

APPROVED 5/1/2012

**MINUTES  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
February 21, 2012  
7:00 p.m.**

The Orange County Board of Commissioners met in regular session on Tuesday, February 21, 2012 at 7:00 p.m. at the Southern Human Services Center in Chapel Hill. N.C.

**COUNTY COMMISSIONERS PRESENT:** Chair Bernadette Pelissier and Commissioners Valerie Foushee, Alice M. Gordon, Barry Jacobs, Pam Hemminger, Earl McKee and Steve Yuhasz

**COUNTY COMMISSIONERS ABSENT:**

**COUNTY ATTORNEYS PRESENT:** John Roberts

**COUNTY STAFF PRESENT:** County Manager Frank Clifton, Assistant County Managers Gwen Harvey, and Michael Talbert and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

**1. Additions or Changes to the Agenda**

Chair Pelissier went through the additional items at the County Commissioners' places:

Yellow sheet (from Commissioner Yuhasz) – revision to item 4-a, Consideration of Resolution Supporting an Amendment to the United States Constitution to Clarify that Corporations are Not People and Money is Not

Pink – Motions related to item 7-a, Conditional Use rezoning and Class A Special Use Permit – Carolina Friends School

White – submission by a citizen for item 8-c, Direction for a New Solid Waste Interlocal Agreement and Transfer Station

A motion was made by Commissioner Jacobs, seconded by Commissioner Hemminger to remove item 12-a, Recommendations for the Board of Directors of the Piedmont Food and Agricultural Processing Center, and defer it to the March 13<sup>th</sup> meeting to clarify.

Commissioner Foushee asked if this was delayed would it delay the process for non-profit status of this entity. John Roberts said that he does not think so. He said that Alamance has appointed but Durham and Chatham have not, so it will not delay.

VOTE: UNANIMOUS

**PUBLIC CHARGE**

*The Chair dispensed with the reading of the public charge.*

**2. Public Comments**

**a. Matters not on the Printed Agenda**

Bonnie Hauser spoke on behalf of Orange County Voice. She said that there is a growing concern about the proposed routings of the Mountains to Sea Trails through Bingham Township. The trails proposed through OWASA land are being routed through neighborhoods

and private roads, particularly Thunder Mountain and the Mount Mitchell communities. The communities are concerned about privacy and safety. The County staff has been working with the neighborhood groups to resolve this and they are hoping to work together to find alternative routing that fulfills the goals of the trail without impeding on communities. She said that there needs to be transparency through the process to ensure that the project is truly a win-win.

**b. Matters on the Printed Agenda**

These matters were considered when the Board addressed that item on the agenda below.

**3. Petitions by Board Members**

Commissioner Hemminger petitioned the Board to move the concealed weapon from February 7<sup>th</sup> to a regular meeting so that the County Commissioners may openly discuss this item again and also to receive public comment.

Commissioner Jacobs requested that at the next work session – March 15<sup>th</sup> –that the County Commissioners have a brief discussion on protocols for constituting the Board of County Commissioners' boards and citizen groups that do not conform to the customary appointing procedures. This has come up in a few different ways recently.

Commissioner Gordon distributed a petition, as shown below:

Petition from Alice Gordon relating to the Orange County transit plan  
February 21, 2012

Currently, Orange County is considering a county transit plan which essentially utilizes 25% local funding, 25% state funding, and 50% federal funding.

The purpose of this petition is to ask that the County also develop and consider a transit plan which essentially relies only on local resources. The advantage of having such a plan is that the voters, in considering a ½-cent sales tax referendum for transit, will know what the plan would be if the County does not secure new state and federal funding for transit.

This “core” transit plan would utilize the new local funding sources, including the proceeds of the ½-cent sales tax and the vehicle registration fees. It could also include other revenues, as appropriate. However, it would not utilize the 25% state and 50% federal funding that is yet to be obtained. The core plan would describe which transit investments could be made utilizing these local funds.

In contrast, the “enhanced” transit plan would utilize the 25% state funding and 50% federal funding, as well as local funds, and it is essentially the Orange County transit plan that the Commissioners have been considering for several months.

This petition requests that the Commissioners direct the staff to develop the draft core transit plan outlined above, and that the Commissioners consider the core and enhanced versions of the transit plan as part of their future discussion of the Orange County transit plan. The goal would be to have the draft core plan ready in time for it to be placed on the agenda of the next BOCC meeting at which the Orange County transit plan is discussed.

