conditional Zoning (MPD-CZ) district
25 referred to as Settlers Point (materials from that meeting are available at:
26 <http://server3.co.orange.nc.us:8088/weblink/0/doc/49647/Page1.aspx>). The approved MPD-CZ
27 involved property on both sides of Old NC Highway 86 allowing for the development of a mixed
28 use commercial/industrial park. Since approval, no development activity has occurred.

29
30 Staff has received an application proposing a new MPD-CZ, including 2 parcels from this
31 previously approved project. If this application is approved, the existing MPD-CZ (Settlers Point)
32 will cease to exist. Development of subject parcels would be consistent with this new MPD-CZ
33 district designation.

34
35 **STAFF COMMENT:** A separate process is underway to rezone the eight parcels of
36 property east of Old NC Highway 86, part of what was referred to as District 2 of the
37 Settlers Point MPD-CZ, to an appropriate County economic development general use
38 zoning designation. This item is also being reviewed at the BOCC's September 15, 2020
39 public hearing.

40
41 The basic facts concerning this application are as follows:

42
43 Applicant(s): Terra Equity, Incorporated
44 Attn. Frank Csapo
45 3810 Springhurst Blvd
46 Suite 120
47 Louisville, KY 40241

48
49 Agent(s): **Michael Birch**
50 Longleaf Law Partners
51 4509 Creedmoor Rd.

1 Suite 302
2 Raleigh, NC 27612

3
4 **Kimley-Horn**

5 421 Fayetteville St.
6 Suite 600
7 Raleigh, NC 27601

8
9 **Santec Consulting**

10 (Traffic Engineers)
11 801 Jones Franklin Rd.
12 Suite 300
13 Raleigh, NC 27606

14
15 Parcel Information: A. **Parcels and Current Zoning:** Subject parcels, identified
16 utilizing Orange County Parcel Identification Numbers (PIN), are:

17 1. PIN 9863-71-8857: An approximately 90 acre parcel
18 zoned MPD-CZ (Settlers Point) and Major Transportation
19 Corridor (MTC) Overlay District;

20 2. PIN 9863-91-6573: An 80 acre parcel zoned:

21 • Approximately 60 acres (south of Interstate 40)
22 zoned MPD-CZ (Settlers Point);

23 • Approximately 20 acres (north of Interstate 40)
24 zoned Economic Development Hillsborough
25 Limited Officer (EDH-2).

26 Major Transportation Corridor (MTC) Overlay District.

27 3. PIN 9862-99-8894: An approximately 12 acre parcel split
28 zoned Rural Residential (R-1) and Rural Buffer (RB).

29 NOTE: The small portion of this parcel zoned RB,
30 approximately 26,000 sq.ft. in area along Davis Road,
31 is not proposed to be rezoned. It will remain zoned
32 RB.

33 None of the subject properties are located within a Watershed
34 Protection Overlay District.

35 B. **Size:** If approved, the new MPD-CZ district would be
36 approximately 161 acres in area.

37 C. **Township:** Hillsborough

38 **D. Future Land Use Map (FLUM) Designation:**

- 39 • PIN(s) 9863-71-8857 and 9863-91-6573 - Economic
40 Development Transition Activity Node
- 41 • PIN 9862-99-8894 – Rural Residential

42 STAFF COMMENT: A separate process is underway to change the
43 FLUM designation of this property. This proposal will be reviewed at the
44 BOCC's September 15, 2020 public hearing.

45 For more information please refer to the FLUM map contained in
46 Attachment 3.

47 **E. Growth Management System Designation:**

- 48 • PINs 9863-71-8857 and 9863-91-6573 – Urban Designated;
- 49 • PIN 9862-99-8894 – Residential Designated.

50 STAFF COMMENT: A separate process is underway to change the
51 designation of this property.

1 For more information please refer to the Growth Management
2 Systems map contained in Attachment 3.

3 **F. Existing Conditions/Physical Features:** Varying topography with significant wooded
4 areas and water features (i.e. ponds, streams, and floodplain).

5 **G. Roads:** Project proposes 2 access points off of Service Road (south of Interstate 40)
6 and Davis Road (south of PIN 9862-99- 8894). Both of these roads are maintained by
7 the NC Department of Transportation.

8 **H. Water and Sewer:** Utility lines, to be maintained by the Town of Hillsborough, will be
9 extended under Interstate 40 to serve the project.

10
11 Surrounding Land Uses:

- 12 • NORTH: Interstate 40; agricultural operation and single-family residential property
13 zoned Economic Development Hillsborough Limited Office (EDH-2) and Rural
14 Residential (R-1) approximately 110 acres in area.
- 15 • SOUTH: Davis Road; Hillsborough United Methodist Church; Undeveloped property;
16 Single-family residential property zoned Rural Residential (R-1) ranging in size from 2 to
17 12 acres.
- 18 • EAST: Single-family residential and undeveloped property zoned Economic
19 Development Hillsborough Limited Office (EDH-2) ranging in size from 1 to 12 acres; Old
20 NC Highway 86.
- 21 • WEST: Single-family residential and undeveloped property zoned Rural Residential (R-
22 1) ranging in size from 1-½ to 50 acres.

23
24 MPD Conditional Zoning (CZ) Process: Involves approval of a rezoning petition and a master
25 development plan allowing for the development of a specific land use categories. Applications
26 are processed in a legislative manner (i.e. does not require sworn testimony or evidence) and
27 decisions are based on the BOCC's determination that the project is consistent with the purpose
28 and intent of the Comprehensive Plan.

29
30 As this is a MPD-CZ proposal, a formal site plan is not required to be submitted as part of the
31 rezoning approval. Applicants are required to produce a master concept plan consistent with the
32 provisions of Section 6.7 of the UDO.

33
34 The application package was posted to Planning's website on or about June 19, 2020 and can
35 be accessed at: <https://www.orangecountync.gov/1722/Current-Interest-Projects>.

36
37 Development Process, Schedule, and Action: The typical cadence for the review of a CZ
38 application is:

- 39 • **First Action** – Planning staff schedules a Neighborhood Information Meeting (NIM).
40 **Staff Comment – DONE.** This meeting was held in an on-line format on July 15,
41 2020. Notes from this meeting are contained within Attachment 7.
- 42 • **Second Action** – The Planning Board reviews the application at a regular meeting and
43 makes a recommendation to the BOCC.
44 **Staff Comment - DONE.** The Planning Board began review of the project at its
45 regular August 5, 2020 meeting, which was adjourned to a special meeting on
46 August 19, 2020 to allow for continued discussion. Excerpts of minutes from both
47 meetings are contained in Attachment 8.
- 48 • **Third Action** – The BOCC receives the Planning Board recommendation and makes a
49 decision at an advertised public hearing.
50 **Staff Comment** – Being held on September 15, 2020.

51 **NOTE:** As the public hearing is being held remotely, there is a 24-hour waiting

1 period required before the BOCC can make a decision, per State legislation. The
 2 purpose of the 24-hour waiting period is to allow for submission of written
 3 comments.
 4

5 Per Section 2.9.2 (F) (3) of the UDO, mutually agreed upon conditions can be imposed as part
 6 this process only if they address:

- 7 1. The compatibility of the proposed development with surrounding property,
- 8 2. Proposed support facilities (i.e. roadways and access points, parking, pedestrian and
 9 vehicular circulation systems, screening and buffer areas, etc.) and/or
- 10 3. All other matters the County may find appropriate or the petitioner may propose.
 11

12 If approved, the Zoning Atlas will be amended and the zoning designation of the property shall
 13 be changed to MPD-CZ. Development, including permitted land uses, would be in accordance
 14 with the approved development proposal and all conditions imposed as part of the zoning atlas
 15 amendment process.
 16

17 Development of the various parcel(s) shall only be permitted through the review and approval of
 18 site plan application(s) in accordance within Section 2.5 of the UDO. Staff is responsible for
 19 verifying all imposed conditions are adhered to and allow for final peer review by members of
 20 the Development Advisory Committee (DAC) as detailed within Section 1.9 of the UDO.
 21

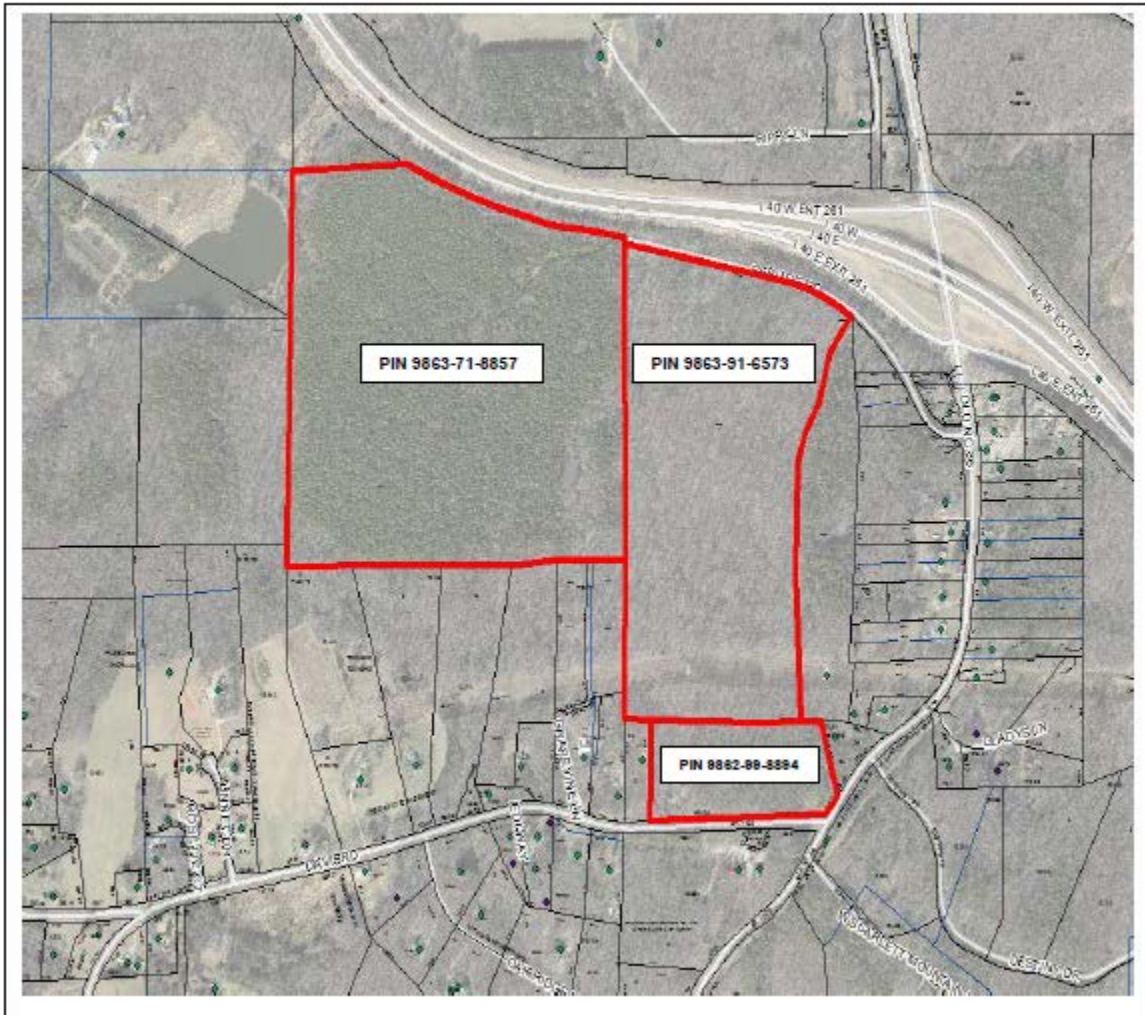
22 Proposal: The applicant is proposing to rezone the 3 identified parcels to a new MPD-CZ district
 23 allowing for the development of a new master planned project, referred to as the Research
 24 Triangle Logistics Park (RTLTP) summarized as follows:

- 25 1. Construction of approximately 2,250,000 sq.ft. of building area supporting
 26 nonresidential development;
- 27 2. Preservation of approximately 41 acres (25%) of land as open space.
- 28 3. Permitted land uses within the new MPD-CZ district would include:
 - 29 a. Health technology,
 - 30 b. Information sciences and engineering,
 - 31 c. Advanced and light manufacturing,
 - 32 d. Scientific research and laboratories,
 - 33 e. Logistics/supply operations,
 - 34 f. Warehousing and supply chain fulfillment services.

35 The applicant has also provided a list of land uses that would be strictly
 36 prohibited within the new district;

- 37 4. Vehicular access would be through Service Road, running parallel with Interstate 40,
 38 and Davis Road;
- 39 5. Buildings would observe a 6 story height limit consistent with County regulations.
 40 Accessory structures (i.e. water tower, telecommunication tower, etc.) may be higher.
- 41 6. The applicant is proposing imposition of development and design standards (i.e.
 42 architectural design, signage, internal and external setback limits, height limits,
 43 landscaping/buffer standards, outdoor lighting standards, erosion control/stormwater,
 44 etc.) governing overall development of the project if the MPD-CZ district is approved by
 45 the County.
 46
 47
 48
 49
 50
 51

Map of Subject Parcels



Staff has included a Frequently Asked Questions (FAQ) document outlining various aspects of the project in Attachment 12.

STAFF COMMENT: As previous indicated herein, 2 of the subject parcels are already located within the Economic Development Transition Activity Node. Staff is proposing to change the designation of the 12 acre parcel off Davis Road from Rural Residential to Economic Development Transition as well. This change is consistent with previous recommendations made by staff concerning the expansion of the County's economic development area south of Interstate 40.

Access: As previously indicated herein, access for the project would be off of Service Road (south of Interstate 40) and Davis Road (south of PIN 9862-99-8894). An internal road network system, privately maintained, would provide access to individual land uses. The applicant is proposing pedestrian paths/walkways allowing access between the anticipated land uses. The submitted Transportation Impact Analysis (TIA) identifies internal and external roadway improvements that will be required. This includes the signalization of existing and proposed intersections.

1
2 STAFF COMMENT: Both Planning and NC Department of Transportation (NC DOT)
3 staff have reviewed the proposal. Comments from County staff are contained in
4 Attachment 6.

5 The TIA indicates a secondary access point serving the project shall be necessary
6 given the anticipated intensity of the project, which NCDOT staff have determined
7 Service Road is unable to support. At this time the applicant is proposing to use Davis
8 Road to address this need.

9 Staff has expressed concern over anticipated access onto Davis Road. The TIA for the
10 project identified upgrades intended to ameliorate potential impacts to adjacent property
11 owners. This includes installation of a traffic light at the intersection of Davis Road and
12 Old NC Highway 86.

13
14 Staff has recommended the imposition of various condition(s) to address access management
15 issues as contained in Attachment 11.

16
17 Land Uses: As previously indicated herein, the applicant is proposing various land uses
18 focusing on warehousing/supply chain fulfillment services, research/development, and
19 manufacturing activities. The proposal also includes a list of prohibited land uses. As part of the
20 MPD-CZ process, only those approved land use categories can be developed within the project
21 consistent with applicable development standards.

22
23 STAFF COMMENT: Proposed uses are consistent with:

- 24 • The existing MPD-CZ for Settlers Point;
- 25 • Previous general use zoning district designation(s) for the parcels south of
- 26 Interstate 40, specifically Economic Development Hillsborough (EDH-5);
- 27 • Section 5.2 *Table of Permitted Uses* of the UDO; and
- 28 • Anticipated land uses for the area as reflected within the adopted Orange
- 29 County Comprehensive Plan and the Town of Hillsborough/Orange County
- 30 Central Orange Coordinated Area (COCA) Land Use Plan

31
32 Several comment(s) have been made insinuating the applicant is not providing
33 sufficient/specific information on the actual 'tenants' for the project. It has been
34 suggested the County should deny the project unless/until specific tenants can be
35 identified for public scrutiny and approval.

36
37 Land use and zoning processes do not allow/require the level of scrutiny sought by the
38 general public (i.e. veto power on specific tenants). The applicant is obligated to identify
39 those land use categories it is seeking approval from the County to develop but are not
40 obligated/required to provide a site specific development plan identifying actual 'tenants'
41 for approval.

42
43 Through this process, the County is essentially creating a new zoning district with
44 mandatory development standards/criteria governing actual development activities. The
45 County does have the ability to comment/make conditions on proposed land use
46 categories (i.e. manufacturing land uses, research land uses, professional office land
47 uses, etc.) but does not have the ability to compel the applicant's identify specific clients
48 or reject same.

49
50 If there is a concern over a particular activity, the BOCC can impose conditions
51 addressing same.

1
2 As an example: an applicant may propose to develop land uses falling into the
3 *Manufacturing, Assembly, Processing of Food Items* land use category. The BOCC has
4 the ability to take the position that these are acceptable land uses for a project, but
5 impose a condition prohibiting certain sub-category food manufacturing land uses such
6 as slaughter operations and/or seafood processing facilities, due to anticipated impacts.
7

8 Utilities: The project is proposed to be served by public water and sewer systems owned by the
9 Town of Hillsborough. Orange County is continuing to work with the Town to install a new sewer
10 line under Interstate 40. This work is consistent with a recently approved inter-local utility
11 agreement between Orange County and the Town of Hillsborough. Consistent with this
12 agreement, the project will be allotted approximately 108,000 gallons of water/wastewater
13 disposal daily.
14

15 Erosion Control/Stormwater Regulations: The applicant has indicated the project will abide by
16 existing stormwater, Section 6.14, and erosion control, Section 6.15, regulations of the UDO.
17

18 Land Use Buffers/External Setbacks: The applicant is proposing:

19 • PIN 9863-71-8857:

- 20 • 25 ft. buffer along Service Road;
21 STAFF COMMENT: Staff has recommended a 30 ft. Type A buffer along Service Road.
- 22 • 100 ft. building setback with a 50 ft. perimeter undisturbed buffer along the
23 western/southern property line. Parking/loading area/drive-aisles would observe a 50 ft.
24 setback from the property line;
25 STAFF COMMENT: Section 6.8.12 of the UDO would typically require a 100 ft.
26 perimeter, undisturbed, land use buffer along the western property line.

27 • PIN 9863-91-6573:

- 28 • 25 ft. buffer along Service Road;
29 STAFF COMMENT: Staff has recommended a 30 ft. Type A buffer along Service Road.
- 30 • 50 ft. perimeter buffer along the eastern property line. Parking/loading area/drive-aisles
31 would be located within this area.
32

33 STAFF COMMENT: Per Section 6.8.12 (C) of the UDO, land use buffers are based on
34 proposed development as well as existing land use(s) on the adjacent parcel. Along the
35 eastern property line the required land use buffer, presuming development on the
36 subject parcel is manufacturing/warehouse space, would range from 20 to 40 ft. in width.
37

38 Further, Section 6.8.7 (D) (1) (a) of the UDO requires parking areas to observe a:
39 *landscape area at least ten feet in width, exclusive of drainage and/or utility easements,*
40 *shall be provided between the vehicular use areas and the right of way or adjacent*
41 *property line.*
42

43 • PIN 9862-99-8894:

- 44 • 100 ft. perimeter structure buffer. Parking/loading area/drive-aisles would be allowed as
45 shown on the concept plat;
- 46 • 30 ft. Type A land use buffer along Davis Road.
47 STAFF COMMENT: Staff recommended a 100 ft. perimeter, undisturbed, land use buffer
48 with no development activity permitted. The portion of this property zoned RB would
49 remain as undisturbed open space.
50

1 • Floodplain buffers shall be in accordance with the provisions of Section 6.13 of the UDO (i.e.
 2 buffer would be measured from the edge of the 1% area of annual inundation (i.e. the historic
 3 100-year flood zone) and range from 65 to 80 ft. based on slope;
 4 STAFF COMMENT: There has been discussion about reducing the required
 5 floodplain buffer to 50 ft. as a means of securing the 100 ft. undisturbed perimeter buffer
 6 suggested by staff.

7
 8 • MTC Buffer: The applicant is proposing to abide by the standards contained in Section 6.6.4 of
 9 the UDO including development of 'visual breaks' within the buffer (Section 6.6.4 (A) (5) of the
 10 UDO would allow for eliminating 50% of the MTC buffer to create visual breaks).
 11 STAFF COMMENT: The applicant's proposed disturbance would be consistent with
 12 existing allowances within the UDO.

13
 14 Staff has recommended the imposition of various condition(s) to address land use
 15 buffers/external setback issues as contained in Attachment 11.

16
 17 Solid Waste: The applicant has indicated development within the project shall abide by the
 18 Orange County Solid Waste Management Ordinance.

19
 20 Environmental Assessment (EA): The applicant completed the EA for this project as required
 21 under Section 6.16 of the UDO. The EA indicates:

- 22 • Project will not impact any environmentally sensitive areas;
- 23 • Preservation of existing hardwoods would occur outside of proposed development
 24 areas;
- 25 • No grading activities would occur within the floodplain other than utility/road crossings
 26 as permitted within the UDO;
- 27 • No historically significant or archeologically significant areas have been denoted on the
 28 properties.

29
 30 Staff has recommended the imposition of various condition(s) to address environmental issues
 31 as contained in Attachment 11.

32
 33 Other pertinent information concerning the proposed MPD-CZ are as follows:

- 34 • Future Land Use Map (FLUM) Designation: PIN(s) 9863-71-8857 and 9863-91-6573
 35 are located within an Economic Development Transition Activity Node.
 36 PIN 9862-99-8894 (Davis Road) is located within the Rural Residential land use
 37 category. A separate process is underway to change the FLUM designation of this
 38 property to Economic Development Transition Activity Node.

39
 40 The FLUM can be accessed utilizing the following link:

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

42 • Comprehensive Plan: Per Appendix F, "*Relationships Between Land Use Categories
 43 and Zoning Districts Matrix*" of the adopted Orange County Comprehensive Plan, the MPD-CZ
 44 district is a permissible zoning designation for property located within an
 45 Economic Development Transition Activity Node.

46
 47 For more information on the definition of activity node, and to review the allowed zoning
 48 designations permitted within same, the Comprehensive Plan can be accessed utilizing
 49 the following link:

50 <http://www.orangecountync.gov/1242/2030-Comprehensive-Plan>.

51

1 Growth Management System Map Designation: PIN(s) 9863-71-8857 and 9863-91-6573 are
 2 located within an Urban designated area while the parcel on Davis Road is located within a
 3 Rural Designated area. If the FLUM amendments (above) are approved, the designation of the
 4 12 acre parcel will automatically change to "Urban".