Chair Pelissier said that this has already been put in the agenda process.

Chair Pelissier said that on the last capital improvement plan there was discussion about having a jail expansion. During the courthouse tour, Judge Buckner mentioned that there are some ideas about how to reduce increases in the jail population. She would like to petition the Board to consider asking Judge Buckner to come and give a presentation sometime in March or April about the court system and how to reduce the jail population.

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

**a. Consideration of Resolution Supporting an Amendment to the United States Constitution to Clarify that Corporations are Not People and Money is Not Speech**

The Board considered adopting a Resolution to Amend the United States Constitution to Clarify that Corporations are Not People and Money is Not Speech and authorizing the Chair to sign.

Commissioner Yuhasz submitted a revision to this resolution, which is shown below:

**RESOLUTION SUPPORTING AN AMENDMENT TO THE UNITED STATES  
CONSTITUTION TO CLARIFY THAT CORPORATIONS ARE NOT PERSONS**

Whereas, government of, by, and for the people has long been a cherished American value, and the people's fundamental and inalienable right to self-govern and thereby secure rights to life, liberty, property, and the pursuit of happiness is guaranteed in the US Constitution and the Declaration of Independence, and;

Whereas, persons are rightfully recognized as human beings whose essential needs include clean air, clean water, safe and secure food, and;

Whereas, corporations are entirely human-made legal fictions created by express permission of the people and our government, and;

Whereas, corporations can exist in perpetuity, can exist simultaneously in many nations at once, and exist solely through the legal charter imposed by the government, and;

Whereas, corporations are not mentioned in the Constitution, and;

Whereas, corporations are not and have never been human beings, and therefore are rightfully subservient to human beings and governments as our legal creations, and;

Whereas, interpretation of the US Constitution by the Supreme Court has endowed corporations with Constitutional protections intended only for persons, and;

Whereas, free and fair elections are essential to democracy and effective self-governance, and;

Whereas, unregulated and excessive expenditures by corporations can pervert the election process;

NOW THEREFORE BE IT RESOLVED that the Orange County Board of Commissioners commends to our elected Federal representatives and asks that they support the efforts being made on behalf of the people of the United States to amend our United States Constitution to establish that:

1. Corporations are not persons and are not entitled to the rights afforded to people by the Constitution.
2. Contributions by corporations and other business entities to political parties, candidates, and organizations for the purpose of influencing the outcomes of federal, state, and local elections may be regulated.

Be it further resolved that the Orange County Board of Commissioners calls on other communities and jurisdictions to join with us in this action by passing similar Resolutions.

This the 21<sup>st</sup> day of February, 2012.

**PUBLIC COMMENT:**

Pete Brown said that the people of To Amend came here tonight to support and undo the harm that this amendment will do. He said that they accept the resolution that Commissioner Yuhasz recommended.

A motion was made by Commissioner Yuhasz, seconded by Commissioner McKee to adopt the revised Resolution (from Commissioner Yuhasz) to Amend the United States Constitution to Clarify that Corporations are Not People and Money is Not Speech and authorize the Chair to sign.

VOTE: UNANIMOUS

**5. Consent Agenda**

A motion was made by Commissioner Foushee, seconded by Commissioner Hemminger to approve those items on the consent agenda as stated below:

**a. Minutes**

The Board approved the minutes from December 8, 2011 and January 26, 2012 as submitted by the Clerk to the Board.

**b. Appointments – None**

**c. Motor Vehicle Property Tax Release/Refunds**

The Board adopted a release/refund resolution, which is incorporated by reference, related to 35 requests for motor vehicle property tax releases or refunds in accordance with NCGS.

**d. Property Tax Releases and/or Refunds**

The Board adopted a resolution, which is incorporated by reference, to release property values related to eighteen (18) requests for property tax release and/or refund in accordance with North Carolina General Statute 105-381.

**e. Adjusting the Limits on the County Manager's Contracting Authority and Ratifying a Manager Approved Grant Agreement**

The Board authorized the Manager to sign intergovernmental service agreements in amounts under \$90,000; and authorized the Manager to sign intergovernmental grant agreements regardless of amount as long as no expenditure of County matching funds not previously budgeted and approved by the Board is required. Subsequent budget amendments will be brought to the BOCC for revenue generating grant agreements not requiring County matching funds as required for reporting and auditing purposes; and direct the Manager and Attorney to provide a quarterly report to the County Commissioners showing the type and amount of each intergovernmental agreement signed by the Manager;

and ratified the Manager's approval of the State Library of North Carolina Library Services and Technology ACT EZ Grant.