5 STAFF COMMENT: The Growth Management System Map is a tool utilized by staff to
 6 identify permit review thresholds for residential (i.e. subdivision) projects.
 7

8 • Water and Sewer Management, Planning and Boundary Agreement (WASMPBA): The parcels
 9 are located within the Hillsborough Primary Service Area meaning public utilities (i.e. water and
 10 sewer) could be extended. Public utility service would be provided by the Town of Hillsborough.
 11 The document can be accessed utilizing the following
 12 link: [http://www.orangecountync.gov/DocumentCenter/View/4190/Water-and-Sewer-
 13 Management-Planning-and-Boundary-Agreement-PDF](http://www.orangecountync.gov/DocumentCenter/View/4190/Water-and-Sewer-Management-Planning-and-Boundary-Agreement-PDF)
 14

15 • Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land
 16 Use Plan: These parcels are designated as being located within the following COCA land use
 17 categories:

- 18 PINs: 9863-71-8857 and 9863-91-6573: Employment
 19 PIN 9862-99-6573 – Recommended to be Suburban Office.
 20

21 The recommended zoning designation/proposed land uses would allow development
 22 consistent with the intent of COCA. For more information on the COCA land use
 23 categories, please refer to Attachment 4.
 24

25 Analysis: As required under Section 2.9.2 (E) of the UDO, the Planning Director is required to:
 26 'cause an analysis to be made of the application' and pass that analysis on to the reviewing
 27 body. In analyzing this request, the Planning Director offers the following:

28 1. The application is complete in accordance with the requirements of Section 2.9.2 (C)
 29 of the UDO;

30 2. The proposal appears consistent with the various goals outlined within the
 31 Comprehensive Plan concerning development, including:

32 a. Land Use Overarching Goal: *Coordination of the amount, location, pattern,*
 33 *and designation of future land uses, with availability of County services and*
 34 *facilities sufficient to meet the needs of Orange County's population and*
 35 *economy consistent with other Comprehensive Plan element goals and*
 36 *objectives.*

37 b. Land Use Goal 2: *Land uses that are appropriate to on-site environmental*
 38 *conditions and features and that protect natural resources, cultural resources,*
 39 *and community character.*

40 c. Land Use Goal 3: *A variety of land uses that are coordinated within a program*
 41 *and pattern that limits sprawl, preserves community and rural character,*
 42 *minimizes land use conflicts, supported by an efficient and balanced*
 43 *transportation system.*

44 d. Objective LU-1.1: *Coordinate the location of higher intensity / high density*
 45 *residential and non-residential development with existing or planned locations of*
 46 *public transportation, commercial and community services, and adequate*
 47 *supporting infrastructure (i.e., water and sewer, high-speed internet access,*
 48 *streets, and sidewalks), while avoiding areas with protected natural and cultural*
 49 *resources. This could be achieved by increasing allowable densities and creating*
 50 *new mixed-use zoning districts where adequate public services are available.*

1 e. Economic Development Objective ED-2.1: *Encourage compact and higher*
 2 *density development in areas served by water and sewer.*

3 f. Economic Development Objective ED-2.10: *Extend public water and sewer into*
 4 *all three Economic Development Districts.*

5
 6 3. The applicant has provided a basic environmental assessment as part of this
 7 submittal.

8 Staff has reviewed and determined there ought to be no significant environmental impact from
 9 this project based on existing conditions;

10 4. Staff has determined that the proposed development is consistent with existing and
 11 anticipated development within the area and the various land uses associated with the
 12 project are compatible.

13
 14 Neighborhood Information Meeting: An on-line neighborhood information meeting for the project
 15 was held by the applicant on July 15, 2020 in accordance with Section 2.9.2 (D) of the UDO. A
 16 synopsis of comments made at the meeting can be found within Attachment 7.

17
 18 Public Notifications: In accordance with Section 2.8.7 of the UDO:

- 19 • Notices were mailed via first class mail to property owners within 1,000 ft. of the subject
- 20 parcels providing the date/time of the public hearing where the proposal is to be
- 21 reviewed. These notices were mailed on August 28, 2020, 18 days before the meeting.
- 22 • Staff posted the subject parcels with signs indicating the date/time of the public hearing
- 23 on September 4, 2020, 11 days before the meeting;
- 24 • Staff caused a legal ad advertising the date, time, location, and purpose of the BOCC
- 25 public hearing to run in the *News of Orange* and the Durham *Herald-Sun* on September
- 26 2 and 9, 2020.

27
 28 For more information, please refer to Attachment 9.

29
 30 Courtesy Review: This request was submitted to the Town of Hillsborough as part of the
 31 courtesy review program. To date, no comments have been received other than there are no
 32 concerns over the proposed zoning atlas amendment.

33
 34 Planning Board Recommendation: The Planning Board began its review of the zoning atlas
 35 amendment at its August 5, 2020 regular meeting, which was adjourned to August 19 to
 36 continue discussion. At this meeting the Board voted 6 to 4 to recommend **approval** of the
 37 Statement of Consistency (Attachment 10) and the proposed Zoning Atlas Amendment
 38 (Attachment 11) as proposed by staff. Those voting against the project cited the following
 39 concerns:

- 40
 41 a. The Board wanted the applicant to provide the specific tenants (i.e. names,
 42 operational characteristics, etc.) within the project for 'review and approval' prior
 43 to action being taken on the zoning atlas amendment request;
- 44 b. Board members expressed concern over anticipated traffic impacts on Davis
 45 Road;
- 46 c. The project was deemed to be too intensive for the area.

47
 48 Excerpts of the minutes from these meetings, as well as the Board's signed Statement of
 49 Consistency, are included in Attachment 8. Agenda materials from the meetings can be viewed
 50 at: <https://www.co.orange.nc.us/AgendaCenter/Planning-Board-26>

51

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2 Planning Director's Recommendation: The Planning Director recommends **approval** of the:
3 1. Statement of Consistency indicating the zoning atlas amendment(s) are reasonable
4 and in the public interest as contained in Attachment 10.

5 STAFF COMMENT: This presumes the land use designation of the 12 acre
6 parcel (PIN 9862-99-8894) is changed from Rural Residential to Economic
7 Development Transition Activity Node as detailed herein. If the aforementioned
8 FLUM is not approved, the staff recommendation will have to be revised.

9 2. Ordinance amending the Zoning Atlas, as well as imposing development conditions,
10 for the identified parcels as contained in Attachment 11.

11
12 Michael Harvey, Current Planning and Zoning Supervisor, gave the following PowerPoint
13 presentation:

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15 Slide #1




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34 Slide #2

35 **BACKGROUND:** Page 2

- 36 • January 23, 2018: BOCC approved zoning atlas amendment creating a Master Plan Development
- 37 Conditional Zoning (MPD-CZ) district;
- 38 **- Referred to as Settlers Point project**
- 39 • Involved 10 parcels / 195 acres of land area;
- 40 • Created 2 development districts (i.e. District 1 west of Old NC Highway 86 and District 2 to the east)
- 41 • Each district allowed for different land uses/development intensities;
- 42 • Since 2018, no development activity has occurred consistent with the approved MPD-CZ.

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Slide #3

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PROPOSAL: Page 3

Rezone 3 parcels:

- **FROM:** MPD-CZ (Settlers Point) ; Major Transportation Corridor (MTC) Overlay District ; Rural Residential (R-1) ; Rural Buffer (RB)
 - 2 Parcels (PINs 9863-71-8857 and 9863-91-6573) District 1 of Settlers Point MPD-CZ.
- **TO:** MPD-CZ (RTLTP) ; Major Transportation Corridor (MTC) Overlay District ; Rural Buffer (RB)
 - **STAFF COMMENT:** Parcel along Davis Road (PIN 9862-99-8894) has approximately 26,000 sq.ft. of land area zoned RB. This portion of the property will remain zoned RB and left in open space.



Slide #4




Slide #5

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CONDITIONAL ZONING PROCESS: Page 5

- Approval of rezoning petition and a master concept plan allowing development of specific land use(s);
 - **STAFF COMMENT:** Action does not involve approval of site specific development plan(s) or approval of specific land uses/tenants. Formal site plan submittal is not required per Section(s) 2.9.2 and 6.7 of the UDO.
- Processed in a legislative manner (i.e. does not require sworn testimony or competent material evidence);
- Decisions based on determination Project is consistent with the purpose/intent of Comprehensive Plan and UDO standards.
 - **STAFF COMMENT:** If alternative design standards are proposed, County determines if they meet spirit/intent of existing regulations.




Slide #6

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CONDITIONAL ZONING PROCESS: Page 6

- Schedule, and Action:
 - First Action – Applicant schedules a Neighborhood Information Meeting (NIM).
 - **DONE. Meeting held on-line on July 15, 2020.**
 - Second Action – The Planning Board reviews the application and makes a recommendation to the BOCC.
 - **DONE. Board voted 6 to 4 recommending approval at its August 19, 2020 meeting.**
 - Third Action –BOCC receives Planning Board/staff recommendation, holds public hearing, makes decision to approve/deny.
 - **OCCURRING - NOTE: Per State law County has to accept written comments for 24 hours.**




Slide #7

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CONDITIONAL ZONING PROCESS: Page 7

- Section 2.9.2 (F) (3): Mutually agreed upon conditions can be imposed **only** if they address:
 - Compatibility of the development with surrounding property,
 - Proposed support facilities (i.e. roadways and access points, parking, pedestrian and vehicular circulation systems, screening and buffer areas, etc.) and/or
 - Other matters the County may find appropriate or petitioner proposes.
- If approved, Zoning Atlas amended (property designated MPD-CZ). Development consistent with approved master concept plan and imposed conditions;
- Development permitted through the review/approval of site plan in accordance with UDO.
 - **STAFF COMMENT:** No additional BOCC or advisory board review of site plans.




Slide #8

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ROLES: Page 8

- Staff:
 - Determine application completeness and consistency with Comprehensive Plan;
 - Determine compliance with applicable standards or viability of proposed 'design alternatives';
 - Recommend imposition of conditions/action on request.
- Planning Board:
 - Hear from applicant, staff, and the general public;
 - Review/discuss analysis and recommendation(s);
 - Discuss/recommend imposition of conditions;
 - Recommend approval or denial to the BOCC.



Slide #9

ROLES (continued):

Page 9

- BOCC:
 - Schedule/hold public hearing to receive application;
 - Hear from applicant, staff, and the general public;
 - Review/discuss staff and Planning Board's analysis and recommendation(s);
 - Review, discuss, and recommend imposition of conditions;
 - Close the public hearing;
 - Approve or deny the request to approve Zoning Atlas Amendment application with the imposition of mutually agreed to conditions.



Slide #10

RTLTP Project:

Page 10

- 3 parcels of property / 161 acres of land;
- Involve development of approximately 2,250,000 sq.ft. of building area;
- Preserve 41 acres (25%) of land as open space;
- Vehicular access from Service Road and Davis Road;
- As submitted, allowable land uses would include: health/technology services, information sciences and engineering, manufacturing, logistic/supply operations, warehousing/supply chain fulfillment services;
- 6-story height limit.



Slide #11

RTLTP Project - Applicant:

Page 11

- Applicant: Terra Equity Incorporation
Frank Csapo
3810 Springhurst Blvd
Suite 120
Louisville, KY 40241

• Agents:

Michael Birch Longleaf Law Partners 4509 Creedmoor Rd. Suite 302 Raleigh, NC 27612	Kimley-Horn 421 Fayetteville St. Suite 600 Raleigh, NC 27601	Santec Consulting (Traffic Engineers) 801 Jones Franklin Rd. Suite 300 Raleigh, NC 27606
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Michael Birch, Longleaf Law Partners; Christa Greene, Stantec; and Chris Bostic, Kimley Horn, made the following PowerPoint presentation:



- Overview:
1. Recap of Previous Meeting
 2. Responses to Commissioners' Questions
 3. Transportation
 4. Responses to Comments
 5. Proposed Conditions

RECAP FROM SEPTEMBER 15 MEETING

- RESEARCH TRIANGLE LOGISTICS PARK
- **Master Plan Benefits**
 - Provides a unified, coordinated, cohesive development under the control of a single developer
 - Transportation Improvements
 - Extension of Utilities
 - Increased Tax Base
 - Increased Employment Opportunities
 - Located at interstate interchange, with trips concentrated at the site
 - Provides significant buffers and appropriate transitions to surrounding properties
 - Consistent with the 40-year vision as economic development area

- RESEARCH TRIANGLE LOGISTICS PARK
- **PERMITTED LAND USES**
 - Manufacturing
 - Research & Development
 - Warehousing/Storage
 - Warehousing & Distribution
 - Wholesale Trade

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RESEARCH TRIANGLE LOGISTICS PARK

■ **PROHIBITED USES**

- Animal slaughtering/processing
- Concrete batching plant
- Pulp, paper and paperboard mills
- Sewer fills
- Land fills
- Cemetery
- Funeral home
- Junk / salvage yard
- Petroleum and coal processing, preparation and distribution (including asphalt sales)
- Vegetable detrital manufacturing and processing
- Leather and hide tanning
- Sexually oriented business
- Uranium mining
- Body alteration (tattoo artist, body piercing, etc.)
- Crematoria
- Pawnshop / payday loan
- Massage business

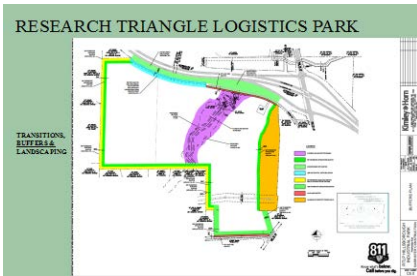
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RESEARCH TRIANGLE LOGISTICS PARK

■ **TRANSITIONS & BUFFERS & LANDSCAPING**

- 100-foot building setback area along western property line
- 50-foot vegetated buffer along western property line undisturbed or replanted
- 30-foot buffer along Davis Road
- 25-foot buffer along Service Road
- Parking lot screening and parking lot landscape landscaping
- 2.5% of open space landscaped area for entire project
- Maximum building height of 60 feet

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RESPONSES TO COMMISSIONERS' QUESTIONS

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RTLP IDLING RESTRICTION*

The Research Triangle Logistics Park (RTLPL) restriction prohibits idling for more than five (5) consecutive minutes, any device or combination of devices that meets all of the following criteria: 1. designed with a gross vehicle weight rating of more than 14,000 pounds; and 2. required under North Carolina law to be registered; and 3. designed to operate on public highways; and 4. powered by a diesel engine. (*Subject to Conditions and Exemptions)

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TRANSPORTATION QUESTIONS

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RESPONSES TO COMMENTS

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Environmental

- Cates Creek does not run through the site. An unnamed tributary is on the property.
- Cates Creek does not have a "high quality water" designation.
- Cates Creek and the tributary is not in a protected or critical watershed. 72% of Orange County are subject to these designations, but not this property.
- Cates Creek is designated as a nutrient sensitive waterway, but this is due to other projects downstream where Cates Creek flows through Hillsborough.
- Stormwater runoff from the project does not flow toward Davis Road, and will not affect flooding conditions on Davis Road.
- No development within floodplain or County's floodplain buffer.

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Environmental

- No Natural Heritage Natural Area is located on the property.
- No known occurrences of any federally protected species in or within 1 mile of the property.
- No known occurrences of dwarf wedgemussel or smooth cone snail within 1 mile of site.
- No known occurrences of federally protected plant or animal species.
- 25% of property set aside as open space/landscaped area.
- FAR of 0.32, which is half of what is allowed.

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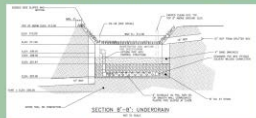
Sustainability

- Irrigation of Native Plants to Reduce Water Consumption
- Rainwater and Surface Water Management through Bioretention
- Rainwater Collection for Irrigation Use
- LED Lighting with Motion & Occupancy Sensors to Reduce Power Consumption
- Clerestory Windows to Supplement with Natural Daylight
- Light Pollution Mitigation
- Recycled On-Site Construction Material
- Energy Star Rated Structures
- Electric Car Charging Stations
- Transit and Carpool Friendly Site


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Stormwater Control Measure (SCM) Pollutant Removal Efficiencies

SCM Type	% Total Nitrogen Removal	% Total Phosphorus Removal
Bioretention	40	45
Wet Pond	30	20
Bioretention in Series	65	65



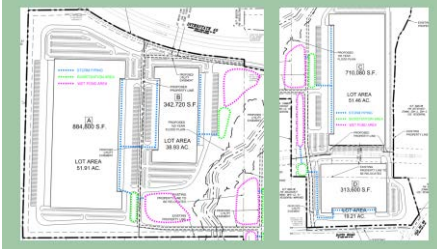
Example Bioretention Area Cross Section



Bioretention Area in the Field - Raleigh, NC

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SCM Treatment Trains



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PROPOSED CONDITIONS

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PROPOSED DAVIS ROAD HEIGHT CONDITION

Any building or buildings in RTLP fronting on Davis Road shall be limited in height to 40' (measured from the finished floor elevation to the roof deck) above the highest elevation of Davis Road along the frontage of the property currently known as Orange County PIN #9862998894

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PROPOSED DAVIS ROAD CONDITION

DAVIS ROAD ACCESS RESTRICTION

The Applicant shall agree to not connect regular vehicular access from Research Triangle Logistics Park (a.k.a. RTLP) to Davis Road (except for restriction emergency vehicular access) if a minimum of sixty (60) days prior to Applicant's initial application for a Certificate of Occupancy (temporary or otherwise) for the first building constructed in RTLP, Orange County and/or NCDOT accomplish the following:

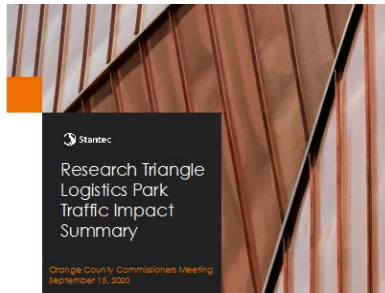
- 1. The Service Road is modified so as to provide a fully functional signalized intersection at Old NC 86 satisfactory to Orange County, NCDOT and Applicant and Applicant's engineers
- 2. Applicant's engineers approve the design and location of the new Service Road extension to the south and east to Old NC 86 and the function of the signalized intersection
- 3. NCDOT approve the Service Road design and/or the design and location of Service Road extension and, in either case a fully functional signalized intersection and accepts the same for maintenance as NCDOT right-of-way.

In the event all of the above conditions are not satisfied within the deadline set forth herein, Applicant is authorized to connect to Davis Road and proceed in accordance with the plans previously approved by NCDOT.

However, even if the above conditions are not satisfied within the deadline set forth herein, and a connection to Davis Road is made, and subsequently items 1-3 are satisfied, then Applicant will close the Davis Road connection, except for emergency access.

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Christa Greene, Stantec, made a PowerPoint presentation regarding anticipated traffic patterns.



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The Stantec Team



Christa Greene, PE
BSCE NCSU 1990
MCE NCSU 1998
Project Manager



Matt Peach, PE, PTOE
BSCE Penn State 2007
MCE NCSU 2011
Engineer of Record



Maggie Rogers
BSCE NCSU 2018
Transportation Designer

11

Research
Thompson
Logistical
Park Traffic
Impact Summary

Traffic Impact Study



- Required by NCDOT and Orange County based on Trip Generation
- Scoping Process Approves
 - Study Area
 - Trip Generation
 - Trip Distribution
 - Build Out Year
 - Access
 - Analysis Periods
 - Approved Developments
 - Background Growth



Conservative Guide Lines: Development and Background Peak Hours Combined, No Right Turn on Red, Protected Only Left Turns

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Research
Thompson
Logistical
Park Traffic
Impact Summary

The TIA Process

Scenarios:

- Existing
- 2023 No Build
- 2023 Build Out (Multiple Scenarios)

TIA Reviewed By:

- NCDOT District Engineer
- NCDOT Division Traffic Engineer
- NCDOT Regional Traffic Engineer
- NCDOT Congestion Manager
- Orange County

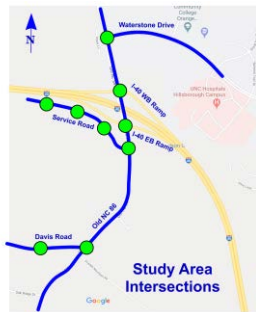
NCDOT District Engineer Remarks:
The TIA successfully addresses the traffic impact in this location. The analysis in all periods addressed traffic impact concerns regarding the intersection. In the future, it is recommended that the intersection be upgraded to a signalized intersection for a controlled access. In the near future, it is recommended that the intersection be upgraded to a signalized intersection. The analysis in all periods addressed traffic impact concerns regarding the intersection. In the future, it is recommended that the intersection be upgraded to a signalized intersection. The analysis in all periods addressed traffic impact concerns regarding the intersection. In the future, it is recommended that the intersection be upgraded to a signalized intersection.

NCDOT Division Traffic Engineer Remarks:
A good level of detail was provided for the analysis and the results will be used to inform the design of the intersection. The analysis will be used to inform the design of the intersection. The analysis will be used to inform the design of the intersection. The analysis will be used to inform the design of the intersection. The analysis will be used to inform the design of the intersection.

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Research
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Logistical
Park Traffic
Impact Summary

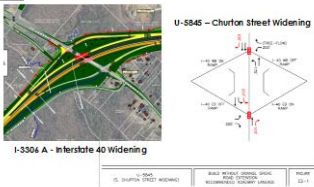
Study Area



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Research
Thompson
Logistical
Park Traffic
Impact Summary

NCDOT Projects



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Research
Thompson
Logistical
Park Traffic
Impact Summary

TIA Results - Existing and No Build

- Delays and Queues noted on I-40 eastbound off ramp
- 400' spacing between Ramp and Service Road
- All other intersections operate at an acceptable level of service.
- Noted Sight Distance Issue at Davis Road & Old NC 86



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Research
Strategic Logistics
Park Traffic
Impact Summary

Build Scenarios

- Full Movement At Service Road (Unsignalized)
 - 70% of the Traffic Utilizes Service Road
 - 30% of the Traffic Utilizes Davis Road
- Full Movement at Service Road (Signalized)
 - 70% of the Traffic Utilizes Service Road
 - 30% of the Traffic Utilizes Davis Road
- Restricted Access at Service Road
 - 40% of the Traffic Utilizes Service Road
 - 60% of the Traffic Utilizes Davis Road



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Research
Strategic Logistics
Park Traffic
Impact Summary

Trip Generation

- ITE Trip Generation Manual, Version 10

Category	Area	Acres	Trips/Day	Trips/Year	Trips/Minute	Trips/Second
Office	100,000	100	100	100	100	100
Other	100,000	100	100	100	100	100

Equivalent Land Uses:

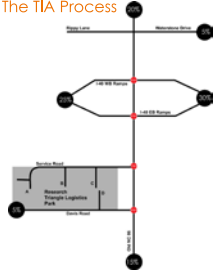


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Research
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Park Traffic
Impact Summary

The TIA Process

- Trip Distribution



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Research
Strategic Logistics
Park Traffic
Impact Summary

Traffic Volumes

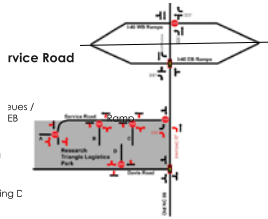


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Research Triangle Logistics Park Traffic Impact Summary



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Research Triangle Logistics Park Traffic Impact Summary

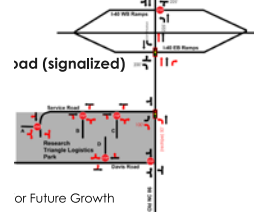
Full access at Service Road (Unsignalized)



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Research Triangle Logistics Park Traffic Impact Summary

Scenarios



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Research Triangle Logistics Park Traffic Impact Summary

Full access at Service Road (Signalized)



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Reason
Thru Logistics
Park Traffic
Impact Summary

Right of Way Constraints
and Property Impacts



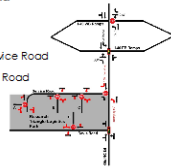
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Reason
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Build Out Scenarios

Limited Access at Service Road

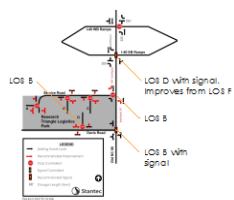
- No Left Exit at Service Road
- Entering Traffic Primarily Utilizes Service Road
- Exiting Traffic Primarily Utilizes Davis Road
- New Signal at I-40 EB Ramps
- New Signal at Davis Road
- Additional Turn Lanes



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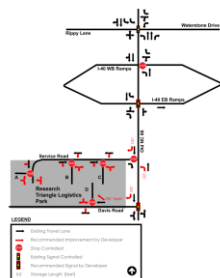
Reason
Thru Logistics
Park Traffic
Impact Summary

Level of Service



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NCDOT
Requirements



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Reason
Traffic Logistics
Park Traffic
Impact Summary

Land Use Options From ITE Trip Generation Manual

**Land Use: 182
Warehousing**
A warehouse is primarily designed to store large quantities of materials, but it may also include office and maintenance areas.

**Land Use: 184
High-Cube Retail and Short-Term Storage Warehouse**
A high-cube warehouse (HCW) is a building that typically has an overall clear height of 20 feet or more, and is used primarily for the storage and distribution of manufactured goods (and is a basic form for material processing and distribution for other categories of warehouses). A typical HCW has a high level of automation and requires an advanced level of planning of goods.

**Land Use: 110
General Light Industrial**
A light industrial facility is a manufacturing facility located on a large lot. The facility may be an industrial building and may include office and retail. The facility may include office, retail, and other common multiple uses.

Reason
Traffic Logistics
Park Traffic
Impact Summary

Trip Generation Estimates From ITE Trip Generation Manual

Land Use	SQ FT	Daily Trips	Peak Hour Trips			Peak Hour Trips		
			AM	PM	Even	AM	PM	Even
WAREHOUSE (182)	1,000,000	3,000	100	100	100	100	100	

Land Use	SQ FT	Daily Trips	Peak Hour Trips			Peak Hour Trips		
			AM	PM	Even	AM	PM	Even
GENERAL LIGHT INDUSTRIAL (110)	1,000,000	3,000	100	100	100	100	100	

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Reason
Traffic Logistics
Park Traffic
Impact Summary

Hourly Trip Estimates From ITE Trip Generation Manual

Warehousing (IUC 182)

Hour	Trips
12-1 AM	0.000
1-2 AM	0.000
2-3 AM	0.000
3-4 AM	0.000
4-5 AM	0.000
5-6 AM	0.000
6-7 AM	0.000
7-8 AM	0.000
8-9 AM	0.000
9-10 AM	0.000
10-11 AM	0.000
11 AM-12 PM	0.000
12-1 PM	0.000
1-2 PM	0.000
2-3 PM	0.000
3-4 PM	0.000
4-5 PM	0.000
5-6 PM	0.000
6-7 PM	0.000
7-8 PM	0.000

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Reason
Traffic Logistics
Park Traffic
Impact Summary

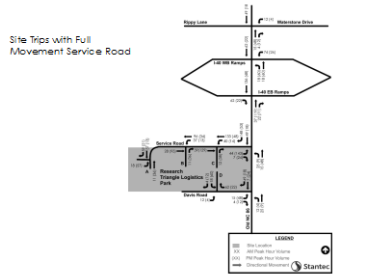


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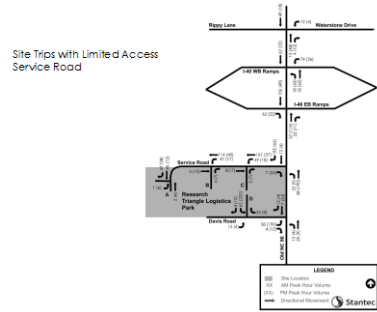
2023 No Build traffic volumes
With Approved Developments



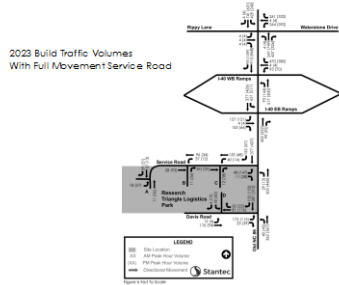
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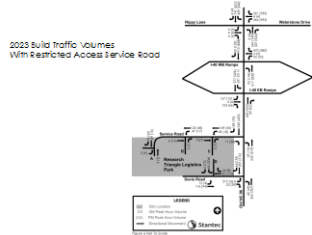
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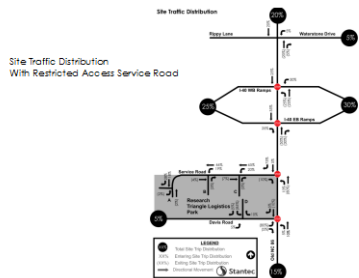
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1 signalized options are of more concern. He asked if the percentages of personal vehicle traffic
2 and commercial truck traffic could be identified.

3 Christa Greene said until the land user is known, the exact percentages will not be
4 known. She said different times of the day will bring varying traffic, but the study looked at the
5 heaviest possible traffic options.

6 Commissioner McKee said his concern is the number of trucks that will be on Davis
7 Road. He asked what amount of the 52% will be large trucks. He said he disagrees with the
8 noise assessment, and thinks it will be louder.

9 Christa Greene said she does not have the exact percentage, but it is only a portion of
10 Davis Road, not the entire length.

11 Commissioner McKee said he wants to know how many heavy trucks there will be, and
12 why those trucks cannot be sent out exclusively on the signalized service roads.

13 Christa Greene said the service road is too close to the interchange to have the
14 stacking.

15 Commissioner McKee said it is tricky, but the signals can be timed.

16 Christa Greene said if it was a four-lane road, and the service road was further down, it
17 would be sufficient, but these is the results of the traffic analysis. She said the study did
18 consider the alternatives.

19 Commissioner McKee said the issue is truck traffic on Davis Road.

20 Christa Greene said the signal will make it safe for trucks to get in and out.

21 Commissioner Price asked what other improvements will be made to Davis Road.

22 Christa Greene said per NCDOT requirements, there will be signalization; a taper into
23 the site; turn lanes; and a signal at the ramp will be completed. She said there will also be
24 several improvements along 86.

25 Commissioner Price said she is concerned about how narrow Davis Road is.

26 Commissioner Price said the uses may not be known, but it is reported to be less trip
27 generations than 2 fast food restaurants or a Walmart. She asked how this conclusion was
28 reached.

29 Christa Greene said there is a standardized trip generation manual, which allows the
30 calculations to be made.

31 Commissioner Price asked if there was a reason that the project was compared against
32 fast food. She asked if it is unknown what will be on the site, how were these comparisons
33 chosen.

34 Michael Birch said the trip generation that was used was associated with the
35 warehousing use, which has a particular trip generation associated with it. He said this was
36 done as part of the scoping process. He said every use may not be a warehousing use, but it
37 was taken into account that if there were other uses, with different trip generation rate, the
38 recommended improvements would still accommodate the other allowable uses.

39 Commissioner Price said she understands the formulas, but wondered how the
40 comparisons were chosen given that the nature of the site is not yet specified. She said the
41 concept plans to not mean the buildings will be as they are described.

42 Christa Greene said comparison sites from around the country were used through the
43 trip generating formula.

44 Commissioner Price referred to the environmental assessment, and asked if their staff
45 conferred with local staff in Orange County. She said there is 161 acres of wooded area, and
46 she has to believe that this will have some impact, as it is a heritage area.

47 Chris Bostic said they did confer with County Staff about the Cates Creek property,
48 specifically. He said the majority of that natural area is located completely off of the property in
49 question, and a large portion of this property was clear-cut previously. He said the data on this
50 land was out of date, so his staff biologist went out last week and re-evaluated the land. He
51 said the area of their property is an upland area, and the soils are acidic soils.

1 Commissioner Price asked if the conclusion is that there is nothing on the land in
2 question that would trigger an environmental impact statement.

3 Chris Bostic said he was required to provide an environmental impact statement as a
4 part of their packet, and they did so. He said it states that there is nothing of concern.

5 Commissioner Price said the Applicant completed an assessment, and an environmental
6 impact statement is different.

7 Chris Bostic agreed.

8 Commissioner Dorosin said the biggest concern is around traffic. He clarified that there
9 is an estimated 3650 trips a day, with peak times at 300-326 trips. He asked if the peak a.m.
10 time is referring to a specific hour, and noted that this amount does not seem like much of a
11 peak in comparison to the total number of trips.

12 Christa Greene said the a.m. and p.m. peak hours are one individual hour each. She
13 said a site like this will have coming and going throughout the day. She said the peak numbers
14 represents about 10% of people going during the day, and were predicted to be the highest
15 hours in conjunction with the highest measured traffic in the area.

16 Commissioner Dorosin asked if there is an average of the number of trips over the
17 course of the day. He said he would like to know how much of a peak will the peak hours
18 contain.

19 Christa Greene said peak is about 10%, so other times there would be less trips. She
20 said there will be highs and lows during shift changes, lunch hours, beginning and end of day,
21 etc.

22 Commissioner Dorosin asked if the proposal is to have the service road be a right turn
23 only, with no left turn.

24 Christa Greene said a right in, a right out, and a left turn into the service road. She said
25 there will be no left turn out due to the queuing.

26 Commissioner Dorosin asked if the imagined traffic pattern could be described.

27 Christa Greene said most trucks will use David Road.

28 Commissioner Dorosin asked how this will be operationalized. He said the advantage of
29 this property is its location right next to the highway, and trucks will have to turn right. He asked
30 if there is plan to get the trucks back to the highway.

31 Christa Greene said presumably the trucks would cut through the site, and take a left on
32 Davis Road to get to the highway.

33 Commissioner Dorosin said local concern is to avoid the trucks going on David Road.

34 Christa Greene said right now that is the way DOT says things must proceed. She said
35 it is possible to safely accommodate the traffic coming out on Davis Road with the signal.

36 Commissioner Dorosin said this is problematic.

37 Commissioner Greene referred to a Planning Board member, who is the Vice President
38 of a supply chain and logistics company, and he said the traffic study used the code 150, which
39 is just warehouse, and not code 140 (manufacturing) or 130 (industrial park). She said if this
40 land may be used for some of these other things, she wonders why the traffic study did not
41 include those codes.

42 Michael Birch said the warehouse use was agreed to as part of the scoping process. He
43 said the results of the TIA are a list of recommended improvements. He said the recommended
44 improvements that have come out of the traffic impact study would not change if the other use
45 codes were used.

46 Commissioner Greene asked if the manufacturing and/or industrial park use more or
47 less per day.

48 Christa Greene said based on the scoping meeting, and that this would be a logistics
49 park, this was the agreed upon land use. She said the recommendations being made do allow
50 for additional capacity.

1 Commissioner Greene read the proposal from the Planning Board member's comments.
2 She said the potential uses seem to be changing. She said everyone wants to understand the
3 maximum number of trips per day, and how does the County prepare. She asked if the other
4 code uses would be more or less trips per day.

5 Michael Birch said he can provide additional information. He said each use has slightly
6 different characteristics with daily trips, peak hours etc. He said the recommended
7 improvements are based on trip generation with a certain use, but those improvements will
8 accommodate additional trips. He said the infrastructure could handle additional trips.

9 Commissioner Bedford said a traffic noise study was done on old 86 and Davis road,
10 and the noise increase would be 2.2 decibels for all but one parcel, and it would need to be 3
11 decibels to be perceived. She asked if more details could be provided about this, and if the
12 Applicant would be willing to give the BOCC a full copy of the study.

13 Michael Birch said one property, with the higher decibel increase, was parcel #3 that
14 fronts along Davis Road. He said this is the Barlow property. He said he will follow-up on the
15 exact details.

16 Commissioner Bedford referenced pages 402, 406 and 450, which included
17 communications regarding traffic, and she tried to compare DOT's initial findings with that which
18 they resolved and agreed to. She said everything was fine at Waterstone, as well as the
19 conservative estimate that was used for 86/I-40 westbound ramps. She said DOT required
20 three things with old 86 and the service road: a north bound left turn lane with 125 feet of full
21 staging/storage; south bound right lane with 100 feet of staging/storage; and an east bound right
22 turn lane, with 200 feet of full staging/storage. She said the Applicant offered up the option of
23 right turn only out of the service road, and DOT responded by keeping the first two conditions,
24 but deleting the third. She said Davis road originally required a traffic signal, a southbound right
25 lane with 100 feet of full staging/storage, and a northbound left turn lane with 100 feet exclusive.
26 She said at some point the northbound left turn was removed, and it became a right turn only
27 onto the service road, in order to avoid building the number 3 right eastbound lane with 200 full
28 storage. She asked if the Applicant were to build that road, would it still be possible to have left
29 turns out of the service road, and meet the requirements for DOT.

30 Christa Greene said no. She referred to the July 31st memo from DOT, which said the
31 queue spillbacks from the adjacent eastbound ramps will need to be mitigated, or restrictions of
32 left turns. She said that is basically where NCDOT recommended right lane.

33 Commissioner Bedford asked if there is any other way to mitigate the queue spill back.

34 Christa Greene said the Applicant could not determine any other way to mitigate the
35 queue spillback.

36 Commissioner Marcoplos said these types of issues have arisen before in discussions of
37 widening I-40, when the only option seemed to be to run a road through a neighborhood, but
38 another solution was found due to community pressure and pushback. He wonders if there are
39 other ideas that just have not been fully pursued.

40 Michael Birch said one additional option was to condemn private property, in order to
41 shift the service road intersection with 86 farther away from the I-40 ramp.

42 Commissioner Marcoplos asked if this is the Dodson property.

43 Michael Birch said no, it is more the area between the Applicant's land and 86. He said
44 it would involve shifting the service road further south. He said that is the only other option.
45 He said there are some fixed points in the ramp and the bridge. He said design standards
46 require things to stay fairly straight. He said shifting things is not a feasible solution. He said
47 the Applicant did consider this, but it would require action from someone else to condemn
48 property.

49 Michael Harvey shared his screen to display the actual property line in question. He
50 said there are many complicating factors such as utility easements, private property, Economic

1 Development zones, etc. He said the Applicant does not have the ability to compel anyone to
2 sell.

3 Michael Birch said the Applicant could not utilize the road in question because of an
4 easement, and would have to go further north.

5 Commissioner Price asked if the location for the parking could be identified. She said
6 logistic parks often have trucks stay over night, and the peak traffic hour might be 7 a.m. as they
7 all leave. She said she would like to have more information about the peak hours, and will
8 patterns occur 24/7.

9 Michael Birch said he would gather more information.

10 Chair Rich asked if Michael Harvey would resume his presentation:


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12 Slide #12

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Page 12

CONDITIONS:

- General:
 - Only involve the 3 identified properties;
 - Rural Buffer (RB) zoned portion of property (PIN 9862-99-8894) remain zoned RB and be 'open space'.
- Access/transportation:
 - Internal roadways (i.e. private) developed consistent with UDO;
 - Development consistent with TIA and NC DOT standards;
 - Town of Hillsborough/County Fire Marshal involved with road layout approval;
 - Limits on turn movements onto Davis Road;
 - Bus pullouts/shelters consistent with County plans.




27 Slide #13

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Page 13

CONDITIONS (continued):

- Dimensional Standards:
 - Building sq.ft. limit of 2,400,000 sq.ft. based on current TIA;
 - Height limit – 60 ft.
 - ❖ **NOTE: Accessory structures (i.e. water tower) may exceed this limit.**
 - Setbacks – Structures:
 - ❑ 100 ft. from property lines abutting residentially zoned property and Davis Road right-of-way;
 - ❑ 50 ft. from property lines abutting non-residentially zoned property and Service Road right-of-way
 - Setbacks – Vehicular Use Areas (i.e. parking, drive isle):
 - ❑ 50 ft. from property lines abutting residentially zoned property and Davis Road right-of-way;
 - ❑ 25 ft. from other property/road rights-of-way




43 Slide #14

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CONDITIONS (continued):

- Open Space/Land Use Buffers:
 - 41 acres (25%) of land area in open space (includes floodplain and floodplain buffers);
 - 50 ft. land use buffer along western property lines and around Davis Road property – 25 ft. along property zoned for non-residential development;
 - 10 ft. vegetative buffer separating parking from drive-isles;
 - 1 shade tree for every 10 car parking spaces;
 - ❑ **Standard consistent with UDO.**
 - 20% of a building's perimeter shall be landscaped;
 - HVAC, mechanical equipment, dumpsters, etc. screened consistent with Section 6.8.9 of the UDO;
 - Project shall comply with Section 6.6.4 of the UDO – Major Transportation Corridor (MTC) overlay. This includes allowable breaks in buffer(s).



Slide #15

CONDITIONS (continued):

Page 15

- Parking:
 - Design/layout to comply with Section 6.9 of the UDO;
 - 1 space for every 750 sq.ft. of office space;
 - 1 space per 3,000 sq.ft. of additional indoor area (exclusive of office space);
- Lighting – consistent with UDO;
- Comply with provisions of Section(s) 6.4.2 through 6.4.7 of the UDO (i.e. noise, air pollution, disposal of liquid waste, hazardous materials, vibration);
- Master sign plan determined to be acceptable by staff.



Slide #16

CONDITIONS (continued):

Page 16

- Architectural Design:
 - Applicant has supplied list of acceptable/prohibited exterior wall materials;
- Utilities: Extended/managed consistent with agreement between the County and the Town of Hillsborough;
- Land Uses:
 - Consistent with table of permitted uses and the existing MPD-CZ for Settlers Point;
 - Includes:
 - Manufacturing;
 - Research and Development;
 - Warehousing/Storage;
 - Distribution Services;
 - Wholesale Trade;
 - Application package includes list of prohibited land uses.



Slide #17

CONDITIONS (continued):

Page 17

- Applicant agreed to incorporation of conditions recommended by Planning Board at its August 5, 2020 meeting:
 - No permanent fuel or chemical storage shall occur within 30 ft. of a floodplain/stream buffer established consistent with the provisions of Section 6.13 of the County UDO;
 - A minimum of 2 electrical vehicle charging stations shall be installed for every building constructed on-site. Additional stations may be proposed as part of the site plan review process;
 - Building design/construction shall not preclude incorporation of alternative energy systems such as solar panels.




Slide #18

Page 18

Planning Board Action:

- Board met on August 5, 2020. Meeting adjourned to August 19, 2020 for additional review;
- Board voted:
 - 6 to 4 recommending approval of Statement of Consistency
 - 6 to 4 recommending approval of the Zoning Atlas Amendment changing the designation of the new MPD-CZ

STAFF COMMENT: This recommendation included imposition of several condition(s) governing the development of the Project.



Slide #19


Page 19

Management Recommendation:

1. Receive the request;
2. Conduct the public hearing and accept comment;
3. Close the public hearing;
4. Authorize acceptance of written comment(s) via e-mail to the Board at pcboc@orangecountync.gov or by delivery to the Planning Department's office at 131 West Margaret Lane, Hillsborough, North Carolina 27278, until 9:00 a.m. on Thursday September 17, 2020;
5. Schedule a vote to approve Statement of Consistency (Attachment 10), and Zoning Atlas Amendment (Attachment 11) at the Board's October 6, 2020 meeting

No additional public comments shall be received at October 6 meeting if hearing closed.

For more information of questions on this proposal:
Michael Harvey, Current Planning Supervisor
mharvey@orangecountync.gov or (919) 245-2297



Commissioner Price asked if the table of permitted uses is updated and current.

Michael Harvey said everything is within permissible uses per the County's updates.

Commissioner Price said the Applicant says there is no environmental impact, but the staff descriptions say there are significant woodlands and ponds and a flood plain. She said she would like to see these statements reconciled somehow.

Michael Harvey said the Applicant has agreed to have no development in the flood plain, and there will be protection of the flood plain buffer.

Chair Rich asked if Michael Harvey if it would be appropriate to hear from the public at this time.

Michael Harvey said yes, and the Applicant is eager to hear all feedback.

A motion was made by Commissioner Price, seconded by Commissioner Bedford to open the public hearing.

Roll call ensued.

VOTE: UNANIMOUS

PUBLIC COMMENT:

Erik Reavely said he is a business/home owner and taxpayer, and he is opposed to the rezoning of this land. He said such radical rezoning does not match the existing land. He said heavy industrialized traffic will greatly affect the local residents and the existing rural buffer landscape. He said there is a church, preschool, and historical African American cemetery

1 nearby, and the traffic noise will be a disruption all day long. He voiced concern for negative
2 environmental impacts, as well as minimal meaningful job creation.

3 Emily Buehler said she has been a resident for 13 years, and she and her neighbors are
4 concerned about rising property taxes. She said development is crucial to avoid homeowners
5 bearing the financial burden. She said she supports the development.

6 Robb Levinsky said he is a new comer in the area, and feels this is the wrong
7 development for this land and this time. He said the proposed structures will be very tall, and
8 are not within permitted uses for the current zoning, thus requiring a major change in the zoning
9 for the land. He said it is a rural residential area, and he doubts there will not be meaningful
10 economic benefit, and the traffic is a huge problem. He said he is opposed to this development.

11 Hayley Pickard said she has been a Hillsborough resident since 2001, and she had the
12 benefit of growing up in this community. She said she is opposed to this development, as it will
13 have negative environmental impacts.

14 Jay Kennett said he is the Pastor of Hillsborough United Church of Christ. He said the
15 1000 feet on Davis Road is the entire frontage of his church's property, which is a place of
16 worship, community picnics, home to three 12-step groups, a daycare, an historic cemetery, etc.
17 He said if this plan moves forward the church will be shaken by trucks and pollution. He said
18 this is a living community and he is opposed to this development. He said he understands
19 development may occur, but this industrial growth was not at all what he expected.

20 Luke Farley said he is a lawyer who has been retained by Hillsborough homeowners to
21 oppose the development of the 12-acre residential parcel. He said his clients would be willing to
22 oppose the development in court, if necessary, based on two grounds: 1) rezoning the parcel is
23 inconsistent with the County's comprehensive plan. This land has never been in an EDD, and
24 had no part in Settler's Point; and 2.) This zoning is illegal spot zoning, when a relatively small
25 parcel is rezoned, when it is surrounded by zoning of a different type. He said the court will
26 consider detrimental effects to neighbors, which are ample here. He said reasonable requests
27 should be imposed upon the Applicant to mitigate the negative impacts.

28 Janet Marks said she lives off of Davis Road, which supplies access to the nearby
29 hospital. She said the truck traffic would likely interfere with people accessing the hospital, and
30 would lead to increase automobile accidents. She said she is in favor of development, but not
31 this particularly project. She said there needs to be smart development with clear plans to
32 address traffic. She asked the BOCC to vote no on this project.

33 Scott Carbonara questioned the developer, just as much as the project itself. He said
34 the developer has never developed a project to this magnitude, and it would be wise to use a
35 more seasoned developer. He said the developer's own building in Kentucky has many areas
36 up for lease, and he questions whether the developer could find tenants locally in NC. He said
37 this land begs for development, but this one is not the right kind.

38 Jocelyn Carbonara said she lives off Davis Road, and she is opposed to this
39 development. She said the plan has too many holes, and is the wrong project for this land as
40 negative impacts are too numerous.

41 Sascha Godfrey said she is a high school student who lives on Davis Road, and is a part
42 of Save Hillsborough. She said she is opposed to this development, and is in full support of
43 sustainable development. She said Hillsborough is full of talented people who can work
44 together to do better to protect the Town and its environment.

45 Kaila Mitchell said she lives 600 feet from the proposed access road, with several family
46 members living around her. She said she is opposed to the development due to the many
47 harmful environmental and health impacts. She urged the BOCC to vote no to rezoning this
48 land.

49 Matt Mitchell said he lives off of Davis Road within 1000 feet of the proposed
50 development. He said he is one of the organizers of Save Hillsborough, a group that is strongly
51 against this development. He said he and many others are not opposed to development in the

1 area, but want it to be environmentally sound, and good for the local residents and community
2 at large. He said the members of the community have no interest in proposing every
3 development in this economic development district, and want to work with the BOCC.

4 Ashley Trahan said she is a Hillsborough resident on Davis Road, and is opposed to this
5 development. She asked the BOCC to bring change that is good for everyone, and to vote no
6 to rezoning.

7 Daniel Arneman said 100s of citizens have spoken out against this project. He said it is
8 clear that the BOCC has been listening. He said he is opposed to this development, and if it
9 must proceed, the BOCC should impose strict standards upon the developer. He would rather
10 see a different project altogether.

11 Jon Lorusso read from the County noise ordinance. He said he is opposed to this
12 development, and said the noise pollution would impact all residents in the area. He said the
13 noise ordinance does not include vehicular noise, and the trucks in this development would not
14 be subject to the ordinance.

15 Chip Thrasher said he is a 17-year-old resident, and has concerns regarding potential
16 traffic problems with this development. He also voiced concern for the wildlife and plants in this
17 area, and their protection. He said he is opposed to this development.

18 Hunter Spitzer said he is an at large member of the Planning Board, and he encouraged
19 the BOCC to work harder on access to solar energy and said this proposed site is one example
20 of where it can do so. He said the developer should be required to install solar. He said he
21 voted against this site in August, and hopes the BOCC will do the same.