- f. Modification to By-laws of the Piedmont Food and Agricultural Processing Center**  
The Board modified the number of directors appointed to the Piedmont Food and Agricultural Processing Center (PFAP) nonprofit through the by-laws adopted by the Board in December 2011.
- g. Proposed Memorandum of Understanding for Caswell, Person and Orange Counties for Future Library Services**  
The Board approved a proposed Memorandum of Understanding between Caswell, Person and Orange counties to continue selective library services of the Hyconeechee Regional Library system after dissolution on July 1, 2012 and authorized the Chair to sign.
- h. Fiscal Year 2011-12 Budget Amendment #6**  
The Board approved budget and grant project ordinance amendments for fiscal year 2011-12 for Carry Forwards, Library, Health Department, Health Department Grant Project Ordinances, Piedmont Food and Agriculture Processing Center, Miscellaneous, and Department of Social Services.
- i. Legal Advertisement for Joint Planning Area (JPA) Public Hearing – March 29, 2012**  
This item was removed and placed at the end of the consent agenda for separate consideration.
- j. Unified Development Ordinance (UDO) Text Amendment – Industrial Definitions**  
The Board approved a text amendment to the Unified Development Ordinance (UDO) in regards to definitions of Industrial uses.

**VOTE ON CONSENT AGENDA: UNANIMOUS**

**6. Items Removed From Consent Agenda**

**i. Legal Advertisement for Joint Planning Area (JPA) Public Hearing – March 29, 2012**

The Board considered approving the legal advertisement for items to be presented at the Joint Planning Area (JPA) Public Hearing scheduled for March 29, 2012.

Commissioner Jacobs said that he had requested that part of the JPA public hearing that they have a brief presentation about the genesis of the Joint Planning Agreement and the definition of the rural buffer and how it is affected by the Water and Sewer Boundary Agreement.

Chair Pelissier said that this was discussed at agenda review.

A motion was made by Commissioner Jacobs, seconded by Commissioner Hemminger to approve the Legal Advertisement for Joint Planning Area Public Hearing on March 29, 2012.

VOTE: UNANIMOUS

**7. Public Hearings**

**a. Conditional Use Rezoning and Class A Special Use Permit – Carolina Friends School**

The Board received the Planning Board recommendation, considered closing the public hearing, and making a decision on the Conditional Use (CU) and Class A Special Use Permit (SUP) application(s) proposing the expansion of the Carolina Friends School.

The motions for this item were on the pink sheet.

**Michael Harvey:** Good evening. This is the reconvening of a public hearing, which began on November 21, 2011, reviewing a Conditional Use Rezoning and Special Use Permit application

for Carolina Friends School, proposing adopting a master plan, proposing to develop a recreational and new buildings on that property. It is important for the Board to remember that as we continue to review this plan, and the items that have already been entered into the record at the November 21<sup>st</sup> hearing, the items that we are going to be entering into the record this evening. As a brief review, during the November 21<sup>st</sup> public hearing, the application, as submitted by the applicant, included the formal application form, formal site plans, the required maps and list of adjacent property owners was entered into the record. The applicant also entered color renderings of the proposed structures, a traffic impact analysis and transportation solutions, a biological inventory completed by the Katina Group, an environmental assessment application, which staff has testified to that Planning staff, DEAPR, and the state determined that there would be no adverse environmental impact as a result of the approval of the site plan and the initiation of land-disturbing activities. In fact, it was argued that the Friends School would actually be addressing existing environmental issues to protect the stream buffer. A solid waste management plan was also submitted. There was a real estate assessment completed by Ms. Geraldine Mason, who indicated that it was her professional opinion that the school and the proposed expansion project would not have a negative impact on adjacent property values. And of course we had a formal site plan submitted that included a detailed resource management plan.