22 Jeremy Edmondson said he holds a commercial drivers license, and has driven many
23 large trucks over many years, in many places. He said truck drivers are in demand, and as
24 such, many of the drivers are not experienced. He said Orange County is not prepared for the
25 impacts of having such truck traffic as will come with this development. He said drivers will
26 come from all over the country, and will have no ties to the community, and will not be invested
27 in its welfare. He said trucks are not the same as cars. He said a distribution center is not akin
28 to a McDonalds. He said he is opposed to the development.

29 Sarah Shore said she lives at the corner of old 86 and Davis Road, and thanked the
30 BOCC for its careful consideration of this development. She echoed previous comments, and
31 said she is not against all development, but is against this development.

32 Joseph Shore said he lives on old 86, near Davis Road. He said the developer
33 continually shows his land as vacant, and he said it is not, and there are several houses on this
34 land. He said he opposed to the rezoning of this land, and this development in particular. He
35 said he supports development that is harmonious with the neighborhood: restaurants, health
36 care, schools, small businesses, etc. He said this development will surround his house on three
37 sides, and will negatively affect his property value. He said the developer should compensate
38 local property owners if the property values do drop. He said \$2 million should be put in a trust
39 for this purpose, and if the money has not been used in 10 years, it can go back to the
40 developer.

41 Steven Kaufmann said he lives on Davis Road. He echoed comments of previous
42 speakers and is opposed to this development. He said he is a teacher, and also owns a martial
43 arts studio. He said he is highly invested in Hillsborough and Orange County, and his entire life
44 will be negatively impacted by this development.

45 Jesse Kaufmann spoke about a neighboring truffle farm, and its importance to the area
46 as one example of fighting climate change. She said the environment must be preserved, and
47 the diesel trucks at this proposed project would be very damaging. She said if the development
48 proceeds, the County must demand electric vehicles only. She said she is opposed to this
49 development, and encouraged the Board to support more friendly development.

1 Rena Mitchell said she lives on Davis Road, and is opposed to this development. She
2 said she grew up in a town similar to Hillsborough that is now overrun with development and
3 environmental pollution. She urged the Board to vote against rezoning.

4 William Mitchell said he lives 350 feet from the proposed RTLP exit, and he is very
5 concerned about the impacts it would have on his neighborhood and the Town of Hillsborough.
6 He said the increase in traffic and potential for vehicular accidents would be a great risk. He
7 said development will bring more tax funds, but it is not worth it to risk the lives of residents. He
8 said he is opposed to this development.

9 Bob Bundschuh echoed all the concerns about traffic, and said the traffic signals will not
10 help, and will actually create delays. He said he is opposed to the project.

11 Matthew Kostura said the BOCC asked great questions of the Applicant, and it is clear it
12 understands the potential problems with this project. He said the traffic impact cannot be
13 underestimated. He said he is opposed to this project.

14 Myra Gwin-Summers said she lives very close to the proposed project, and is blindsided
15 by this proposal. She said she and her neighbors are worried about their well-being. She said
16 she supports growing the tax base, but not with this project. She said she is concerned that this
17 process has not followed proper procedures. She said she opposes this project, and urged the
18 BOCC to do the same. She said this land should remain part of the rural buffer, and zoned
19 residential.

20 Dave Laudicina said all the previous public comments are valid, and his greatest
21 concern is with the traffic entering and exiting the property. He said any proposed mitigation
22 efforts are insufficient, and the various environmental impacts will be very damaging. He said
23 he is opposed to this development, and urged the BOCC to find a better economic development
24 project.

25 James Watts said he has lived and worked here for 20 years, and lives within 2 miles of
26 this proposed project. He said he serves on the Economic Development Board, and is
27 supportive of RTLP proposal. He said the project offers positive improvements to the County,
28 and offers minimal impact to the water supply. He said the project offers employment
29 opportunities of many levels. He said it is important to have facilities like these, so that
30 businesses that start in Orange County will stay in Orange County, as there is room for them to
31 grow. He said the proposed location is a logical one, and despite inconveniences it may
32 present, the project should be supported.

33 Catharine Vaughan said she lives close to UNC Hospital – Hillsborough, and is opposed
34 to this development and the detrimental effects it will have on this beautiful area. She said she
35 has not heard of any plans that will mitigate the negative impacts of this project. She said the
36 project would adversely interfere with the functions of the hospital, putting the lives of those
37 needing to access it, at risk. She said the Board should vote against this project.

38 John Dempsey said development that benefits the community is welcome, and he feels
39 this project is not such a development. He said the negative environmental impacts would be
40 severe, and would lead to more inappropriate development in the future. He said he is opposed
41 to this project in order to protect residents and the Town of Hillsborough.

42 Margo Lakin said she has researched the developer, and has not found successful
43 results. She said she found past projects in Kentucky made by this developer, and highlighted
44 how all had significant failures. She said she opposed to this project and urged the BOCC to
45 vote no on the rezoning.

46 Angela Sneed said she a native of Orange County and lives near the proposed
47 development. She highlighted pros and cons that she sees in the project, but said the cons
48 outweighed any pros she could identify. She said she is particularly concerned about the
49 impact of the water supply; the quality of jobs that will be generated when tenants are unknown;
50 significant traffic concerns; and the outdated EDD plan. She said she is opposed to the project.

1 Jo Massey thanked the BOCC for its thoughtful approach to this item. She said she is
2 opposed to the project, as it is not appropriate for the space, the culture or the environment.

3 Brandon Sneed echoed formerly mentioned concerns, and questioned the validity of the
4 information presented by the Applicant. He said he is opposed to the project.

5 Kate Carroll thanked the BOCC for listening to the public comments. She said she
6 would like to see much greater compromise between the Applicant and the County in order to
7 have a project that is better suited to the community. She said the tax dollars and jobs the
8 project will provide to the County are legitimately needed. She said she would like to see the
9 Davis Road parcel removed from the plan, and have the County work with the Applicant to find
10 a way forward.

11 Robin Brown-Farrin said she lives in Hillsborough, but not too close to the proposed
12 project. She said she is opposed to the project due to all the potential negative impacts
13 mentioned by previous speakers.

14
15 A motion was made by Commissioner Greene, seconded by Commissioner Bedford
16 to reconvene the public hearing on September 22, 2020

17
18 **Roll call ensued**

19
20 **VOTE: UNANIMOUS**

21
22 **b. Zoning Atlas Amendment – Parcels off Old NC Highway 86 (District 2 of Settlers
23 Point MPD-CZ)**

24
25 The Board held a public hearing, receive the Planning Board recommendation and public
26 comment, close the public hearing, and schedule action for a specific future date on Planning
27 Director initiated Zoning Atlas Amendments for parcels east of Old NC Highway 86, south of
28 Interstate 40, within the Hillsborough Township of Orange County.

29
30 Specifically, staff is proposing to rezone eight parcels, totaling approximately 46 acres, originally
31 part of the Master Plan Development Conditional Zoning (MPD-CZ) district known as Settlers
32 Point. A map of the subject parcels is contained in Attachment 1.

33
34 **BACKGROUND:**

35 On January 23, 2018 the Orange County Board of Commissioners (BOCC) approved a zoning
36 atlas amendment creating a MPD-CZ district referred to as Settlers Point.

37
38 Materials from this meeting are available at:

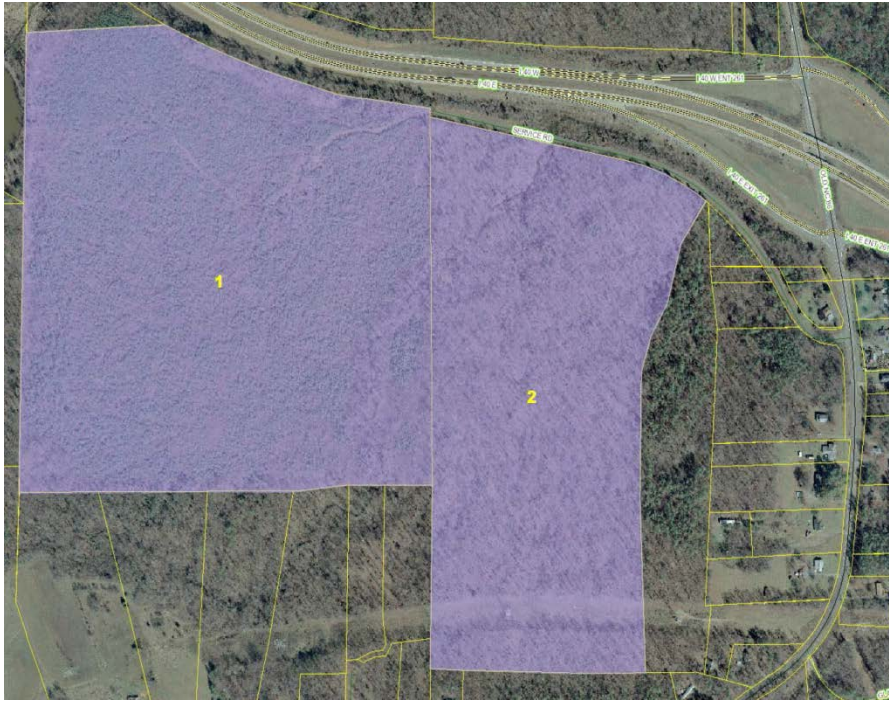
39 <http://server3.co.orange.nc.us:8088/weblink/0/doc/49647/Page1.aspx>.

40
41 The approved MPD-CZ, composed of 10 parcels and totaling 195 acres of land, created a
42 master planned mixed use project with two distinct development areas, specifically:

- 43 • District 1: Parcel Identification Number(s) 9863-71-8857 and 9863-91-6573 supporting
44 development of Industrial/manufacturing/research land uses:

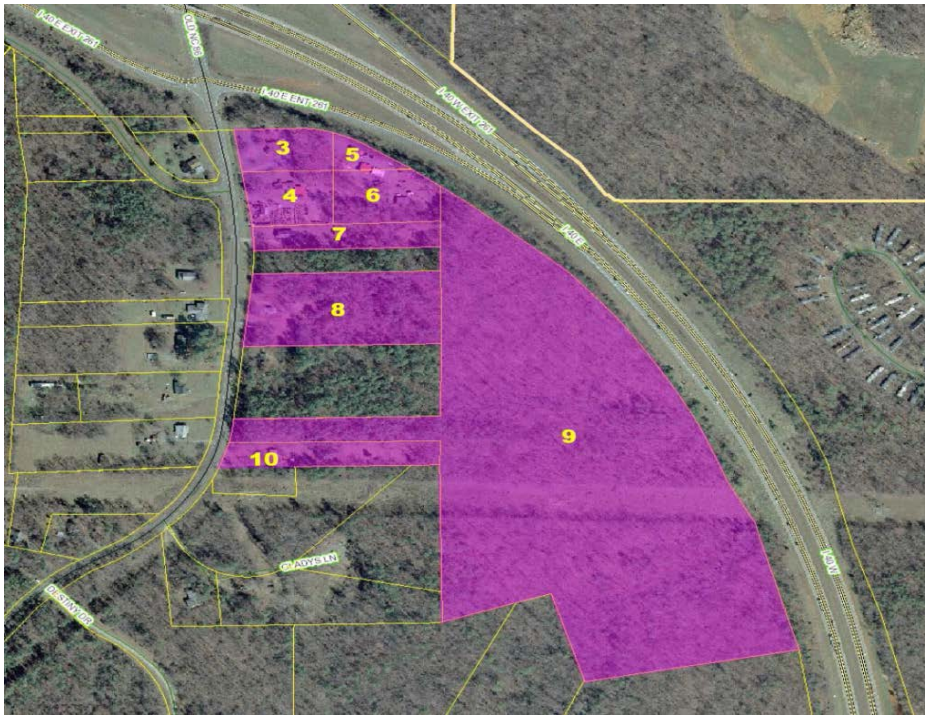
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And

- District 2: Parcel Identification Number(s) 9873-11-4636, 9873-11-5415, 9873-11-7506, 9873-11-9450, 9873-11-7247, 9873-10-7937, 9873-20-2388, and 9873-10-4310 supporting development of Office/retail/commercial land uses:



1 Development on these properties is required to comply with a master set of conditions (i.e.
 2 access management standards, building setback/size limits, open space requirements, site plan
 3 submittal and review requirements, etc.). These conditions are designed to complement one
 4 another, allowing for development of the 10 parcels consistent with the approved MPD-CZ.
 5 Since approval, no development activity has occurred.

6
 7 **ISSUE:** The County has been approached by a developer proposing a new MPD-CZ district
 8 involving the two parcels within ‘District 1’ as well as a 12 acre parcel with frontage on Davis
 9 Road. Staff has determined the eight parcels in ‘District 2’ will have great difficulty complying
 10 with the MPD-CZ development standards with the elimination of the two parcels in District 1. In
 11 order to ensure the eight parcels have development potential, staff has determined rezoning is
 12 necessary and is proposing the following:

- 13
 14 1. Rezone parcels (PINs: 9873-11-4636, 9873-11-7506, 9873-11-5415, 9873-11-9450,
 15 9873-11-7247, and 9873-10-7937), labeled as number(s) 3, 4, 5, 6, 7 and 8 on the map
 16 above:
 17 **FROM:** Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point and
 18 Major Transportation Corridor (MTC) Overlay District.
 19 **TO:** Economic Development Hillsborough Limited Office (EDH-2) and Major
 20 Transportation Corridor (MTC) Overlay District.
 21
 22 2. Rezone parcel (PIN 9873-10-4310), labeled as number 10 on the map above:
 23 **FROM:** Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point, Major
 24 Transportation Corridor (MTC) Overlay District, Rural Residential (R-1).
 25 **TO:** Economic Development Hillsborough Limited Office (EDH-2), Major
 26 Transportation Corridor (MTC) Overlay District, Rural Residential (R-1).
 27
 28 3. Rezone parcel (PIN 9873-20-2388), labeled as number 9 on the map above:
 29 **FROM:** Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point and
 30 Major Transportation Corridor (MTC) Overlay District.
 31 **TO:** Economic Development Hillsborough Office/Retail (EDH-4) and Major
 32 Transportation Corridor (MTC) Overlay District.
 33

34 Staff’s proposal will return these eight properties back to their original zoning designation in
 35 place prior to the approval of the MPD-CZ. If approved, development of these properties will be
 36 regulated consistent with the provisions of the Unified Development Ordinance (UDO) rather
 37 than the various conditions associated with the approval of the MPD-CZ for Settlers Point.
 38

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

- 41
 42 • **FIRST ACTION** – Submission of a General Rezoning application with required
 43 supporting documents by the property owner.
 44 *STAFF COMMENT:* This is a staff initiated request. As a result, application
 45 components were created internally by staff consistent with established
 46 requirements.
 47 • **SECOND ACTION** – The Planning Board receives the application and staff prepares
 48 materials and makes a recommendation on the rezoning request.
 49 *STAFF COMMENT:* Staff presented this request and the Planning Board made a
 50 unanimous recommendation to approve the request at its August 5, 2020 regular
 51 meeting.

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

3 *STAFF COMMENT:* Staff is presenting these materials and facilitating the public
4 hearing at this September 15, 2020 Business meeting.

5
6 Other pertinent information concerning the eight parcels associated with this request are as
7 follows:

8 • Future Land Use Map (FLUM) Designation: The property is located within an area of
9 the County designated as Economic Development Transition Activity Node. The FLUM
10 can be accessed utilizing the following link:

11 [http://www.orangecountync.gov/DocumentCenter/View/4054/Future-Land-Use-Map-](http://www.orangecountync.gov/DocumentCenter/View/4054/Future-Land-Use-Map-PDF)
12 [PDF](http://www.orangecountync.gov/DocumentCenter/View/4054/Future-Land-Use-Map-PDF).

13 • Comprehensive Plan: Per Appendix F, “*Relationships Between Land Use Categories*
14 *and Zoning Districts Matrix*” of the adopted Orange County Comprehensive Plan, EDH2
15 and EDH-4 are allowable general use zoning category for property located within an
16 Economic Development Transition Activity Node.

17 For more information on the definition of activity node, and to review the allowed zoning
18 designations permitted within same, the Comprehensive Plan can be accessed utilizing
19 the following link: <http://www.orangecountync.gov/1242/2030-Comprehensive-Plan>.

20 • Growth Management System Map Designation: The eight parcels are Urban
21 Designated.

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

24 • Water and Sewer Management, Planning and Boundary Agreement (WASMPBA): The
25 parcels are located within the Orange County Primary Service Area meaning public
26 utilities (i.e. water and sewer) could be extended to the property. Public utility service
27 would be provided by the Town of Hillsborough, who will likely require voluntary
28 annexation to allow services to be extended to serve proposed land uses. The
29 document can be accessed utilizing the following link:

30 [http://www.orangecountync.gov/DocumentCenter/View/4190/Water-and-Sewer-](http://www.orangecountync.gov/DocumentCenter/View/4190/Water-and-Sewer-Management-Planning-and-Boundary-Agreement-PDF)
31 [Management-Planning-and-Boundary-Agreement-PDF](http://www.orangecountync.gov/DocumentCenter/View/4190/Water-and-Sewer-Management-Planning-and-Boundary-Agreement-PDF).

32 • Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land
33 Use Plan: These parcels are designated as being located within the following COCA
34 land use categories:

- 35 ○ PINs: 9873-11-4636, 9873-11-7506, 9873-11-5415, 9873-11-9450, 9873- 11-
36 7247, 9873-10-7937, and 9873-10-4310 - labeled as number(s) 3, 4, 5, 6, 7, 8,
37 and 10 on the map above: Neighborhood Mixed Use
- 38 ○ PIN 9873-20-2388 - labeled as number 9 on the map above: Suburban Office.

39
40 The recommended general use zoning designations would allow development consistent with
41 the intent of COCA. For more information on the COCA land use categories, please refer to
42 Attachment 4.

43
44 Analysis: As required under Section 2.8.5 of the UDO, the Planning Director is required to:
45 ‘*cause an analysis to be made of the application*’ and pass that analysis on to the reviewing
46 body. In analyzing this proposal, the Planning Director offers the following:

47 1. The proposal is consistent with goals/policies outlined within the Comprehensive Plan
48 concerning development, including:

49 a. Land Use Overarching Goal: *Coordination of the amount, location, pattern,*
50 *and designation of future land uses, with availability of County services and*
51 *facilities sufficient to meet the needs of Orange County’s population and*

1 *economy consistent with other Comprehensive Plan element goals and*
 2 *objectives.*

3 b. Land Use Goal 2: *Land uses that are appropriate to on-site environmental*
 4 *conditions and features and that protect natural resources, cultural resources,*
 5 *and community character.*

6 c. Land Use Goal 3: *A variety of land uses that are coordinated within a program*
 7 *and pattern that limits sprawl, preserves community and rural character,*
 8 *minimizes land use conflicts, supported by an efficient and balanced*
 9 *transportation system.*

10 2. The rezoning request is consistent with the Town of Hillsborough/Orange County
 11 Central Orange Coordinated Area (COCA) Land Use Plan;

12 3. The rezoning provides the property owners with a viable path forward to make
 13 reasonable use of their properties.

14
 15 Staff held a public information session reviewing the proposed amendments in an on-line
 16 meeting on July 21, 2020. No comment(s) were received on the proposed atlas amendment.

17 Public Notifications: In accordance with Section 2.8.7 of the UDO:

- 18 • Notices were mailed via first class mail to property owners within 1,000 feet of the
 19 subject parcels providing the date/time of the BOCC public hearing meeting where the
 20 proposal is to be reviewed. These notices were mailed on August 28, 2020, 18 days
 21 before the meeting;
- 22 • Staff posted the subject parcels with signs indicating the date/time of the BOCC's
 23 review of the rezoning request on September 3, 2020, 12 days before the public hearing;
- 24 • Staff caused a legal ad advertising the date, time, location, and purpose of the BOCC
 25 public hearing to run in the *News of Orange* and the *Durham Herald-Sun* on September
 26 2 and 9, 2020.

27
 28 For more information, please refer to Attachment 3.

29
 30 Courtesy Review: This request was submitted to the Town of Hillsborough as part of the
 31 courtesy review program. To date, no comments have been received.

32
 33 Planning Board Recommendation: At its August 5, 2020 regular meeting, the Planning Board
 34 voted unanimously to recommend **approval** of the Statement of Consistency (Attachment 5)
 35 and the proposed Zoning Atlas Amendment (Attachment 6) as proposed by staff. Excerpts of
 36 the minutes from this meeting, as well as the Board's signed Statement of Consistency, are
 37 included in Attachment 2. Agenda materials from the meeting can be viewed
 38 at: <https://www.co.orange.nc.us/AgendaCenter/Planning-Board-26>.

39
 40 Planning Director's Recommendation: As required under Section 2.8.5 of the Unified
 41 Development Ordinance (UDO) the Planning Director shall: '*... cause an analysis to be made of*
 42 *the application and, based upon that analysis, prepare a recommendation for consideration*'.
 43 The Director has determined the proposed atlas amendments are necessary to ensure each
 44 parcel has development option(s) and that rezoning said parcels back to their original zoning
 45 designation is consistent with the goals and policies of the adopted Comprehensive Plan. As a
 46 result, the Director recommends **approval** of the Statement of Consistency, indicating the
 47 amendments are reasonable and in the public interest, contained in Attachment 5 and the
 48 proposed zoning atlas amendment ordinance contained in Attachment 6.

49
 50 A motion was made by Commissioner McKee, seconded by Commissioner Price to open
 51 the public hearing.

1
2 **Roll call ensued**

3
4 **VOTE: UNANIMOUS**

5
6 **PUBLIC COMMENT:**
7 **NONE**

8
9 A motion was made by Commissioner McKee, seconded by Commissioner Price to
10 continue the public hearing on September 22, 2020.

11
12 **Roll call ensued.**

13
14 **VOTE: UNANIMOUS**

15
16 **c. Proposed Amendments to the Town of Hillsborough/Orange County Central**
17 **Orange Coordinated Area (COCA) Land Use Plan and to the Orange County**
18 **Comprehensive Plan Future Land Use Map (FLUM)**

19
20 The Board held a public hearing, receive the Planning Board recommendation and public
21 comment, close the public hearing, and schedule action for a specific future date on a County
22 initiated request to amend the:

- 23
24 • Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land
25 Use Plan, and
26 • Orange County Comprehensive Plan Future Land Use Map (FLUM). The amendments
27 to these long-range plans work together to expand the southern boundary of the
28 Hillsborough Economic Development area.
29

30 **BACKGROUND:**

31 Orange County and the Town of Hillsborough have been discussing potential expansion of the
32 Hillsborough Economic Development area for several years as the County continued work
33 towards investing in a sewer “trunk line”, south of Interstate 40 and west of Old Highway 86, in
34 accordance with its Capital Improvement Plan developed in 2012. With an eye towards
35 maximizing the use of the sewer line, there is interest in designating additional lands that could
36 be served via a “gravity sewer line” for non-residential purposes. In addition, Orange County
37 evaluates the amount of land available for economic development, and due to lands being
38 developed as the UNC Hospital and Durham Technical Community College over the last few
39 years, the limited supply in this area was considered for expansion.
40

41 At its June 6, 2017 meeting, the BOCC approved amendments to the Water and Sewer
42 Management, Planning, and Boundary Agreement (WASMPBA) to expand the Hillsborough
43 Primary Service Area. All parties have since approved the WASMPBA amendment, with the
44 Town of Hillsborough Board as the last party to approve it in October 2017. Because of
45 language included in the approval resolutions, the WASMPBA amendment is to become
46 effective when the joint land use plan is amended to reflect the expanded Urban Service Area
47 and assigned a future land use classification. Some of these background details, including
48 notice to the Board when the land use plan amendments would be forthcoming, were included
49 as an Information Item on the Board’s June 16, 2020 agenda. The link to that Information Item
50 is: <http://server3.co.orange.nc.us:8088/WebLink/0/doc/62679/Page1.aspx>
51

1 In accordance with the provisions of Section 2.3 *Comprehensive Plan Amendments* of the
 2 Unified Development Ordinance, the Planning Director has initiated amendments to the Central
 3 Orange Coordinated Area (COCA) Land Use Plan and to the Orange County Comprehensive
 4 Plan Future Land Use Map (FLUM) in the vicinity of the southern portion of the Hillsborough
 5 Area Economic Development District. The amendments related to COCA affect 17 parcels (in
 6 whole or part) encompassing 84 acres (Attachment 1). The amendments related to the FLUM
 7 affect 20 parcels (in whole or part) encompassing 89 acres (Attachment 2). The COCA
 8 proposed land use category is Suburban Office and the FLUM proposed category is Economic
 9 Development. These related amendments are being proposed to prescribe the land uses that
 10 will be allowed in the expanded area for Economic Development.

11
 12 1. The *Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA)*
 13 *Land Use Plan* is a joint land use document that defines the locations of future land use
 14 categories to help achieve a desired and coordinated pattern of development over time.
 15 The COCA Land Use Plan includes several urban-style land use categories that are more
 16 specific than those provided in the County's Comprehensive Plan, which covers a much larger
 17 geographic area. Implementation of the COCA Land Use Plan is achieved through consistency
 18 with the County's Comprehensive Plan Future Land Use Map, application of County zoning, and
 19 a coordinated approach to rezoning. The amendment proposes a "Suburban Office Complex"
 20 land use in the expansion area which would designate the area for office and employment,
 21 businesses in a campus setting, and limited supporting services. The proposed amendment
 22 also reflects the expansion of the Town's Urban Service Boundary consistent with the
 23 WASMPBA to provide water and sewer service to the area. As part of a joint land use plan, this
 24 amendment requires approval by the Town of Hillsborough and Orange County. The Town of
 25 Hillsborough has already taken action and unanimously approved the amendment as follows.

26
 27 Town of Hillsborough Approval Process:

28 March 15, 2018 – Town Public Hearing and Planning Board recommendation

29 March 26, 2018 – Hillsborough Town Board adopted

30
 31 2. The *Orange County Comprehensive Plan Future Land Use Map (FLUM)* defines the
 32 location of future land use categories, consistent with any joint land use plans, and is
 33 designed to accommodate a particular combination of general land uses. The FLUM
 34 helps achieve a desired pattern of development over time and is implemented primarily
 35 through zoning. The proposed amendment to this plan would change the expansion area from a
 36 Rural Residential land use to an Economic Development Transition Activity Node, which would
 37 designate the area for light industrial, distribution, office, service/retail uses, and flex space
 38 (typically one-story buildings designed, constructed, and marketed as suitable for use as offices
 39 but able to accommodate other uses such as a warehouse, showroom, manufacturing
 40 assembly, or similar operations).

41
 42 The County has not initiated any rezoning at this time. Currently, the area is zoned Rural
 43 Residential (R-1). However, approximately 12 acres of the proposed Research Triangle
 44 Logistics Park (RTLTP) are located in the amendment area discussed herein. Any rezoning that
 45 comes forward in the future will require a subsequent item on a public hearing and finding that it
 46 is consistent with the plans.

47
 48 Public Information Session

49 Planning staff held an on-line public information session on July 21, 2020 at 6:00 p.m. to review
 50 the County-initiated amendments to land use plans and zoning atlas, rezoning being a separate
 51 item processed concurrently. An overwhelming majority of all questions and comments were

1 related to the developer-initiated rezoning and Research Triangle Logistics Park (RTLTP)
 2 development proposal, which was not the focus of the session as the developer had held the
 3 required Neighborhood Information meeting a few days before the session for the County
 4 initiated proposals. Questions and answers with regard to RTLTP will be addressed by the
 5 developer through the process of BOCC consideration, and staff has also provided a Q & A
 6 document as part of the Zoning Atlas Amendment (Master Plan Development Application –
 7 RTLTP) agenda materials, which is also on the agenda for this meeting.
 8

9 Following is a link to additional information about the public information session, including a
 10 PowerPoint presentation: <https://www.orangecountync.gov/1722/Current-Interest-Projects>
 11

12 Planning Board Recommendation: The Orange County Planning Board, at its August 5, 2020
 13 regular meeting, voted 6-4 to recommend approval of the proposed amendments. Clarification
 14 of the motion voted upon was deemed necessary and the Planning Board considered a clarified
 15 motion at its special meeting on August 19, 2020 when the board voted 6-4 to recommend
 16 **approval** of the amendments. Excerpts of the minutes from this meeting are included in
 17 Attachment 3. Agenda materials from these meetings can be viewed
 18 at: <http://orangecountync.gov/AgendaCenter/Planning-Board-26>
 19

20 Planning Director's Recommendation: The Planning Director recommends **approval** of the
 21 Resolution contained in Attachment 5, indicating consistency with the County's land use and
 22 economic development goals.
 23

24 A motion was made by Commissioner McKee, seconded by Commissioner Price to open
 25 the public hearing.
 26

27 **Roll call ensued**

28
 29 **VOTE: UNANIMOUS**

30
 31 **PUBLIC COMMENT:**

32 **NONE**
 33

34 A motion was made by Commissioner Greene, seconded by Commissioner Bedford to
 35 reconvene the public hearing on Tuesday, September 22, 2020.
 36

37 **Roll Call ensued**

38
 39 **VOTE: UNANIMOUS**
 40

41 **d. Public Hearing on CDBG-CV Grant Application for Emergency Housing Assistance**
 42

43 The Board held a public hearing on a potential application from Orange County for
 44 Federal Community Development Block Grant – Coronavirus (CDBG-CV) funds.
 45

46 **BACKGROUND:**

47 On August 25, 2020, Governor Roy Cooper announced the availability of \$28 million from
 48 federal Community Development Block Grant – Coronavirus (CDBG-CV) funding to be
 49 disbursed by the North Carolina Office of Recovery and Resiliency (NCORR) to support rental
 50 and utility payments and prevent evictions for those with a demonstrated need (see Attachment

1 1). The funding will be distributed to eligible community agencies around the state that will work
2 directly with North Carolinians on an application and disbursement process.

3
4 Orange County staff proposes to apply for the CDBG-CV funds to be used with the County's
5 existing Emergency Housing Assistance fund, which provides financial assistance to help
6 Orange County residents with low incomes secure and maintain stable housing (see Attachment
7 2). Assistance is available to households in Orange County that earn no more than 60% of the
8 area median income, have an urgent need for housing assistance, and do not have adequate
9 savings to cover the cost of their housing need.

10
11 Before submitting an application, Orange County must hold two (2) public hearings to obtain
12 public comments. The first public hearing – this hearing – occurs at the beginning of the
13 application process. The second public hearing must be held after the application is drafted but
14 prior to its submission.

15
16 **FINANCIAL IMPACT:** If Orange County is awarded CDBG-CV funds, up to \$900,000 would
17 become available for Emergency Housing Assistance.

18
19 Emila Sutton, Housing Director, made the following PowerPoint presentation:

20
21 Slide #1



22
23 Slide #2
24

- OVERVIEW
- NC CDBG-CV
 - Emergency Housing Assistance (EHA)
 - Public Comments

25
26 Slide #3

- NC CDBG-CV
- The NC Department of Commerce announced on August 25th that federal CDBG-CV funds would be made available for local governments, with priority on rent, utility, and mortgage assistance programs
 - Applications for NC CDBG-CV funds opened September 1st, but in order to apply, localities must first hold two (2) public hearings
 - Orange County Department of Housing and Community Development intends to apply for the maximum amount of funds (\$900,000) to feed into the existing Emergency Housing Assistance program

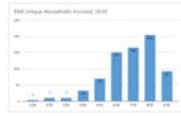
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1 Slide #4

EMERGENCY HOUSING ASSISTANCE

- EHA was originally created by the BOCC in late 2017 as part of the pilot Risk Mitigation and Housing Displacement Fund
- Provide emergency financial assistance for housing-related costs to help low-income households secure and/or maintain stable housing

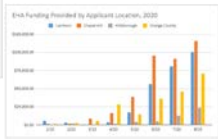
streamlined in response to increased need from COVID-19



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Slide #5

EMERGENCY HOUSING ASSISTANCE



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Slide #6

PUBLIC COMMENTS

- Comments will be heard now, or may be submitted in writing or by telephone until October 6, 2020 to:

Erika Brandt, Housing and Community Development Manager
(919) 245-4331
ebrandt@orangecounty.gov

- All comments will receive a written response and will be incorporated into the application for NC CDBG-CV

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A motion was made by Commissioner Dorosin, seconded by Commissioner Price to open the public hearing.

Roll call ensued

VOTE: UNANIMOUS

**PUBLIC COMMENT:
NONE**

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

Roll Call ensued

VOTE: UNANIMOUS

6. Regular Agenda

- a. **Proposed Naming of the Whitted Building Meeting Room as the Donna Baker Boardroom**

1 The Board considered voting on the intent to adopt a resolution for the naming of the
2 Whitted Building Meeting Room as the Donna Baker Boardroom.

3
4 **BACKGROUND:**

5 Donna Baker, Clerk to the Orange County Board of Commissioners, passed away unexpectedly
6 at her home in Orange County on July 31, 2020. Donna was appointed Clerk to the Board in
7 June 2002 and served as Clerk for over 18 years. Donna served the residents of Orange
8 County and a total of 18 different members of the Board of Commissioners as a dependable,
9 smart, dedicated, steadfast, and calming spirit.

10
11 Donna Baker is remembered for her spirit, her energy and her innumerable contributions to
12 Orange County. Donna treated County residents with special warmth when they came to her for
13 help. She was a dedicated public servant, especially to the Board of Orange County
14 Commissioners.

15
16 In memory and appreciation of Donna's dedication and commitment, the proposal to name the
17 Whitted Building Meeting Room as the Donna Baker Boardroom is presented to the Board of
18 Orange County Commissioners for consideration.

19
20 A motion was made by Commissioner Price, seconded by Commissioner Greene to
21 direct staff to develop a resolution at a future meeting to name the Whitted Building Meeting
22 Room as the Donna Baker Boardroom

23
24 **Roll Call ensued**

25
26 **VOTE: UNANIMOUS**

27
28 **b. Orange County's Recommendations Regarding Goals for Inclusion in the North**
29 **Carolina Association of County Commissioners' (NCACC) 2021-2022 Legislative**
30 **Goals Package**

31
32 To consider and approve a Resolution Detailing Orange County's Recommendations Regarding
33 Goals for Inclusion in the North Carolina Association of County
34 Commissioners' (NCACC) 2021-2022 Legislative Goals Package.

35
36 Greg Wilder with the County Manager's Office briefly presented this item. He noted the draft
37 resolution in the agenda package from the Legislative Issues Work Group, as well as the
38 updated Item #50 for that resolution from Commissioner Greene that had been emailed
39 previously to the Board.

40
41 **BACKGROUND:**

42 Every two years, the North Carolina Association of County Commissioners (NCACC) organizes
43 a process to develop a legislative goals package. The purpose of the package is to develop a
44 consensus of broad support on legislative goals and issues for matters affecting North Carolina
45 counties that may be addressed by the North Carolina General Assembly during the next two
46 calendar years. The goals and issues included in the package, with their broad support, guide
47 and strengthen

48
49 NCACC representatives and staff as they converse with individual legislators and committees
50 on legislative matters. NCACC began the process to develop its 2021-2022 Legislative Goals
51 Package in July 2020. North Carolina counties have been asked to submit proposed legislative

1 goals for consideration for inclusion in the package by a September 30, 2020 submittal
2 deadline. The NCACC Legislative Goals Process Flowchart is provided at Attachment 1.

3
4 The County's Legislative Issues Work Group (LIWG), including Commissioners Penny Rich and
5 Mark Dorosin, County Attorney John Roberts, and County Manager's Office staff, has
6 developed a draft resolution for Board consideration that outlines several proposed legislative
7 goals for inclusion in NCACC's 2019-2020 package. **The LIWG's draft resolution is provided**
8 **at Attachment 2.** The Board will likely want to discuss the draft resolution and possibly add to,
9 delete from, and/or revise the language of the proposed goals included in the draft.

10
11 A copy of NCACC's 2019-20 Legislative Goals document (Attachment 3) is noted for reference
12 purposes and is only available electronically at [https://www.ncacc.org/734/2019-2020-](https://www.ncacc.org/734/2019-2020-Legislative-Goals)
13 [Legislative-Goals](https://www.ncacc.org/734/2019-2020-Legislative-Goals) . These goals for the previous biennium may provide some insight on potential
14 goals to propose to NCACC for 2021-2022.

15
16 RES-2020-054

17
18 **ORANGE COUNTY BOARD OF COMMISSIONERS**
19 **Resolution Detailing Orange County's Recommendations**
20 **Regarding Goals for Inclusion in the**
21 **North Carolina Association of County Commissioners' (NCACC)**
22 **2021-2022 Legislative Goals Package**
23

24 WHEREAS, the North Carolina Association of County Commissioners (NCACC)
25 organizes a process every two years to adopt a legislative goals package
26 representing the collective interests of North Carolina counties; and
27

28 WHEREAS, the purpose of the process is to develop broad support for matters
29 affecting counties that may be addressed by the North Carolina General
30 Assembly during the upcoming legislative biennium; and

31 WHEREAS, the goals and issues included in the NCACC package guide and
32 strengthen NCACC representatives and staff as they converse with individual
33 legislators and committees on legislative matters; and
34

35 WHEREAS, NCACC has begun the process to develop its 2021-2022 Legislative
36 Goals Package and requested Orange County and all other North Carolina
37 counties to submit proposed legislative goals by September 30, 2020 for
38 consideration for inclusion in the 2021-2022 Legislative Goals Package; and
39

40 WHEREAS, Orange County believes there are many issues of importance to all
41 North Carolina counties that should be included as goals in NCACC's 2021-2022
42 Legislative Goals Package;
43

44 NOW THEREFORE we, the Orange County Board of Commissioners, do hereby
45 recommend that NCACC include the following goals in the NCACC 2021-2022
46 Legislative Goals Package:
47

- 48 1) **Broadband/Digital Infrastructure** – Support legislation, funding, and other efforts
49 that provide counties with flexibility and opportunities to support options for increasing
50 access to highspeed internet connectivity and expanding digital infrastructure/broadband
51 capability to the un-served and underserved areas of the state. Access to high speed

1 internet connections will reduce disparities, enhance quality of life for all the State's
2 residents, and broaden opportunities in areas such as education, jobs creation, small
3 business development, health care, civic participation, and growth in farm enterprises;
4

5 **2) Minimum Wage Increase** – Support legislation to raise the minimum wage for all, not
6 just employees of the State of North Carolina, to enhance people's economic security,
7 improve access to safe and secure housing, boost the economy with increased
8 spending, decrease dependence on government assistance programs, and improve the
9 lives of families;

10
11 **3) Abolish State Death Penalty** – Support legislation to abolish the State of North
12 Carolina's death penalty;
13

14 **4) Expansion of Protected Classes** – Seek statewide legislative action to provide all
15 North Carolina local governments with the authority to include sexual orientation and
16 gender identity as protected classes in order to protect these classes from discrimination
17 and discriminatory practices; and authorize complaints for discrimination to be brought in
18 North Carolina Courts by any Equal Employment Opportunity Commission recognized
19 protected class;
20

21 **5) School Impact Fee Authority** – Support legislation authorizing all North Carolina
22 local government jurisdictions providing funding for public education to levy impact fees
23 on new residential development to help pay for school construction. The North Carolina
24 General Assembly approved legislation in the 1980's for some jurisdictions to levy these
25 impact fees to support public school infrastructure. The authority to levy the fee to
26 support school facility needs should be available to all local government jurisdictions
27 providing funding for public education;
28

29 **6) Full Funding of the Leandro Remedial Action Plan** – Support the full funding of the
30 *Leandro* Remedial Action Plan, which details additional comprehensive, targeted
31 education funding over the next eight years in order for the State to come into
32 compliance with its constitutional obligation to provide every student a sound basic
33 education;
34

35 **7) Repeal of the Monument Protection Act** – Support legislation that repeals the (so-
36 called) Monument Protection Act which was enacted to protect confederate monuments
37 and symbols in the wake of the murders of nine African Americans in South Carolina in
38 2015, and that restores the regulation of monuments or symbols on public property to
39 local governments;
40

41 **8) Legalization of Marijuana** – Support legislation to legalize the possession and use of
42 marijuana, permit licensed businesses to engage in retail sales to adults, and enhance
43 revenue for governments with taxes, licenses, and other associated revenues that can
44 be utilized to address opioid and other drug-related problems and other needs;

45 **9) Innovative Food Supply Chain Initiatives** – Support food supply chain initiatives
46 and funding for equipment, supplies, and other nonrecurring expenses to improve and
47 spark innovation in food preservation and processing techniques to create a more
48 secure and resilient supply chain and better prepare the State for emergencies that
49 adversely impact the State's food supply;
50

1 **10) Voter Registration and Voting** – Support legislation to restore straight party ticket
2 voting and provide public financing of judicial elections and eliminate any requirements
3 for photograph identification;
4

5 **11) Non-Partisan Redistricting Process for Elections** – Support legislation to establish
6 a process for an independent, non-partisan redistricting process after each United States
7 Census for the election of representatives from North Carolina to the United States
8 House of Representatives, the North Carolina House, and the North Carolina Senate;
9

10 **12) Legislative Leadership Term Limit** – Support legislation that limits the length of
11 time a North Carolina General Assembly member can serve in the same leadership
12 position to eight consecutive years;
13

14 **13) Fulfillment of Constitutional Duties** – Oppose any legislation, that seeks to exempt
15 any government employee or agent from fulfilling his/her constitutional duties, including
16 but not limited to guaranteeing the right to marry for same-sex residents of North
17 Carolina;
18

19 **14) Bona Fide Farm Use** – Support legislation clarifying that the farm use and
20 agriculture exemption of 153A-340 that restricts local zoning authority applies only to
21 property on which the production of crops or livestock is the primary use. Clarify that
22 marketing and agri-tourism activities must be secondary uses of the property and do not
23 qualify for the exemption in the absence of the production of crops or livestock;
24

25 **15) Renewable Energy** – Support renewable energy initiatives available to residential,
26 commercial, industrial and agricultural activities to create a market for energy credits.
27 This support will provide incentives to produce renewable energy, which will become
28 increasingly important to preserving and strengthening the economy and infrastructure,
29 and in the case of agriculture help maintain rural heritage and culture;
30

31 **16) Bail Reform (Also known as 3DaysCount™)** – Support legislation to develop and
32 fund a plan to implement 3DaysCount™ to help reduce unnecessary arrests by
33 expanding the use of citations or summons, replace money bail with non-financial, least
34 restrictive conditions, restrict detention to the small number of people for whom no
35 condition or combination of conditions can reasonably assure appearance in court and
36 public safety, and reduce disparity within the pretrial justice system. Currently, indigent
37 or poor people charged with crimes are often unable to get out of jail prior to trial
38 because of their inability to pay (See EXHIBIT A – Resolution Supporting
39 3DaysCount™);
40

41 **17) Expansion of Medicaid Program** – Support legislation to increase access to the
42 Medicaid program to make health insurance available to approximately 500,000 more
43 North Carolina residents and as additional support for rural hospitals;
44

45 **18) Child Care** - Seek legislation to reverse changes made to the childcare subsidy
46 program available to working families, including establishing eligibility for all children at
47 200% of the federal poverty level, to help many working parents who are trying to
48 become more financial self-sufficient, and to prorate fees for children attending based on
49 the hours attended;
50

1 **19)Mental Health** – Seek legislation to ensure that adequate Statefunded mental health,
 2 developmental disability, and substance abuse services and facilities are available at the
 3 local level, accessible and affordable to all residents and that sufficient state resources
 4 fund service provision costs inclusive of sufficient crisis intervention and treatment, and
 5 to structure appropriate county
 6 participation in governance;

7
 8 **20)People with Mental Health Issues in County Jails** – Support legislation to develop
 9 and fund a plan to reduce the number of people with mental health issues in county jails
 10 (See EXHIBIT B Regarding the National Association of Counties (NACo) Stepping Up
 11 Initiative);

12
 13 **21)Smart Start and NC Pre-K** – Support legislation to increase and ensure secure and
 14 stable funding, enhanced quality early care and education, and family access and
 15 benefits in settings public and private.

16
 17 **22)Priority School Issues** – Support legislation to address the following issues related
 18 to schools:

- 19 a) Provide local school systems with calendar flexibility;
 20 b) Provide full funding for State allotments including Average Daily Membership
 21 (ADM) growth, and support legislation to provide for an overall increase in
 22 funding based on average daily memberships outside of the current formula
 23 system;
 24 c) Impose class size reductions commensurate with State funding for staffing;
 25 and
 26 d) Maintain full funding for Driver Education;

27
 28 **23)State/County Partnership for Education** – Seek legislation to establish a new
 29 state-county partnership to address statewide public school capital challenges--including
 30 but not limited to maintenance, renovation, construction and debt--through a dedicated,
 31 stable funding stream that is consistent from county to county and sufficient to meet the
 32 school facility needs of all 100 counties;

33
 34 **24)Machinery Act** – Support local governments’ need for more flexibility to remedy
 35 measurement and/or condition property appraisal errors related to local property tax
 36 functions. North Carolina property tax law substantially limits the ability of local
 37 governments to address property tax discrepancies, such as prohibiting the refund of
 38 prior years’ taxes paid after a measurement and/or condition property appraisal error is
 39 discovered. Just as local governments can recoup prior years’ property taxes from
 40 owners for “discoveries”, local governments should likewise be authorized to refund prior
 41 years’ taxes paid when situations such as measurement and/or condition property
 42 appraisal errors are discovered;

43
 44 **25)Re-instatement of Earned Income Tax Credit** – Support legislation to re-instate the
 45 State Earned Income Tax Credit which greatly benefitted low wage earners until its
 46 elimination after the 2013 tax year;

47
 48 **26)Homestead Exemption** – Support revisions to the Homestead Exemption provisions
 49 of the Machinery Act to:

- 50 a) provide greater opportunities for low-income seniors to remain in their homes
 51 and not be displaced due to property tax burdens by approving a one-time ten

1 percent (10%) increase in the base income qualification standard; and
 2 maintaining the current provisions which increase the income qualification
 3 standard each year based on any cost-of-living adjustment made to the benefits
 4 under Titles II and XVI of the Social Security Act for the preceding calendar year;
 5 and

6 b) diminish the discriminatory features of the current exemption provisions
 7 relating to married couples by establishing graduated income qualification
 8 standards for single individuals versus married couples;
 9

10 **27)Agriculture – Support Conservation of Working Lands and Farmland**

11 **Preservation** – Support a revision to the revenue and acreage requirements of the Use
 12 Value Program to reduce acreage requirements, balanced by increasing the income
 13 threshold;
 14

15 **28)Sales Tax Distribution Formula** – Support legislation directing that all sales tax be
 16 distributed on a per capita basis as it is fair and more equitable for counties with less
 17 economic development as compared to the point of delivery basis. The UNC School of
 18 Government has indicated that a per capita basis tax "would indeed be a more even
 19 distribution of LOST revenue across the state";
 20

21 **29)Maintain Local Government Authority over Solid Waste Management** – oppose
 22 any shift of solid waste management and recycling services away from local
 23 governments;
 24

25 **30)Electronics Recycling** – Support legislation to provide additional funding to local
 26 governments for electronics recycling to cover significant increased costs for recycling
 27 these materials and to oppose the lifting of restrictions on disposal of electronics in
 28 landfills;
 29

30 **31)Transportation Funding** – Support increased state funding for transportation
 31 construction and maintenance needs, recognize Bike and Pedestrian modes of
 32 transportation, and support legislation to ensure that the STI funding formula recognizes
 33 that one size does not fit all and that projects in both rural and urban areas are prioritized
 34 and funded, and eliminate the cap on light rail funding;
 35

36 **32)Oppose any shift of state transportation responsibilities to counties** – oppose
 37 legislation to shift the state's responsibility for funding transportation construction and
 38 maintenance projects to counties. Counties cannot afford to assume costs for
 39 maintaining secondary roads and/or funding expansion projects;
 40