This evening what you have in your packet is a revised site plan. One of the key points I want to remind this Board, a major question came up at the Quarterly Public Hearing as well as the Planning Board was the location of the proposed ball field. You will note that the proposed ball field has been moved approximately 90 feet from the western property line to address the local citizens' concerns. You will also note that additional notes have been added to the site plan indicating that no athletic field lights shall be erected as requested by the Board. We have a revised solid waste management plan, which is Attachment 2 of your packet. We of course have the draft minutes from the November 21<sup>st</sup> Quarterly Public Hearing, which is Attachment 4, pages 15-25; the draft minutes from the January 4<sup>th</sup> Planning Board, which is pages 26-28; the applicant's written responses to various questions as well as the approval of the recommended conditions, which is Attachment 6, pages 29-36. I'll also call your attention that in that attachment, there is a schematic of the proposed ball field relocation that was presented to the Planning Board at their January 4<sup>th</sup> meeting. Attachment 7 contains additional correspondence, specifically a memorandum from the Orange County Health Department and an email from the North Carolina Department of Transportation approving the proposed driveway onto Mt. Sinai Road with some recommended conditions. That appears on page 37-38. Attachment 8 is an ordinance approving the rezoning division. Attachment 9 is an ordinance denying the rezoning division. State law requires that we provide you both so that if you deny it, you can have the ordinance either approving or denying.

Then last and certainly not least, Attachment 10 is the Special Use Permit Findings of Fact. The Planning Board at their January 4<sup>th</sup> meeting, as via detailed from the script for you made affirmative recommendations that the applicant had met all of their obligations for the application of submittal, had submitted all of the necessary documents to prove that they had complied with revisions of the Unified Development Ordinance, and they made specific findings of fact with respect to compliance with the general standards of the ordinance as well as the required general findings as contained within Section 5.3.2.(A)(2)a., specifically that the use will maintain or promote the public health, safety, and general welfare. The Planning Board in their alliterations determined the applicant had met their burden and based this decision on the applicant's testimony at both the November 21<sup>st</sup> Quarterly Public Hearing and the January 4<sup>th</sup> Planning Board meeting, that the application provided the necessary documentation linkage

denoting that it would adhere to this condition. The fact that the project had been approved by the Fire Marshal's Office, Solid Waste, North Carolina Department of Transportation, and Planning Staff, and most importantly, that there had been no public comments denoting opposition to the proposal entered into the record or brought forth in a Quarterly Public Hearing for the January 4<sup>th</sup> Planning Board meeting that refuted any of the applicant's claims. They further made a motion that the project would enhance or maintain adjacent property values, again, relying on the applicant's testimony at both meetings, the aforementioned real estate appraisal assessments that were submitted into the record, and of course, most importantly, that no evidence had been submitted to refute these claims. Last but not least, they made a finding that the location and character of the school and the proposed expansion plan as submitted would be in harmony with the area in which it was located; based again on the applicant's testimony, based on the narrative submitted, and based on the fact that no substantial evidence had been submitted to refute the applicant's claim.

The Planning Board has recommended approval with the imposition of 12 conditions, which are located on page 71 of your abstract. These conditions require the applicant to apply for all necessary permits. It also requires that the County Board of Commissioners approve a resolution or ordinance submitting the zoning atlas as requested by the applicant. You will also note that the North Carolina Department of Transportation, one recommended condition is that the applicant goes through the appropriate driveway application process and that they adhere to all requirements from the North Carolina Department of Transportation in terms of getting that approval. The applicant's engineer, Mr. Tony Whitaker, is here this evening. The Planning staff has recommended this item be approved and the Planning Board has recommended that it be approved. So the Manager's recommendation this evening is that you convene the public hearing, accept any additional comments, enter all of the evidence into the record that is contained in the attachment, you close the public hearing, approve the ordinance contained in Attachment 8 approving the rezoning of the property, and that you go through the process of acting on the findings of fact that are detailed for you in the script.

**Chair Pelissier:** I want to note at this time that there is no one from the public who has signed up to speak to this item, but I will ask if there is anyone who wishes to do so. There are none.

**Commissioner Jacobs:** I just wanted to understand since I was the one who brought it up – on page 37 where we have the Memorandum from Tom Konsler with the Health Department essentially stating that the wastewater treatment system will be inspected annually and that's consistent with the County's Wastewater Treatment Management Program. My question is was bringing this up as a condition superfluous, would it have happened anyway? I just want to know for future reference to see what the parameters of the Wastewater Treatment Management Program are.

**Michael Harvey:** My initial reaction is that would have happened automatically because that is the standard policy of the Environmental Health Department. As indicated earlier at the Quarterly Public Hearing, it is never a bad idea to impose or to reference conditions, especially with a special use permit.

**Commissioner McKee:** I'd just like to express appreciation for the consideration that the school gave to the ball field.

A motion was made by Commissioner Hemminger, seconded by Commissioner Jacobs to close the public hearing.

VOTE: UNANIMOUS

A motion was made by Commissioner Hemminger, seconded by Commissioner Jacobs to approve attachment 8, An Ordinance Amending the Orange County Zoning Atlas, as shown below.