41 **33)Eminent Domain** – Oppose adding language to a constitutional amendment on
 42 eminent domain that extends any further preemption of county authority to regulate the
 43 placement of telecommunication towers;
 44

45 **34)Fees-In-Lieu – NCDOT as Additional Recipient** – Support legislation amending
 46 North Carolina General Statute 153A-331 to add a provision allowing counties to transfer
 47 fees collected as part of subdivision development, and in lieu of required street
 48 construction, to be transferred to and held by the North Carolina Department of
 49 Transportation (NCDOT) for the future construction of roads intended to be added to the
 50 State Maintained system. Presently there is no mechanism where a county can collect
 51 fees in lieu of transportation improvement construction based on conditions agreed to by
 both parties during a conditional zoning process. These fees may be for a developer fair

1 share of a future comprehensive intersection improvement but would not be built by
2 NCDOT until other funding could be assigned to do a complete improvement;
3

4 **35)Revenue Options for Local Government** – Support efforts to preserve and expand
5 the existing local revenue base of counties and authorize local option revenue sources
6 already given to any other jurisdiction to all counties. Oppose efforts to divert to the state
7 fees or taxes currently allocated to the counties or to erode existing county revenue
8 streams;
9

10 **36)E-911 Funds** – Support protection and broader applications of the NC 9-1-1 Fund to
11 be used primarily for assuring that 9-1-1 systems are able to upgrade existing
12 performance levels in order to pay for 9-1-1 operations or 9-1-1 related upgrades such
13 as the infrastructure needed to migrate to next-generation (NG911) technology. Orange
14 County has appreciated past efforts and supports future initiatives to assure our citizens
15 are provided continued access to emergency services from all sources;

16 **37)Land, Water and Agricultural Preservation Funding** – Support Park, Agricultural
17 Preservation, Clean Water Management and other existing trust funds established for
18 the protection of the State’s land, water, biological resources, agriculture, and special
19 places before they are irreversibly lost, and request that these funds receive additional
20 funding, preferably through dedicated funding sources;
21

22 **38)County Jail System/Housing State Inmates Reimbursement** – Support legislation
23 to protect the fiscal viability of the county jail system by reinstating reimbursement for
24 state inmates housed in county jails sentenced to 90 days or less;
25

26 **39)Aquatic Vegetation Control** – Support legislation to provide for and fund a
27 comprehensive statewide approach to noxious aquatic vegetation control in public water
28 reservoirs;
29

30 **40)Concealed Weapons in Parks** –Seek legislation re-authorizing counties to fully
31 regulate the carrying of concealed weapons on county-owned playgrounds and in
32 county-owned parklands and authorize counties to prohibit the carrying of concealed
33 weapons on county and county funded college/university campuses, in addition to
34 playgrounds;
35

36 **41)Opioid Epidemic Efforts** – Support adequate funding for programs to provide and
37 expand access for individuals with opioid use disorder to seek and complete treatment,
38 and sustain recovery, as well as increased funding to collect data regarding opioid
39 overdoses and to provide for additional law enforcement to
40 investigate and enforce drug laws;
41

42 **42)Behavioral Health Services** – Support increased state funding for behavioral health
43 services and facilities at the state and local level, including dedicated resources for
44 community paramedicine projects. Support Medicaid reimbursement to EMS for
45 behavioral health transport to crisis centers and structure appropriate county
46 participation in behavioral health program governance;
47

48 **43)Adult Protective Services** – Support increased funding and legislation to strengthen
49 adult protective services;
50

1 **44)Court Funding** – Support increased state funding for NC courts, including reinstating
 2 funding for drug treatment court;

3
 4 **45)Crime Intervention Services** – Support legislation and state funding to provide early
 5 intervention services through the Juvenile Crime Prevention Councils, and support
 6 increased state funding for the prevention, intervention and treatment of adolescent
 7 substance abuse, gang involvement and domestic violence;

8
 9 **46)Agricultural Economic Development** – Support state funding and staffing for
 10 agricultural research, Cooperative Extension services and other agriculture-related
 11 efforts to support the largest economic driver in North Carolina;

12
 13 **47)Economic Development Efforts** – Support legislation to grow North Carolina's
 14 statewide economy through sound state investments, including public infrastructure
 15 funding, competitive incentives, and coordinated efforts with county economic
 16 development services;

17
 18 **48)Exemption to 180 Day Temporary Electricity Connection Limit for Recreational**
 19 **Vehicles in a Campground or Other Similar Park** – Support legislation to provide an
 20 exemption to the current 180 day temporary utility connection limit as contained within
 21 the building code for individuals utilizing campers and/or recreational vehicles as
 22 temporary housing units while supporting/visiting family members undergoing treatment
 23 in local hospitals;

24
 25 **49)Dangerous Dogs Determinations** – Support legislation to change current law so
 26 that dogs from dog fighting investigations and seizures are not automatically deemed
 27 dangerous without further determination that the dogs alleged to have been owned or
 28 harbored for fighting demonstrate an increased potential for unprovoked attacks on
 29 persons or domestic animals, in order to alleviate the requirement to destroy these
 30 animals "sight unseen". Additionally, clarify at what point in the legal process a dog is
 31 "owned or harbored...for fighting," be it upon seizure, arrest, indictment, or conviction;
 32 and

33
 34 **50)Legislative Study on Educational Requirements for Law Enforcement Officers** –
 35 Support legislation to establish a legislative study commission to review the current
 36 educational curriculum for law enforcement officers and make recommendations
 37 regarding potential modifications/additions. The overarching purpose of curriculum
 38 revision would be to instill in future LEOs some depth of understanding of the complex
 39 nature of the society they will serve. Potential topics for consideration include sociology,
 40 American history and literature, psychology, philosophy, and conflict resolution. In
 41 addition to members of the Senate and House, members should include a diverse array
 42 of experts in higher education, both in subject matter specialties and in curriculum
 43 development for adult learners. The commission's work should be completed within one
 44 year of commencement.

45
 46 This the 15th day of September 2020.

47
 48
 49 _____
 50 Penny Rich, Chair
 51 Orange County Board of Commissioners

1 Commissioner Greene said since the murder of George Floyd, there has been a lot of
2 discussion about police training, and the need for improved training that includes the
3 history/sociology/psychology of the local communities in which the police serve. She said other
4 states around the country are instituting these changes at the state level. She said she has
5 spoken with legislatures and the NCACC, and is fully prepared to advocate for this item as it
6 goes through the process, if the Board agrees.

7 Commissioner Dorosin said an additional item has arisen that is not included in this list:
8 water utility shutoffs are coming back soon. He said the BOCC should ask for local
9 governments to be given flexibility regarding this topic, which local governments do not currently
10 have the authority to do. He said the Covid crisis is real and there should be legislation to
11 support local governments in being flexible.

12 Chair Rich said she spoke with Jenn Weaver, Hillsborough Mayor, who said this would
13 be impossible to do as the Town would lose its bond rating. She said the word flexible is
14 important.

15 Commissioner Price said counties do not own local water authorities, and she wonders if
16 this item is appropriate for the NCACC, as it is not a county issue.

17 Commissioner Dorosin said several items listed in the resolution are not under County
18 authority.

19 Commissioner Price said it might better to talk to the leagues.

20 Commissioner Greene agreed this is an important policy point, but she agrees with
21 Commissioner Price that the items must have direct impact on counties.

22 Commissioner Marcoplos said most of these suggestions never make it beyond a
23 discussion, but it cannot hurt to include the item. He said it gets it on people's radar, and he
24 thinks it is a good idea.

25 Commissioner Bedford agreed with Commissioner Marcoplos, and said the County
26 helps people make their water payment, so it does impact the County.

27 Chair Rich asked John Roberts if the BOCC would need to apply this request to all
28 utilities.

29 John Roberts said he does not know, but the Duke Energy is different than the Orange
30 Water and Sewer Authority (OWASA), which is local government entity controlled by the
31 legislature.

32
33 A motion was made by Commissioner Dorosin, seconded by Commissioner by
34 Commissioner Marcoplos to revise the resolution to include that local governments and utility
35 providers be given the authority to determine whether to forgive arrears, or to develop
36 progressive pricing policies, for water and sewer services.

37
38 **Roll call ensued**

39
40 **VOTE: UNANIMOUS**

41
42 Commissioner Price said, in the future, the Board should spend time prioritizing the list
43 based on the steering committees.

44 Chair Rich said it was her understanding that the list did not need prioritization, as all
45 items were looked at.

46 Commissioner Price said it depends who is on the various committees. She said she
47 has sat through the process before, and some items have been sitting around for years.

48 Commissioner Dorosin agreed, and said the BOCC should submit the ones that are
49 unique to Orange County.

50

1 A motion was made by Commissioner Greene, seconded by Commissioner Bedford
 2 approve the above resolution, with agreed upon revisions including the updated #50; authorize
 3 the Chair to sign; and authorize the Clerk to the Board to forward to NCACC by the September
 4 30th, 2020 deadline

5
 6 **Roll Call ensued**

7
 8 **VOTE: UNANIMOUS**

9
 10 **7. Reports**
 11 **None**

12
 13 **8. Consent Agenda (COMPLETED ABOVE BETWEEN ITEMS 4 and 5)**

14
 15
 16 **9. County Manager's Report**

17 Bonnie Hammersley reminded the Board that there are now two Board meetings next
 18 week: 9/22/2020 and 9/24/2020.

19
 20 **10. County Attorney's Report**

21 John Roberts said the legislator did not expand beyond what it said it would address
 22 next week. He said it does not look like the legislature will meet again this year.

23
 24 **11. * Appointments**

25
 26 **a. Appointments to the Cardinal Innovations Community Advisory Council**

27 The Board approved the following appointees to the Cardinal Innovations Community
 28 Advisory Council:

- 29
 30 1. Commissioner Jamezetta Bedford
 31 2. Paul Berry
 32 3. Karla Boreiko
 33 4. Krista Caraway
 34 5. Lisa Kaylie
 35 6. Deborah Gilgor
 36 7. Troy Manns
 37 8. Kim Wanke
 38 9. Allison Zirkle

39
 40 Chair Rich asked if there is any diversity in these applicants.

41 Travis Myren said he could not speak to this issue.

42 Commissioner Price said Troy Manns is African American.

43 Chair Rich said that is one candidate.

44 Commissioner Bedford said Cardinal voiced a desire for diversity of backgrounds and
 45 experience across pertinent issues (substance use disorder, mental health issues, etc.).

46 Commissioner Marcoplos asked if there were only 9 applicants.

47 Travis Myren said there were 12 applicants.

48 Commissioner Dorosin said in the future he would like to see all the applicants, not just
 49 those being put forward.

50 Travis Myren said all applications were attached to the agenda.

1 David Hunt said Cardinal ran this application process, and it did not come through the
2 Clerk’s office.

3
4 A motion was made by Commissioner Price, seconded by Commissioner Greene to
5 approve Cardinal Innovations Community Advisory Council appointees.

6
7 **Roll call ensued**

8
9 **VOTE: Ayes (6); Nays, 1 (Chair Rich)**

10
11
12 **12. Information Items**

- 13
14 • September 1, 2020 BOCC Meeting Follow-up Actions List
15 • Memorandum Regarding Orange County Transit Plan – Transit Summit #1

16
17 **13. Closed Session**
18 **NONE**

19
20 **14. Recess and Reconvene**

21
22 A motion was made by Commissioner McKee, seconded by Commissioner Price to
23 recess and reconvene the meeting on Tuesday, September 22, 2020.

24
25 **Roll call ensued**

26
27 **VOTE: UNANIMOUS**

28
29 The meeting was recessed at 12:19 a.m.

30
31
32
33
34
35 **----- September 22, 2020 -----**

36
37
38
39
40
41 The Orange County Board of Commissioners reconvened the September 15, 2020 Virtual
42 Business Meeting on Tuesday, September 22, 2020 at 7:00 p.m.

43
44 **COUNTY COMMISSIONERS PRESENT:** Chair Penny Rich and Commissioners Jamezetta
45 Bedford, Mark Dorosin, Sally Greene, Mark Marcoplos, Earl McKee, and Renee Price

46 **COUNTY COMMISSIONERS ABSENT:** NONE

47 **COUNTY ATTORNEYS PRESENT:** John Roberts

48 **COUNTY STAFF PRESENT:** County Manager Bonnie Hammersley, Deputy County Manager
49 Travis Myren, Interim Clerk to the Board Greg Wilder, Deputy Clerk to the Board David Hunt,
50 and Assistant Deputy Clerk Allen Coleman (All other staff members will be identified
51 appropriately below)

1
2 Chair Rich called the meeting to order at 7:00 p.m., and said Commissioner McKee was
3 running late.
4

5 A motion was made by Commissioner Greene, seconded by Commissioner Marcoplos
6 to reconvene the continued September 15, 2020 Business Meeting.
7

8 **Roll call ensued**
9

10 **VOTE: UNANIMOUS**
11

12 Chair Rich said the recommendations had changed to reflect that written public
13 comment will be taken until Thursday, September 24, 2020 at 9:00 a.m.

14 Chair Rich recognized David Hunt for his work in coordinating the logistics for this
15 continued meeting.

16 David Hunt said Commissioner McKee would join by phone and then would join via
17 laptop.

18 Chair Rich called the first name to resume the Public Comment portion of 5-a.
19

20 **5- Public Hearings**

21 22 **a. Zoning Atlas Amendment – Master Plan Development Conditional Zoning District** 23 **(MPD-CZ) for the Research Triangle Logistics Park (RTLTP)** 24

25 26 **PUBLIC COMMENT** 27

28 Ronald Sieber read the following comments:

29 My name is Ronald Sieber. I live at 4217 New Hope Springs Drive in Hillsborough, and I have
30 written several letters to you concerning my opposition to the proposed RTLTP project, as I share
31 the viewpoint of many that it is not suited for our community and will only undermine the charm
32 and character that make up Hillsborough and Orange County.
33

34 The Comprehensive Plan was initially crafted “as a framework for long-range decision-making”
35 and was adopted in its current form in 2008. Out of that was formed a set of procedures and
36 roles that different departments and officials would follow as protocol.
37

38 Under the umbrella of the Comprehensive Plan, the Unified Development Ordinance comprises
39 rules and regulations that implement planning and enforcement. It serves as “the statutory
40 basis...for land use regulations, as well as the application of zoning districts.” In this manner, a
41 uniform way of doing things was enacted. This set of procedures has been in place for years.
42

43 Recent actions by the Planning Department, whether intentional or not, have subverted their
44 own accepted practice and set of procedures. In the case of the RTLTP project, the Barrister
45 Group proposes to purchase a 12-acre parcel on Davis Rd. that is currently zoned both R1
46 (rural residential) and RB (rural buffer).
47

48 That 12-acre parcel was *never* intended to be part of the EDD. So why does the Planning
49 Department want that property to be rezoned “MPD-CZ”?
50

1 The answer? Barrister can then appropriate that Davis Rd. parcel and use it to create the **main**
2 **exit** out of their project that will dump onto Davis Rd. Davis will thus become part of the exit for
3 their project.
4

5 In effect, the Planning Department has requested that the boundary for the Economic
6 Development District be extended south to swallow the 12-acre residential parcel. This land-use
7 change would allow a developer to take over Davis Rd., a major entranceway to this residential
8 area, and **completely** destroy the peaceful character of that rural community, which includes
9 the church and cemetery that lie across from the 12-acre parcel and on Davis Rd. The church
10 and its pre-school nursery would then have to endure unending truck and vehicular traffic from
11 RTLP that would drive by their facility.
12

13 The takeaway here is simple. ***Land use plans should not be changed in order to justify an***
14 ***applicant's rezoning request.*** This backwards maneuver is not the way the process should
15 work.
16

17 Such action can corrupt the process and produce unintended consequences. For instance,
18 County Board approval on this proposal could trigger a case of illegal spot zoning, as this is
19 what our Planning Department appears to have attempted in order to make the RTLP project
20 work. It's like fitting a square peg into a round hole. And if you, as our county commissioners,
21 vote to approve this attempt to circumvent the long agreed-upon process, you will be the ones
22 who are held responsible for the fallout from this rezoning.
23

24 Respectfully submitted,
25

26 Ronald D. Sieber
27 4217 New Hope Springs Dr.
28 Hillsborough, NC 27278
29

30 Christine Poole said she has lived in Hillsborough for 25 years, after being an army brat
31 for her entire childhood. She said she chose to raise her family in Hillsborough, but has lived
32 several places where air pollution has not been kept in check. She said Hillsborough is a
33 beautiful place with ever changing seasons, and wildlife. She said the Town has history, strong
34 values and a connection to nature, which must be protected. She said she is opposed to this
35 irresponsible development.

36 Keith Poole said he lives off of David Road, and is opposed to the RTLP proposal. He
37 said he shares the same concerns as his wife, and he wants to see the land and people of
38 Hillsborough protected. He said he respects the Board of County Commissioner's (BOCC) role
39 in finding economic development, but he does not think this project will benefit the County. He
40 said it is important to preserve the environment, and there are much better ways to bring
41 development to the community. He urged the Board to build for the future.
42

43 *Commissioner McKee joined the meeting at 7:13 p.m.*
44

45 Jackson Poole said he was born and raised in Hillsborough, and recognizes the need for
46 development, but find RTLP to be the wrong kind of development. He said climate change is
47 real, and while Orange County is ecologically progressive, it can always do more. He said the
48 impact of this development on watersheds would be serious. He said there are many reasons
49 not to build on this site, but water seems the most important to him. He said it is important to
50 build smart for the future, and he is opposed to RTLP.

1 Joanie Alexander said she will be short and sweet. She echoed all the concerns raised
2 by previous speakers, and she said the County must do everything it can to make any
3 development future oriented.

4 Desiree Goldman said she is a local realtor, and has been very involved in bringing
5 economic development to the area. She said she does not love this project, but wonders if the
6 County can afford the luxury of turning it down. She said she believes the country is headed for
7 a very difficult year, and does not expect the federal government to help. She said the County
8 relies too heavily on residential taxes, and needs greater economic tax input. She said the
9 County enjoys its services and seems to turn down many projects that could bring jobs, or help
10 alleviate traffic (such as road widening projects), and at some point there has to be some
11 development allowed. She said to consider all the factors carefully.

12 Ellen Mayer said she lives within 1000 feet of the proposed project, and echoed the
13 comments of most of the previous speakers. She said she is concerned about water and air
14 pollution, but her greatest concern is the traffic. She said the area was not designed for such
15 traffic, and said it is an accident waiting to happen. She said she is opposed to RTLP, but
16 welcomes more reasonable development.

17 Frank Cohen echoed the sentiments of most of the previous speakers, and said he is
18 opposed to RTLP. He said the project will destroy the Town of Hillsborough, and would bring an
19 influx of people for which infrastructure is not yet in place. He said the lower paying jobs that
20 may come with this project will not allow workers to afford to live locally. He said he does not
21 want Hillsborough to turn into an urban sprawl. He said to send the developer back to
22 Kentucky.

23 Anne Sherman said she lives in Chapel Hill, and does not personally know anyone who
24 lives close to the proposed project, but she remains opposed to it. She said old 86 is a beautiful
25 artery that serves the whole County, and this project will have such negative consequences.
26 She said a previous speaker recommended a \$2 million fund for property owners who property
27 values will fall due to the project, but she thinks this is a gross underestimation of how far
28 property values will fall. She said there will be many negative environmental impacts as well,
29 and, while she wants to see a growing tax base, this is not the project to choose.

30 Daniel Yarborough thanked the BOCC for listening carefully to the public, and said he is
31 opposed to this project for all the previously stated reasons. He encouraged the Board to reject
32 this proposal, in favor of better and smarter development.

33 Ashley Lorusso said she supports development, but not this proposed project. She
34 encouraged the BOCC to reject the project, as it will cause irreparable damage. She said
35 developers can come up with more creative ways to address traffic issues, and DOT seems to
36 open to doing so.

37 Susan Attermeier said has lived in the rural buffer for 40 years, and thanked the BOCC
38 for listening to the public. She said the Developer's intended land uses are not clear, and she
39 echoed concerns raised by previous speakers.

40 Joan Kalnitsky thanked the BOCC for allowing everyone to speak. She said she is
41 opposed to the RTLP project, and the 12 acre track is zoned rural residential. She said there
42 are 7200+ signatures on a petition opposed to this project, and the community is passionate
43 about maintaining the vibe that exists in Hillsborough. She said the BOCC clearly recognizes
44 the holes in this project, and she urged the Board to reject it.

45 Beth Rosenberg said she has lived off Davis Road for over 20 years. She said this
46 project is a poor one, especially due to the negative environmental impacts. She said the traffic
47 from this project would have far reaching impacts, not just this immediate neighborhood. She
48 said she is opposed to this project.

49 David Blankfard said he is the Chair of the Planning Board, and has lived in Orange
50 County since 1981, and in Hillsborough since 2007. He said Cates Creek runs through his back
51 yard. He said he voted for this development as this land has been planned for development for

1 many years, and the location is near an interstate interchange. He said his only concern about
2 the project is the traffic coming onto Davis Road, but the Planning Board did not approve
3 addressing this. He said he would like to see this issue mitigated, so the project can proceed.

4 Jim Garland said he owns a fishery next to the proposed project, and he opposes this
5 project. He said he is concerned about the negative environmental impacts on his land, which
6 is the source of his livelihood, and the surrounding community, as well as the air pollution
7 caused by the many large trucks.

8 Katie Loovis said she is speaking on behalf of the Chamber of Commerce in Chapel Hill,
9 who is in full support of the proposed project. She said this land was set aside for economic
10 development 40 years, and it should come as no surprise that development is being proposed.
11 She said RTLP is a \$150 million investment in the County, and will bring many jobs for low-
12 income residents. She said Davis Road is a state road for public use with a speed limit of 45
13 miles per hour, and not some sleepy residential road. She said the claims of negative
14 environmental impacts are unfair and unfounded. She said the project fully complies with all
15 legal requirements of the County's noise ordinance. She said there is a developer willing to
16 invest, and the County should proceed. She implored the Board to approve the project.

17 Susan Fenwick echoed concerns of previous speakers, and believes this project will be
18 a warehouse facility, creating a lot of noise and pollution. She said the Board should consider
19 other development projects that could bring in more tax revenue per square footage, and she is
20 opposed to RTLP.

21 Wendy Diehl said she moved to the area four years ago from out of state. She said she
22 chose Hillsborough out of the entire State, and is very proud to call Hillsborough her home. She
23 cited research from other communities that embraced projects like RTLP, and concluded that
24 such projects had negative environmental and health impacts on the community and residents
25 nearby. She said traffic is also of great concern, and she is opposed to the project.

26 Nan Fulcher said she understands the desire to end the decades of stagnation in the
27 EDDs, but it cannot be at the expense of the community. She said the desire to bring in a more
28 varied tax base has led to corners being cut and established processes not being followed.
29 She said the rural buffer was created to determine where and how development occurs, and the
30 homeowners near this parcel of land should not have to pay the price for the need to make up
31 for lost time in economic development. She said she is opposed to this project, as it simply
32 does not fit.

33 Joshua Ham said he moved to the area a year ago, and prior to that he was a middle
34 school teacher. He said he has researched the proposed project, and it seems the only real
35 motivator is the tax base. He said people are more important than money, and he asked the
36 BOCC to consider all the information and make the most caring decision possible. He said his
37 land is beautiful, and sits right next to the proposed project's land. He said he is against the
38 approval of this project.

39 Jared Jurkiewicz said he is the president of the Winsong Homeowner's Association, a
40 neighborhood close to the proposed site. He said it is completely unrealistic to think that trucks
41 will not turn right on Davis Road, and while it is a state road, it is narrow with no sidewalks. He
42 said families walk on Davis Road all the time, and bicycles use it all the time too. He said the
43 noise level will also be incredibly disruptive, and seems cruel to the homeowners.

44 Betty Garland said she is the owner of a small truffle farm near the proposed sites. She
45 said her orchard was the first to grow truffles in the United States. She said this project will
46 have extreme negative impacts on the environment, and saying otherwise is simply untrue. She
47 said her truffles will be contaminated. She said the noise pollution is also of extreme concern.
48 She said the project does not fit with the community, and she is opposed to it.

49 Franklin Garland said he has been in the area since 1973, and a business owner
50 since 1975. He said he planted his land prior to the BOCC creating the land use plan, and it is a

1 unique business. He said his brother's fishery is right next-door. He said he is opposed to the
2 RTLP project.

3 Jim Henninger said he lives off of old 86, and his children grew up calling their home the
4 "shire". He said this proposed project is not right for the community, and the BOCC should
5 search for development that is in line with original EDD plan. He said the Applicant's analysis of
6 the traffic is inaccurate, and old 86 is the only viable way into Hillsborough for those living south
7 of I-85. He opposed the project.

8 Christina Hilliard said she has lived in Orange County for 21 years. She said she has
9 read extensively on this project over the past 7 weeks. She said what she has learned has
10 given her sleepless nights, especially when considering the impacts of diesel trucks. She said
11 this project is not environmentally sustainable. She said she is not anti-development, and asked
12 the BOCC to consider other options for economic development. She said she is opposed to this
13 project.

14 Madelyn Friedman said she is opposed to this project. She said there is a preschool
15 across the street from the proposed development, and this is of great concern as the children
16 play outdoors all the time. She said the trucks are loud and pollute the air, and would change
17 the landscape of the entire area. She said the preschool is housed within a local church, who is
18 also greatly concerned about this development. She said the developer should not be allowed
19 to use Davis Road as a part of this project.

20 Gayane Chambless thanked the BOCC for its commitment to listening to the community.
21 She said she lives further up old 86, across from a development that was built in recent years.
22 She said her neighborhood was promised a traffic signal to mitigate the increase in traffic, and
23 her neighborhood is still waiting. She said flooding has already greatly increased in her
24 neighborhood, and will only worsen if the RTLP project is approved. She said she is against the
25 project.

26 Cynthia Cain said she has done a great deal of research on the impacts of similar
27 developments in other areas around the country. She highlighted some of this information, and
28 said she hopes the BOCC will use it to understand what could happen here in Hillsborough.
29 She said the Applicant is not disclosing the tenants for the land, and once zoning is approved,
30 the BOCC will lose power to have any say in who the tenants are. She said there will be better
31 opportunities for economic development, and the BOCC should wait.

32 Jeffrey Marks said he has lived here for 30 years, and is opposed to this project. He
33 said there will be mega structures dwarfing the landscape. He said the Applicant will not
34 commit to the exact use of the land, yet is ready to break ground next year. He said the
35 Developer has not demonstrated great success with past projects.

36 Chris Rodermond commended the community for speaking up and the BOCC for
37 listening. He said he lives near the proposed site, and he said the use of the 12-acre parcel to
38 gain access to Davis Road seems short sighted. He said Davis Road cannot support the
39 expected truck traffic, and the negative impacts will be immense. He said property values of
40 adjacent properties will plummet, and the health of local residents can only be adversely
41 impacted. He said the land around old 86 is some of the most beautiful in the County, and must
42 be protected. He said he is opposed to this project.

43 Justin Mitchell said he lives on Davis Road, within 1000 feet of the proposed
44 development. He said he is opposed to this project, and finds the developer has been less than
45 forthcoming with exact details about this project. He said it is clear that truck and traffic issues
46 will be enormous, and have a negative impact on the surrounding land, homes, and businesses.
47 He said the BOCC should not approve this project without a full analysis of the noise and traffic
48 patterns, once the specific land use is known.

49 Aaron Nelson said he is the president of the Chamber of Commerce for Chapel Hill and
50 Carrboro. He said he is surprised by the community's response to this project, as the land was
51 set aside for this type of use. He said only 3% of the County's land is set aside for economic

1 development, in concentrated areas known as Economic Development Districts. He said the
2 tax revenue from this project is very much needed, and the jobs that will be provided are
3 important. He said if there is a concern about idling, then make a rule that says no idling. He
4 said if the Board approves this, it does not mean it was not listening to the community, but
5 simply that it disagreed with the community.

6 Christy Bailey said her family has lived in Orange County for 5 generations. She said
7 her property was put into the EDD in 1981. She said it is time to develop this land, as it has
8 been waiting for 40 years. She said her family has been limbo for decades, and she feels that
9 RTLP will be a benefit to the community. She said the extension of water and sewer will allow
10 for growth, and the Developer can assist with this. She said this is the right area, the right time
11 and the right project. She said she supports the project to lift the burden off of homeowners.
12 She said the restrictions are in place to insure the success of this project.

13 Amanda Shakhoul said she has mixed feelings about this project, and her main concern
14 is what will be inside this property; who will the tenants be. She said she would like to know if
15 water and sewer will be run to the area.

16 Vickie Berry said RTLP would not be her first choice, and she is also concerned about
17 what will be contained at these facilities. She said she is also concerned about the
18 environmental, traffic and health impacts mentioned by former speakers. She said she is also
19 concerned about residents being able to have quick access to the medical facilities north of this
20 area. She said she is concerned about nuclear waste.

21 Debra Bost thanked the BOCC for the chance to speak. She said she moved to
22 Hillsborough in 1975, and owns land very close to Davis Road, where she built her forever
23 home. She said she reviewed the Triangle Regional Freight plan, which claims to be safe and
24 efficient. She said RTLP does not fit into this promise. She said she understands the appeal of
25 the project, but does not believe this project is the right one for this community. She echoed the
26 far-reaching detrimental impacts mentioned by former speakers, and said she is opposed to the
27 project.

28 Kim Tesoro said Orange County is a well thought out and well planned place, with great
29 care given to the environment and the residents. She said it is easy to be concerned about
30 unknowns, and there are things that are unknown about this project. She said some see big
31 developers as bad, but this is not always fair. She said the tax revenue and jobs are needed so
32 that residents can work where they live. She said corporate philanthropy is another benefit of
33 this this proposed projects. She said small businesses cannot carry the burden alone, and she
34 is favor of the RTLP.

35 Linda Ostrand said she works in wildlife preservation, and is strongly opposed to the
36 project. She said the number of wildlife needing help is rising rapidly each year, as habitat is
37 being taken away due to development. She said this project may just be focused on a small
38 area, but changing more and more small areas leads to the change of a large area.

39
40 A motion was made by Commissioner McKee, seconded by Commissioner Bedford to
41 close the public hearing, and authorize written comments until 9:00 a.m. on September 24,
42 2020.

43
44 **Roll call ensued.**

45
46 **VOTE: UNANIMOUS**

47
48 Chair Rich said the Applicant will have a chance to respond, and should not repeat the
49 presentation, but rather make brief remarks.

50 Michael Birch, Longleaf Law Partners, said he wanted to address some of the public and
51 Board comments.

1 Michael Birch referred to the noise measurement in the field, and showed a PowerPoint
2 slide as to where the measurements were taken, and how it impacts the surrounding
3 area/homes.

4 Michael Birch referred to the idling truck comments, and said the ordinance does not
5 permit idling of trucks for more than 5 consecutive minutes.

6 Michael Birch presented an updated vacant land map.

7 Christa Greene provided several definitions to the transportation trip generation codes,
8 and land use codes. She said DOT does not accept the 155-land use code at this time.

9 Christa Greene said the scoping process was fully completed, and all agreed upon the
10 land use prior to any studies being completed. She said land use code 030 has been brought
11 up, and in the ITE manual it is under an entirely different section called "ports and terminals,"
12 which is intermodal in nature, and would not be appropriate for this project. She made some
13 comments about the possible traffic pattern.

14 Michael Birch referred to the transportation matter, and said a number of comments
15 were received about truck traffic on Davis Road. He said his staff has put together another
16 traffic impact analysis using the service drive with a fully signalized intersection at old 86,
17 allowing for no truck traffic on Davis Road. He said his staff expressed the importance of this
18 with DOT, and the analysis does presume the need for additional right away; along Davis Road
19 and highway 86, to accommodate a signalized intersection.

20 Michael Birch said the Applicant agrees to not connect to Davis Road from a truck traffic
21 standpoint, if at, a minimum, of 60 days prior to the certificate of occupancy (CO) to the building,
22 Orange County and/or NCDOT, would be able to accomplish a modified signalized intersection
23 on the service road and old 86. He said if that occurred, the Applicant would not connect to
24 Davis Road for truck traffic. He said if this could not happen in time, but could so at a later date,
25 the development would shut off the Davis Road access point for truck traffic.

26 Michael Birch said the access on Davis Road is not something the project initially
27 proposed, but rather NCDOT requested another access point. He said additional analysis had
28 been proposed as an additional condition.

29 Michael Birch referred to some of the environmental concerns, and said Cates Creek
30 does not run through this site. He said an unnamed tributary, which connects to Cates Creek,
31 does run through the property, but not the creek itself. He said Cates Creek does not have a
32 high quality water designation, and is not protected/critical watersheds. He said Cates Creek is
33 a nutrient sensitive waterway but this is due to land further down. He said storm water runoff
34 does not affect Davis Road or the flood plane, and there is no heritage natural area of on the
35 property. He said the Applicant is setting aside 25% of the site for green space, proposing
36 development at half of what is allowed for the site.

37 Commissioner McKee said he has argued for and supported development in his 10
38 years on the Board, and congratulated the Developer for bringing the first project for which he
39 questions the viability. He said he asked last week if the percentage of traffic exiting on Davis
40 Road, which would be trucks, could be identified, and he received no answer. He said he
41 knows the answer, because there is no alternative, and it will be 100%. He said with proper
42 signalization traffic could be sent out on the service road, and blocks could be in place to
43 prevent traffic going onto Davis Road. He said tonight the Applicant has presented a fairly
44 complicated 2-step, which will require u-turns and easements, as well as use of Davis Road for
45 some time. He said he cannot support any truck use of Davis Road. He said he would like to
46 support the project, and will if proper changes can be made. He said the Applicant needs a
47 clear and consistent message.

48 Commissioner Greene said she understands the stream does not flow towards Davis
49 Road, but asked if anything will be done to ensure flooding does not occur like that which was
50 referenced by a resident of Cornwallis Hills

1 Chris Bostic said the flood plain that exists on this property is a result of a back water
2 condition from the pipe that goes under I-40, which is helpful to downstream property owners.
3 He said the amount of flow to that line is limited. He said the Applicant would be required to
4 contain the peak flow at a pre development level.

5 Commissioner Greene asked if 1,000 jobs is an accurate number in the proposal.

6 Michael Birch said yes, that is an estimate.

7 Commissioner Greene asked if that number included truck drivers.

8 Michael Birch said no.

9 Commissioner Greene asked if the percentage of jobs making \$30,000 annually or more
10 is known.

11 Michael Birch said a minimal number of jobs would make less than \$30,000 annually.

12 Commissioner Greene asked if the type of jobs found in warehouses could be identified.

13 Michael Birch said it depends on the user, but there will be management level positions,
14 technician/computer technician positions, robotic management, etc.

15 Commissioner Greene said she agreed with Commissioner McKee regarding Davis
16 Road. She said it sounds like someone will have to pay for some extra land for easements.

17 Michael Birch apologized and said he and his staff did not fully understand
18 Commissioner McKee's question last week. He said if the question that what percentage of the
19 truck traffic will use Davis Road, he agreed it would be 100%.

20 Michael Birch said if the improvements to the service road and 86 could be done prior to
21 the time that the development would have to make improvements to Davis Road and the Davis
22 Road intersection, then funds could be reallocated from the Davis Road side to this area
23 instead. He said the developer is not trying to achieve any cost savings, but rather obtain an
24 approval that is not subject to his control. He said he understands that no one wants truck
25 traffic on Davis Road, and whenever a signal and service road can be achieved at 86, all work
26 will stop on Davis Road.

27 Commissioner Greene asked if there is a reason this cannot be agreed to prior to any
28 work beginning.

29 Matt Peach with Stantec Consulting said NCDOT policy's is to not have any full
30 movement intersections or traffic signals 1000 feet from an interchange ramp terminal. He said
31 the service road is currently 400-450 feet from that ramp terminal, so NCDOT would need to
32 make an exception to its standard. He said this request has been made to NCDOT, and he is
33 awaiting an answer.

34 Commissioner Greene said that was not really what she was asking.

35 Michael Birch said the Applicant has pursued acquisition of property to have an alternate
36 access point onto 86. He said the Applicant has looked at options further south, and are
37 continuing to pursue this. He said there is a scoped and approved traffic analysis by DOT, and
38 if all can work together to signalize 86 and the service road, then Davis Road will not need to be
39 used.

40 Michael Birch said the project does not work without either access to Davis Road or full
41 movement at the service road and old 86. He said he questions if any project could work in this
42 location without one of those options being available. He said the Applicant is trying to provide
43 an avenue to allow the project to move forward, while still working towards taking Davis Road
44 out of the equation.

45 Commissioner Marcoplos said he is a big supporter of the economic development
46 districts, as they were created for very good reasons that protect the environment and contain
47 business development. He said the EDDs have been waiting decades for projects just like this.
48 He said the Hillsborough EDD location was chosen due to its proximity to the interstate, but he
49 does not believe it was ever expected that traffic would flow into a residential neighborhood. He
50 said he cannot support such a project, as it is antithetical to what the EDDs were designed to do
51 in the first place.

1 Commissioner Marcoplos asked if the 60-day time limit proposed by the Applicant, is to
2 allow for a successful negotiation with NCDOT to avoid the use of Davis Road.

3 Michael Birch said it would be 60 days prior to a certificate of occupancy, which is not
4 likely for at least 18 months, and would allow more time for all involved to work out a solution.

5 Commissioner Marcoplos said the situation could possibly arise that construction would
6 be almost completed, with no resolution reached about Davis Road, and thus the trucks would
7 be able to revert to the use of Davis Road.

8 Michael Birch said the Applicant is seeking to provide as long as possible to reach a
9 resolution.

10 Commissioner Marcoplos said the bottom line is that this proposed solution could still
11 result in trucks using Davis Road. He asked the projected CO year is 2023.

12 Michael Birch said it would be 2022.

13 Commissioner Marcoplos asked if a resolution to access old 86 could be reached with a
14 few months of solid effort on everyone's part.

15 Michael Birch said it depends, because the Applicant does not control the ability to
16 acquire right away, other than to make an offer. He said the State and the County has the
17 power to obtain the right away. He said it is his understanding that this is the barrier to having
18 these improvements completed.

19 Commissioner Marcoplos said this has to be resolved, and asked if a reasonable
20 timeframe for doing so could be identified.

21 Michael Birch said the question is how long will it take the State to acquire the right
22 away, and that is a question he cannot answer, as it outside his control.

23 Commissioner Marcoplos asked if there is a history or precedence that could be
24 investigated.

25 Michael Birch said such a search would require a mixture of results.

26 Commissioner Marcoplos said it sounds like nothing can be known until a full court press
27 effort has been made. He asked if this could be done.

28 Michael Birch said a full court press effort has been made to obtain right away for a
29 multitude of options to avoid a connection to Davis Road. He said the Applicant understands all
30 the concerns that have been raised, but the Applicant has undertaken a full-court-press
31 approach.

32 Commissioner Marcoplos said it sounds like the Applicant feels the odds of successfully
33 finding an alternate option to Davis Road, no matter how much time is allotted, are slim.

34 Michael Birch said the Applicant has done a full court press within the confines of what it
35 can control. He said the Applicant does not have the full power of the State or County to obtain
36 right away. He said the Applicant framed the condition to allow for as many opportunities as
37 possible for the connection to not have to be made to Davis Road, or that it is removed in time.
38 He said there is inherently a role for someone, other than the Applicant, to play in acquiring that
39 right away.

40 Commissioner Price said asked if the Applicant has a plan to prevent right hand turns.

41 Michael Birch said it would be an engineered solution on the ground from improvements
42 that would shuttle turns to the left. He said it would be more than just a sign.

43 Commissioner Price said if there is a plan for Davis Road onto 86, as there is concern
44 people will turn right, go down New Hope and access I-40.

45 Michael Birch said it will not only be 18-wheeler trucks. He said it might be vans,
46 delivery trucks, not just 18-wheelers. He said the signal at Davis and 86 is signalized, and the
47 modeling of the analysis shows there is adequate storage to accommodate the left hand turns
48 with signal timing. He said he did not know from where the idea of bottleneck came. He said it
49 is an extremely low probability that a truck will not wait a few seconds for a signaled left hand
50 turn.

1 Commissioner Price said the only vehicles that people are considering are large trucks
2 because it is a logistics park and warehousing.

3 Michael Birch said it is more likely to be Amazon type delivery van.

4 Commissioner Price said since the exact tenants are not known, it is difficult to predict
5 what will happen.

6 Commissioner Price asked if this facility would be a 24-hour facility. She said people
7 work all shifts and products move 24 hours a day, in this day and age.

8 Michael Birch said it is possible for a user to have a 24-hour operation. He said the type
9 of projects that are used to generate trip generation numbers included 24-hour operation
10 businesses.

11 Commissioner Price asked if was safe to assume shift work.

12 Michael Birch said not necessarily, and he could understand the frustration regarding the
13 uncertainty of the tenants/users, but in working with NCDOT through the scoping process, he is
14 confident in the likely trip characteristics.

15 Commissioner Price said this seems like a "build it and they will come" model, which is
16 confusing. She said a lot of the constituents are concerned about these unknowns.

17 Michael Birch said there will be multiple users with different traffic patterns, which will
18 reduce the peak traffic impact. He said one single user would have one specific traffic pattern.

19 Commissioner Price said the Eno River Association said there would be an
20 environmental impact, but the Applicant's analyst said no. She asked if there could be
21 clarification.

22 Chris Bostic said he has looked specifically at several things related to the property. He
23 said the concerns are related to habitat and quality of water. He said the project would be very
24 upland, and there will be 25% open space with this project that will be undisturbed. He said this
25 area will include the tributary to Cates Creek. He said much of the land has been clear-cut
26 already.

27 Commissioner Price said there seems to be conflicting opinions.

28 Chris Bostic said the project will include one small creek crossing.

29 Commissioner Price asked if more trees will be cut down to the west.

30 Chris Bostic said it was clear-cut in the past, and some trees have regrown over the past
31 20 years, which will be cut.

32 Commissioner Price said 20 years of growth is still significant.

33 Commissioner Price asked what data is being used to analyze the number of jobs that
34 are needed in Orange County. She said the County desires to have jobs that will lead to more,
35 or the next step in a career, and works with Durham Tech to elevate people. She wonders why
36 the Applicant thinks the County needs 1000 jobs for people with less than a high school
37 education.

38 Michael Birch said he is not sure about the statement about less than a high school
39 education, as it did not come from the Applicant. He said the Applicant has already been in
40 touch with Durham Tech, and these jobs are not dead end jobs.

41 Commissioner Price said those were her words.

42 Michel Birch said there are many meaningful jobs that will require training. He said the
43 Applicant reached out to Durham Tech because of the important relationship that could be built.
44 He said this logistic park would have a huge need for educate people.

45 Commissioner Price asked if the Applicant source its job data from a particular place.

46 Michael Birch said the Applicant worked with Orange County Economic Development to
47 understand what kind of jobs are wanted and needed.

48 Commissioner Dorosin said he understands the area was designated for Economic
49 Development years ago, and he is encouraged that the public recognizes this need and plan.
50 He said it is also important to recognize that Orange County has the access to the highway. He
51 said the concern is traffic going onto Davis Road, and the way for this project to succeed was to

1 find a solution to this problem. He asked if the following questions could be answered: (1) what
2 options have been considered to address this problem; (2) the property abuts the service road,
3 and it seems the property can accommodate any necessary widening of the service road; (3) in
4 the multitude of options that have been considered, there is a road that runs along the Duke
5 Power easement, and he asked if there was any consideration of using that road as a second
6 access to 86.

7 Commissioner Dorosin said creativity is needed to find a way to avoid Davis road.

8 Michael Birch expressed appreciation for Commissioner Dorosin thinking creatively to
9 address the Davis Road issue. He said Duke Energy prohibits public roadways in their
10 easements.

11 Michael Birch said the Applicant considered extending the service road to the south and
12 coming out further south on old 86, but this option requires use of someone else's property. He
13 said the Applicant has made numerous offers on properties to gain access to old 86.

14 Michael Birch said the property has frontage to the service road, but not near the access
15 to old 86. He displayed an aerial photo from the PowerPoint presentation. He said the
16 Applicant needs 60 feet of public right away, one way or another, to allow for a signalized
17 intersection on old 86.

18 Michael Birch said there is a good nineteen months between a rezoning approval and
19 getting a building open. He said the Applicant can work with the County and the State to
20 acquire the right away during this time. He said the Applicant has proposed a condition that
21 allows work to proceed, while working on the access issue. He said if the project cannot
22 proceed without the access issue determined, it is tantamount to a denial.

23 Chair Rich said she drove both the service road and Davis Road last week, and
24 observed the service road. She said it is beautiful piece of property, and it is so strategically
25 located to highway 40. She said it seems ridiculous that this cannot be worked out.

26 Chair Rich said the Applicant has referred to the County and the State being able to
27 help, and asked if what the Applicant is really talking about is condemning land.

28 Michael Birch said yes, and it would also have benefits for others in the area.

29 Chair Rich said it is important to be clear about this detail. She said the State has to
30 take the land or the County would have to condemn the land. She asked if the land was
31 condemned, would the Applicant still be rezoning the 12 acres on Davis Road to allow truck
32 access.

33 Michael Birch said the 12 acres would still be part of the project, but the truck access
34 would not be on Davis Road.

35 Chair Rich said it is just mind-boggling. She said it is a perfect property for economic
36 development, but Davis Road is the concern.

37 Chair Rich said Davis Road has 45 miles per hour speed limit. She said when she
38 visited the property, she drove the speed limit, and other cars were passing her.

39 Chair Rich said a living wage is very important in any economic development in Orange
40 County. She said the current living wage is \$15/hour, and this is the source of the concern
41 about the types of jobs that are offered. She said the living wage is likely to go up soon.

42 Chair Rich said she would like to know what a typical day on the site would look like.

43 Michael Birch said a typical day at this development would not look much different than a
44 general office type environment. He said the 7:00 a.m. range would involve people arriving, a
45 typical amount leaving at lunch, and again at the end of the day. He said there may be some
46 businesses with shift work.

47 Chair Rich referred to page 45 in the original agenda, and asked the Applicant to clarify
48 the floor plan, and if it is consistent with the TIA.

49 Michael Birch said the .65 floor area ratio (FAR) is what is typically allowed in the
50 MPDCZ district. He said the Applicant is proposing the .32 FAR, which is what the traffic impact

1 analysis is based on. He said if development were to go over that threshold, it would trigger a
2 new traffic pattern analysis.

3 Commissioner McKee said he received wonderful advice when he was originally elected,
4 and that was he needed to be able to count to 4, as 4 votes are needed to pass a motion on the
5 BOCC. He said he does not see 4 affirmative votes at this point.

6 Commissioner McKee said he has four questions, for which he would like definitive
7 answers. He said it was his understanding that DOT was still an obstacle to the signalization of
8 the service road, or the intersection with the off ramps. He asked if DOT is still an obstacle.

9 Michael Birch said he does not know because the Applicant submitted a new plan idea
10 to the DOT this week, and does not yet have an answer back.

11 Commissioner McKee said this is not Michael Birch's first rodeo, and does he have an
12 impression as to whether DOT is open to discussion

13 Michael Birch said yes, he thinks DOT is open to the discussion.

14 Commissioner McKee asked if all the cost of any signalizations/intersection
15 improvements, less the acquiring of the land, is going to be picked up by the development.

16 Michael Birch said yes.

17 Commissioner McKee said the Applicant has mentioned talking to land owners and
18 making offers. He asked if the previous aerial photo could be put up (which it was). He
19 identified a specific plot of land on the photo, and asked if that specific landowner had been
20 contacted, and an offer made.