VOTE: UNANIMOUS

### **AN ORDINANCE AMENDING THE ORANGE COUNTY ZONING ATLAS**

WHEREAS, Carolina Friends School has initiated an amendment to the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), to rezone several parcels of property located at/adjacent to 4809 Friends School Road, specifically parcels with the following Parcel Identification Numbers (PIN):

1. **9892-21-1486**
2. **9892-22-7252**
3. **9892-21-6594**
4. **9892-31-0894**
5. **9892-31-5318**
6. **9891-29-1739**
7. **9892-33-5224**
8. **9892-32-3662**
9. **9891-29-7800**

Totaling approximately 109.71 acres in area, located northwest of the intersections of Mt. Sinai Road (SR 1718) and Friends School Road (SR 1719) as denoted on the site plan completed by Civil Consultants, on file within the County Planning Department.

**FROM: Rural Buffer (RB) and Planned Development Housing Rural Buffer (PD-H-RB)**

**TO: Rural Buffer Conditional Use (RB-CU)**

And

WHEREAS, the requirements of Sections 1.1.5, 1.1.7, and 2.9.1 (E) of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds that the applicant has submitted sufficient documentation within the record denoting that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan or part thereof including, but not limited to, the following:

- a. The Land use Element Map.
- b. Chapter 5 – Land Use Element, including:
  1. **Land Use Overarching Goal:** Coordination of the amount, location, pattern and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.



2. **Land Use Goal 1:** Fiscally and environmentally responsible, sustainable growth, consistent with the provision of adequate services and facilities and a high quality of life.
3. **Land Use Goal 2:** Land uses that are appropriate to on-site environmental conditions and features, and that protect natural resources, cultural resources, and community character.

And

WHEREAS, the Board has found the proposed zoning atlas amendment to be reasonably necessary to promote the public health, safety, and general welfare.

BE IT ORDAINED by the Commissioners of Orange County that the Orange County Zoning Atlas is hereby amended to rezone the aforementioned parcels **Rural Buffer Conditional Use (RB-CU)** consistent with the applicant's request.

BE IT FURTHER ORDAINED THAT this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

SUP

PINK – add here

1. A motion was made by Commissioner Hemminger, seconded by Commissioner McKee to affirm the findings of the Planning Board related to the project's compliance with Section 2.9.1 *Conditional Use Districts* of the UDO as denoted on page(s) **44 through 48** of Attachment 10 of the abstract.  
*VOTE: UNANIMOUS*
2. A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to affirm the findings of the Planning Board related to the project's compliance with Section 3.8.4 *Conditional Districts – Where Permitted* of the UDO as denoted on page **49** of Attachment 10 of the abstract.  
*VOTE: UNANIMOUS*
3. A motion was made by Commissioner Hemminger, seconded by Commissioner Foushee to affirm the findings of the Planning Board related to the project's compliance with the specific standards for the submission of a Special Use Permit application as outlined within Section(s) 2.2 and 2.7 of the UDO as denoted on page(s) **50 through 52** of Attachment 10 of the abstract.  
*VOTE: UNANIMOUS*
4. A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to affirm the findings of the Planning Board related to the project's compliance with the specific standards governing the development of *Schools: Elementary, Middle, and Secondary* as detailed within Section 5.8.4 of the UDO, as denoted on page(s) **53 through 67** of Attachment 10 of the abstract.  
*VOTE: UNANIMOUS*
5. A motion was made by Commissioner Hemminger, seconded by Commissioner Jacobs to affirm the findings of the Planning Board related to the project's compliance with the specific standards relating to the method and adequacy of the provision of:
  - a. Sewage disposal facilities,

- b. The adequacy of police, fire, and rescue squad protection, and
- c. The adequacy of vehicular access to the site and traffic conditions around the site

as detailed within Section 5.3.2 (B) of the UDO, as denoted on page 68 of Attachment 10 of the abstract.

**VOTE: UNANIMOUS**

6. A motion was made by Commissioner Hemminger, seconded by Commissioner Jacobs to affirm the findings of the Planning Board related to the project's compliance with Section 5.3.2 (A) (2) (a) of the UDO, specifically that:

*The use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted.*

**(IF THE MOTION IS TO AFFIRM)** This motion to affirm is based on the following already entered into the record:

- The applicant's testimony at the November 21, 2011 public hearing and the January 4, 2012 Planning Board meeting,
- The application narrative providing documentation on the provision of water and wastewater treatment services to the project,
- The approval of the project by the Orange County Fire Marshal, Solid Waste, NC DOT, and Planning staff.
- Further a lack of evidence submitted into the record indicating that the applicant had not met their burden of proof.