21 Michael Birch said inquiries have been made, but the property owner has not responded.

22 Commissioner McKee said this is not his understanding of the situation, after speaking
23 to the landowner on Friday.

24 Michael Birch clarified that the homeowner's response was that he would get back to the
25 Applicant.

26 Commissioner said there are 10 properties that abut 86 from the service road to Davis
27 Road. He asked if Michael Birch could identify which property owners have been contacted,
28 and had offers made. He said he does not need specifics, but just wanted to know how many of
29 the remaining 9 properties have had offers made.

30 Michael Birch said there is one large property that runs north-south between the site and
31 all 10 of these properties on 86. He said numerous offers have been made to that landowner, in
32 order to make a connection to one of the 10 on old 86, to no avail.

33 Commissioner McKee read an email from one of the property owners on old 86 stating
34 that the property owner, and its immediate neighbors, has not been contacted at all about
35 selling, despite the ideal nature of the land to allow access to old 86.

36 Commissioner McKee said he understands there is a north south property, and he is
37 aware he is spending the Applicant's money, but the Applicant needs to be aware that four
38 votes are needed to make this work. He said he wants to see this land developed, as it has sat
39 for almost 40 years. He said part of that delay is due to the County failing to provide the
40 necessary infrastructure, but someone is going to develop it.

41 Chair Rich asked Michael Harvey if he would pull up a picture from his PowerPoint
42 presentation, showing the land parcels in greater detail.

43 Commissioner McKee pointed out the property that may be a good option to expand the
44 additional turn lane. He said the large north south portion of land is the hold up.

45 Commissioner Greene said it is her understanding that when DOT does a partial taking,
46 it has the right to take the land with a fair value offer. She said if all can mutually agree to
47 extend that timetable, it would allow for the land to be secured so that Davis Road is not part of
48 the equation. She said she does not see the need for the zoning to have conditions attached to
49 it.

50 John Roberts said Commissioner Greene's understanding of DOT land acquisition is
51 correct. He said once DOT transfers money to a bank account, it has the right to the land. He

1 said the process of determining whether the cash amount was fair may continue in court for
2 sometime thereafter, but DOT has right to the land.

3 Commissioner McKee asked if the developer would be willing to remove Davis Road
4 from the application completely, without qualification.

5 Michael Birch said yes, only if there is an alternate solution for a fully signalized
6 intersection that is acceptable to DOT.

7 Commissioner McKee said the Board should make sure such a solution exists prior to
8 approving the project.

9 Chair Rich said the BOCC is not giving any approval or denial this evening, rather that
10 will happen on October 6th.

11 Commissioner Bedford asked if the intent is to discuss all of the conditions in attachment
12 11 tonight.

13 Chair Rich said the conversation could start tonight and be continued on October 6th.

14 Michael Harvey, Current Planning Supervisor, said any Board feedback and questions
15 would be very helpful.

16 Commissioner Bedford said she drove up and down old highway 86, Davis Rd, and the
17 service road. She said this is prime land for an EDD, once a configuration is allowed for
18 highway 86. She re-read the condition that Michael Birch proposed, and said it makes no sense
19 to her. She asked if this condition could be submitted in writing, as she is a visual learner.

20 Commissioner Bedford repeated her request to receive the full report of the noise study.
21 She said she is a CPA and has a degree in mathematics, and feels confident she will be able to
22 understand the report.

23 Commissioner Bedford said she was glad to hear that not all trucks will be diesel, and
24 she has no problem with smaller trucks. She said a solution us needed. She asked what
25 interest would NCDOT have in condemning this land and funding this project.

26 Michael Harvey said he has not spoken with the NCDOT, but there is a process under
27 state law that NCDOT can go through to condemn property and secure right of way. He said it
28 would be best to get an answer directly from NCDOT.

29 Commissioner Bedford said NCDOT is in the midst of a budget and audit crisis, and she
30 does not anticipate anything happening quickly with NCDOT in this project.

31 Commissioner Bedford referred to page 46 of the agenda, and a request proposed to
32 FEMA to amend a 100-foot flood elevation, and asked if there is a status update on this issue.

33 Michael Birch said that particular item was still under review with FEMA.

34 Commissioner Bedford asked if the BOCC has any say is this type of request. She said
35 climate change is showing that the flood plain should be increased, not decreased.

36 Michael Harvey, Current Planning and Zoning Supervisor, said elected officials have no
37 rights related to this, as it is a FEMA issue. He said current planning is involved in the review
38 process. He said staff is involved, but it is truly a FEMA regulatory issue.

39 Commissioner Bedford referred to page 58 in the agenda package, which states the
40 Applicant will "strive to integrate" cool roofs, energy efficient lighting, etc. She said the verbiage
41 of "strive to integrate" has no teeth whatsoever. She said she would like to require things be
42 done (LED lighting, LEED certification, not spraying for bees, wildlife corridors, etc.), and
43 requested that the buildings and the parking lots be much more climate friendly.

44 Commissioner Bedford said it is still not clear if there will be activity at night and on
45 weekends. She said she would like to know this information.

46 Michael Birch said he thinks there is some stronger language regarding green efforts in
47 building, and he would work with staff on the other items.

48 Chris Bostic said when FEMA puts the maps together, it is concerned about the impact
49 of streams and creeks from a very high macro level. He said when FEMA does these studies, it
50 applies a certain flow of water every mile along a stream, and these inputs occur. He said the
51 site in question is at the high point at a stream, and the amount of water that FEMA was

1 applying to go under I-40 is the same amount of water in Cates Creek a mile down the road,
2 and the Applicant is refining FEMA's model, which has an impact on the actual flood plain on
3 the property.

4 Commissioner Price referred to the design elements, and said she is concerned about
5 the weakness of that language. She said it is important to have buildings that are compatible
6 with the surrounding areas. She said she is also concerned about buffers, which were
7 recommended to be 100 feet by staff, but the Applicant says will be 50 feet. She asked if the
8 Applicant would consider having 100-foot buffers, as recommended by staff.

9 Michael Birch said no, as there are significant sire reasons as to why this cannot happen
10 around the entire property.

11 Commissioner Price asked if that is due to a desire for maximum build out.

12 Michael Birch said no, it is due to other site constraints, the location of features on the
13 site, like the flood plain and the Duke Energy easement to the south. He said the impacts are
14 significant when applying 100-foot buffers, given things that cannot move.

15 Commissioner Price said the Applicant could decrease its floor space.

16 Michael Birch said the project has already committed to 25% of green space, which is
17 more than is required.

18 Commissioner Price referred to the property on Davis Road, and said to assume Davis
19 Road access was not permissible. She asked if this land would still be developed, just without
20 the road.

21 Michael Birch said yes.

22 Commissioner Price said there is buffer and land in the middle, and asked if there is a
23 way to connect these two to allow for a bio-corridor.

24 Michael Birch said there is a north south connection due to the tributary, and the
25 County's enhanced flood plain buffer.

26 Commissioner Marcoplos referred to the southern plot of land that is currently zoned
27 rural buffer/residential, and that the Applicant would still want to use that land even if the road
28 access is denied. He said this portion of land was not part of the original EDD, and it is zoned
29 residential 1.

30 Chair Rich asked if it is zoned rural buffer.

31 Michael Harvey clarified by using the map, by saying there is a 26,000 square foot
32 portion of the property is zone rural buffer. He said the majority of the land is zoned rural
33 residential. He said the Applicant has said this portion of the property will remain rural buffer.

34 Commissioner Greene said she is still concerned about the Davis Road property. She
35 said there is a future land use map for this area, that has the two parcels in the EDD, but has
36 the Davis Road parcel zoned as a suburban use. She said she would like to know more about
37 the building that is going to be in the Davis Road parcel, and if it will be a warehouse, more
38 office like, and if there is a reason it has to be 60-feet tall.

39 Michael Birch said the Applicant would work with staff to work on reducing the height of
40 that building along Davis Road.

41 Commissioner Greene said if truck traffic can be diverted off of Davis, then the next step
42 is to insure that the building near Davis has a more office/suburban feel, rather than warehouse.

43 Commissioner Greene said it is 11:07 p.m., and she wants to make sure the Board will
44 have opportunity at the next meeting to go through these conditions with a fine toothcomb.

45 Chair Rich said yes, the agenda for October 6th is mostly dedicated to this conversation.

46 Chair Rich said it is important that there be fairly opaque buffers on the southern and
47 western parts of this property, to allow a clear separation.

48 Chair Rich said there appears to be a committee of property owners that will discuss
49 what kinds of designs are used, along with conditions recommended by the Applicant. She
50 asked if further clarification can be given about this committee, and possibly some building
51 samples for the Board to review, at the Board's next meeting.

1 Chair Rich referred to the solar portion, and the Planning board’s desire to have solar.
2 She said she would like to know a plan for how solar will be incorporated. She said she would
3 also like to know which types of concrete will be used. She asked if the Applicant could provide
4 more information at the Board’s next meeting.

5 Chair Rich said a phased in construction map/timeline would also be helpful for the
6 Board’s next meeting.

7 Commissioner McKee echoed Commissioner Greene’s request for a shorter building on
8 Davis Road, and suggested possibly setting it further back.

9 Chair Rich asked if a vote was needed.

10 John Roberts said a vote was not needed, as the public hearing had closed. He said the
11 Board will continue the conversation on October 6th.

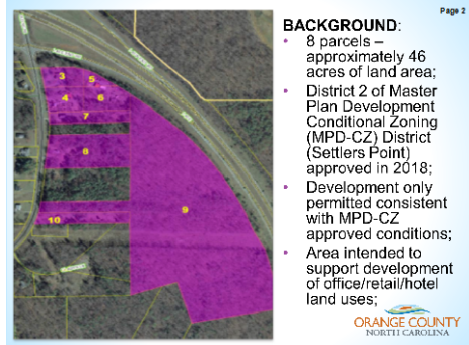
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13 **b. Zoning Atlas Amendment – Parcels off Old NC Highway 86 (District 2 of Settlers**
14 **Point MPD-CZ)**

15
16 A motion was made by Commissioner McKee, seconded by Commissioner Price to
17 reconvene the public hearing on agenda item 5-b.

18
19 **Roll call ensued.**

20
21 **VOTE: UNANIMOUS**

22
23 Michael Harvey, Current Planning and Zoning Supervisor, made the following
24 PowerPoint presentation:
25



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29

WHAT'S HAPPENED:

Page 3

- Developer seeking approval of new MPD-CZ district requiring elimination of Settlers Point MPD-CZ.

STAFF COMMENT: This request only involves parcels west of Old NC Highway 86 (District 1 of Settlers Point MPD-CZ);

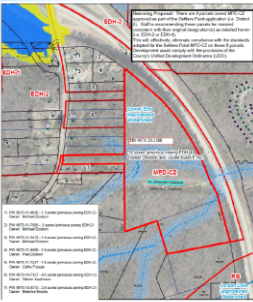
- Action necessary for these 8 parcels to be developed;

STAFF COMMENT: Property owners will have difficulty developing consistent with remaining MPD-CZ conditions if new MPD-CZ application approved.

- Staff believes most appropriate course of action is to rezone properties guaranteeing viable development option(s) for owners.



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PROPOSAL:

Page 4

- Rezone properties back to original zoning designation (i.e. what they were prior to approval of MPD-CZ);
- Development consistent with UDO standards (i.e. each lot developed separately);
- Provides owners with path forward for reasonable use of their property.



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STAFF COMMENT:

Page 5

- Properties being rezoned back to what they were zoned before the MPD-CZ for Settlers Point;
- 7 parcels rezoned to Economic Development Hillsborough Limited Officer (EHD-2)
 - Development of low intensity office uses and supporting services including restaurants and hotels;
 - Retail land uses would not be permitted.
- 32 acre parcel rezoned to Economic Development Hillsborough Office/Retail (EHD-4)
 - Development of high intensity office uses and supporting retail or service uses.



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STAFF COMMENT:

Page 6

- Staff action means no financial impact to property owners (i.e. owners not incurring expense to rezone property);
- Rezoning consistent with Comprehensive Plan;
- Proposal consistent with Town of Hillsborough/ Orange County Central Orange Coordinated Area (COCA) land use plan;
- Rezoning allows for reasonable development opportunities consistent with applicable policies.
 - Each property owner will have ability to make use of their property WITHOUT having to develop with joint open space/access/building limits associated with the MPD-CZ.



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Planning Board Action:

- Board reviewed item at its August 5, 2020 regular meeting;
- Voted unanimously to recommend approval of:
 - Statement of Consistency (Attachment 5); and
 - Zoning Atlas Amendment (Attachment 6).



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RECOMMENDATION:

The Manager recommends the Board:

1. Receive the request;
2. Conduct the public hearing and accept comment;
3. Close the public hearing;
4. Authorize acceptance of written comment(s) via e-mail to the Board at ocbcc@orangecountync.gov or by delivery to the Planning Department's office at 131 West Margaret Lane, Hillsborough, North Carolina 27278, until 9:00 a.m. on Thursday September 17, 2020;
5. Schedule a vote to approve Statement of Consistency (Attachment 5), and Zoning Atlas Amendment (Attachment 6) at the Board's October 6, 2020 meeting

No additional public comments shall be received at October 6 meeting if hearing closed.

For more information of questions on this proposal:

Michael Harvey, Current Planning Supervisor
mharvey@orangecountync.gov or (919) 245-2587



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

9

10 **Roll call ensued.**

11

12 **VOTE: UNANIMOUS**

13

14 **PUBLIC COMMENT:**

15

NONE

16

17 A motion was made by Commissioner Dorosin, seconded by Commissioner McKee to
18 close the public hearing and authorize written comments until 9:00 a.m. on September 24, 2020.

19

20 **Roll call ensued.**

21

22 **VOTE: UNANIMOUS**

23

24 **c. Proposed Amendments to the Town of Hillsborough/Orange County Central**
25 **Orange Coordinated Area (COCA) Land Use Plan and to the Orange County**
26 **Comprehensive Plan Future Land Use Map (FLUM)**

27

28 A motion was made by Commissioner Greene, seconded by Commissioner McKee to
29 reconvene the public hearing on agenda item 5-c.

30

31 **Roll call ensued.**

32

33 **VOTE: UNANIMOUS**

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Tom Altieri, Hillsborough Comprehensive Planning Supervisor, made the following PowerPoint presentation:

**Proposed Amendments to:
Town of Hillsborough/Orange County
Central Orange Coordinated Area
(COCA) Land Use Plan; and
Orange County Comprehensive Plan
Future Land Use Map (FLUM)**

Public Hearing Item 5.c.
August 5, 2020
Presenter: Tom Altieri, AICP

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Purpose of Agenda Item

To hold a public hearing, to receive the Planning Board recommendation and public comment, close the hearing, and schedule action for a future date on County-initiated amendments to the:

- 1) Town of Hillsborough/Orange County COCA Land Use Plan; and
- 2) Orange County Comprehensive Plan FLUM.

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8

This item is not for the Research Triangle Logistics Park (RTLTP) -- the proposed warehousing and distribution center, which requires a rezoning, and was earlier on the agenda.

This item is not for the Research Triangle Logistics Park (RTLTP) -- the proposed warehousing and distribution center, which requires a rezoning, and was earlier on the agenda.

Approximately 12-acres of RTLTP are located in the amendment area discussed herein as part of this agenda item.

9

Purpose of Expanding Hillsborough Economic Development (ED) Area

- County has plans to extend water and sewer infrastructure to parcels south of Interstate 40.
- Preserve planned sewer capacities for non-residential uses.
- Expand upon ED opportunities.
- Consistency among long-range plans.

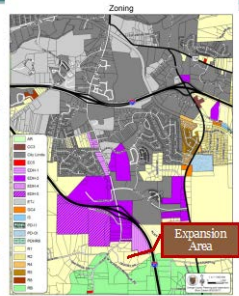
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Brief History of Hillsborough ED Area and Joint Planning with the Town of Hillsborough

1

Hillsborough EDD originally established in 1994 along with two other EDDs (Buckhorn and Eno).

Formerly Transition Areas (1981 Comprehensive Plan)



The map displays a complex zoning scheme with numerous colored zones. A red-shaded region is labeled 'Expansion Area'. A legend on the left side of the map lists various zoning codes such as R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16, R17, R18, R19, R20, R21, R22, R23, R24, R25, R26, R27, R28, R29, R30, R31, R32, R33, R34, R35, R36, R37, R38, R39, R40, R41, R42, R43, R44, R45, R46, R47, R48, R49, R50, R51, R52, R53, R54, R55, R56, R57, R58, R59, R60, R61, R62, R63, R64, R65, R66, R67, R68, R69, R70, R71, R72, R73, R74, R75, R76, R77, R78, R79, R80, R81, R82, R83, R84, R85, R86, R87, R88, R89, R90, R91, R92, R93, R94, R95, R96, R97, R98, R99, R100, R101, R102, R103, R104, R105, R106, R107, R108, R109, R110, R111, R112, R113, R114, R115, R116, R117, R118, R119, R120, R121, R122, R123, R124, R125, R126, R127, R128, R129, R130, R131, R132, R133, R134, R135, R136, R137, R138, R139, R140, R141, R142, R143, R144, R145, R146, R147, R148, R149, R150, R151, R152, R153, R154, R155, R156, R157, R158, R159, R160, R161, R162, R163, R164, R165, R166, R167, R168, R169, R170, R171, R172, 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Some History of Joint Planning with Hillsborough

Water and Sewer Management, Planning, and Boundary Agreement and Map (2001, Amended from time to time, and amendment to the Hillsborough Primary Service Area currently in process)

Hillsborough/OC Urban Transition Area Task Force (2004)

Hillsborough/OC Strategic Growth Plan Phase I (2006)

Phase II - Hillsborough-Orange Interlocal Land Management Agreement (2009, Amended 2014)

Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan (2013, Amended 2016)

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5

Expansion of Hillsborough ED Area Amendment Specifics

(Involves 2 Planning Constructs)

- COCA Land Use Plan ("joint" plan)
- County Comprehensive Plan FLUM

(If needed, 3-slides hidden that cover how Future Land Use Plans are different from Zoning)

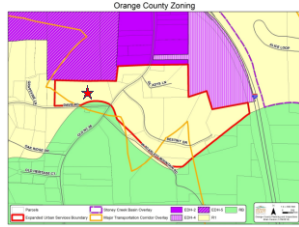
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1

No Rezoning Proposed as Part of the County-initiated Land Use Plan Amendments

- Currently Rural Residential (R-1)
- Any future development application for non-residential uses will require rezoning and subsequent public hearing

Approximately 12-acres of RTLP are located in the amendment area discussed herein as part of this agenda item.



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Amendment Processes

Town of Hillsborough on COCA Joint LUP:
 Sept. 26, 2017 - Joint Public Information Session
 March 15, 2018 - Hearing and Planning Board recommendation
 March 26, 2018 - Town Board adopted

Orange County on COCA Joint LUP and Comprehensive Plan FLUM:
 July 21, 2020 - Public Information Session
 August 5 and 19, 2020 - Planning Board recommendation
 Sept. 22, 2020 - Board of County Commissioners Continued Public Hearing and schedule action

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6

Planning Board Recommendation

- The OC Planning Board, at its meetings last month, voted 6-4 to recommend approval of the proposed amendments.
- Minutes of the Planning Board meetings are provided in the agenda materials for this item.

Planning Director Recommendation

- The Planning Director is recommending approval of the amendments and Resolution contained in Attachment 5.

7
8

The Manager recommends the Board:

1. Receive the request;
2. Conduct the public hearing and accept comment;
3. Close the public hearing;
4. Authorize the acceptance of written comment(s) via e-mail to the Board at (ocbocc@orangecountync.gov) or by delivery to the Planning Department at 131 W Margaret Lane, Hillsborough, NC 27278, until 9:00 a.m. on Thursday, September 17, 2020; and
5. Schedule a vote to approve the Resolution (Attachment 5) amending the COCA Land Use Plan and the Orange County Comprehensive Plan FLUM at the Board's October 6, 2020 Business meeting. No additional public comments shall be received at this meeting.

9
10

1 Commissioner Marcoplos referred to the small portion of rural buffer that crosses Davis
2 Road, and asked if there has ever been discussion of tidying up such boundary issues by
3 having the rural buffer follow the road.

4 Tom Altieri said this boundary follows the ridgeline.

5 Craig Benedict, Planning and Inspections Director, said new GIS techniques show that
6 Davis Road is the ridgeline. He said staff is working on a way to amend the water and sewer
7 boundary for technical uses, such as this.

8 Commissioner Greene said there appears to be a discrepancy between the Hillsborough
9 map and the County map, and she is focusing specifically on the suburban space. She said
10 the acreage in the lots is not exactly the same, and some of the uses seem in conflict with each
11 other. She asked if there is a reason the maps were not more aligned

12 Tom Altieri said the Town of Hillsborough does not have an Economic Development
13 District land use like the County has. He said this plan was developed to serve as
14 Hillsborough's land use plan, for areas within its jurisdiction, and using its land use categories
15 those were applied to its fringe areas outside the towns extraterritorial jurisdiction, but inside its
16 primary service area for water and sewer services. He said that is why the suburban office
17 classification was used here. He said the joint land use plan started with the Town of
18 Hillsborough, and it used a slightly different southern boundary configuration than what was
19 actually shown as economic development in the County's comprehensive plan.

20 Commissioner Greene asked if staff thought there could be a time when Hillsborough
21 and the County might disagree over the use of these lands.

22 Tom Altieri said this has been agreed upon by both Town and County staff, and has
23 been adopted by the Town's Planning Department.

24
25 A motion was made by Commissioner Marcoplos, seconded by Commissioner Price to
26 open the public hearing.

27
28 **Roll call ensued.**

29
30 **VOTE: UNANIMOUS**

31
32 **PUBLIC COMMENT:**

33 Luke Farley said he is a lawyer out of Raleigh, representing 14 residents, who are
34 opposed to amending the land use plan. He said the BOCC's commitment to hearing from the
35 public is unequalled. He thanked the BOCC for its service. He said he will submit written
36 comments to the BOCC about statements made earlier this evening regarding traffic issues. He
37 said there will be legal issues if this plan is amended, as there has been no change in this parcel
38 to necessitate an amendment.

39 Daniel Arneman said changing the zoning of this land would be a rejection of 40 years of
40 land use planning. He referenced a FAQ sheet, question 1.6, which states the 12 acres are not
41 related to the RTLP project. He said he disagrees with this assertion, and feels the land is
42 related to RTLP, even though he thinks it should not be. He said it is fair to develop land that is
43 zoned for EDD, but it is not fair to develop land that has been zoned residential for 40 years. He
44 said he is against this rezoning.

45 Bob Bundschuh thanked the BOCC for listening to the public. He said he works in
46 logistics, and is very familiar with the details involved in a project like RTLP. He said the daily
47 way of life is very different now than 40 years ago. He said the BOCC must make decisions
48 based on what is in front of it today, not what was intended 40 years ago. He said large
49 warehouse complexes are needed in the "work from home" lifestyle of modern life. He said he
50 is opposed to this proposal, and favors more appropriate development that fits into the

1 surrounding area. He said if the 12 acres are taken out of the equation, then Davis Road is
2 taken out of the equation as well.

3 Lisa Sutton said she is opposed to Davis Road being included in any development, and
4 encouraged the BOCC to vote against this proposal.

5
6 A motion was made by Commissioner Dorosin, seconded by Commissioner Marcoplos
7 to close the public hearing.

8
9 **Roll call ensued.**

10
11 **VOTE: UNANIMOUS**

12
13 Chair Rich reminded everyone that written comments may be submitted to the Board
14 until 9:00 a.m. on Thursday, September 24, 2020.

15
16 **ADJOURMENT**

17
18 A motion was made by Commissioner Price, seconded by Commissioner Bedford to
19 adjourn the meeting at 11:59 p.m.

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21
22
23 Penny Rich, Chair

24
25
26 Allen Coleman
27 Assistant Deputy Clerk

28
29 Submitted for approval by Greg Wilder, Interim Clerk to the Board