**VOTE: UNANIMOUS**

7. A motion was made by Commissioner Yuhasz, seconded by Commissioner McKee to affirm the findings of the Planning Board related to the project's compliance with Section 5.3.2 (A) (2) (b) of the UDO, specifically that:

*The use will maintain or enhance the value of contiguous property*

**(IF THE MOTION IS TO AFFIRM)** This motion to affirm is based on the following already entered into the record:

- Based on evidence presented at the November 21, 2011 public hearing and the January 4, 2012 Planning Board meeting,
- A letter composed by Ms. JoEllen Mason, a local realtor, providing an analysis of the project's economic impact and that the proposed addition(s) will not have a negative impact on adjacent property value.
- Further the Board made this determination based on a lack of evidence submitted into the record indicating that the applicant had not met their burden of proof.

**VOTE: UNANIMOUS**

8. A motion was made by Commissioner Yuhasz, seconded by Commissioner McKee to affirm the findings of the Planning Board related to the project's compliance with Section 5.3.2 (A) (2) (c) of the UDO, specifically that:

*The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners.*

**(IF THE MOTION IS TO AFFIRM)** This motion to affirm is based on the following already entered into the record:

- Based on evidence presented at the November 21, 2011 public hearing and the January 4, 2012 Planning Board meeting,
- Further the Board made this determination based on a lack of evidence submitted into the record indicating that the applicant had not met their burden of proof.

**VOTE: UNANIMOUS**

9. A motion was made by Commissioner Yuhasz, seconded by Commissioner Foushee issue the Special Use Permit and impose the 12 recommended conditions as detailed on page 71 of Attachment 10 of the abstract.

VOTE: UNANIMOUS

Commissioner Jacobs thanked those associated with the Friends School and the responsive nature to the schools and to our staff. He also said that he was pleased to see the Quaker Dome on the campus.

Commissioner Gordon commended the Friends School for the responsiveness to the comments made concerning their application.

**8. Regular Agenda**

**a. Adoption of the Final Bond Resolution Authorizing the Issuance of Limited Obligation Bonds to Finance Chapel Hill – Carrboro City Schools Elementary #11, Other County Capital Projects and Refinancing of Existing Obligations**

The Board considered adopting the final bond resolution authorizing the issue of Limited Obligation Bonds in the maximum amount of \$75 million for the financing of Elementary School #11 for Chapel Hill – Carrboro City Schools, for other County capital projects and to refinance existing obligations.

Financial Services Director Clarence Grier summarized this item. On February 7, 2012, the Board approved a financing plan for a new elementary school for the Chapel Hill-Carrboro City Schools. Nothing has changed since then. The total amount financed for school construction would be \$21,500,000. The anticipated approval by the LGC is March 6<sup>th</sup>.

Commissioner McKee said that he is supportive of the bond refinancing and the proposal, but he has questions about the pricing and necessity of the ambulances for \$531,000.

**Resolution Providing Final Approval of Terms and Documents  
for County's 2012 Installment Financing -- for Elementary School #11,  
for other County capital projects and to refinance existing obligations**

**WHEREAS --**

The Orange County Board of Commissioners has previously determined to carry out the acquisition and construction of a new elementary school for the Chapel Hill – Carrboro school system, often referred to as "Elementary #11," and to finance the costs of this project by the use of an installment financing, as authorized under Section 160A-20 of the North Carolina General Statutes.

The Board has also determined to fund approximately \$3,500,000 for additional County capital projects, including approximately \$3.0 million for improvements to solid waste convenience centers and approximately \$500,000 for the purchase of three ambulances.

County staff has further advised the Board that because of generally low borrowing rates, the County may be able to save money by refinancing a variety of the County's existing installment financings.

The Board believes a single installment financing for the new school, the additional County projects and to carry out refinancings would be in the County's best interest. This financing will include the use of limited obligation bonds, which represent interests in the installment payments to be made by the County.

The County's Finance Officer has made available to this Board the draft documents listed on Exhibit A (the "Documents"), and a draft of an official statement providing for the disclosure of information to prospective investors in the County's financing obligations. All of these items relate to the County's carrying out the financing plan.

**BE IT THEREFORE RESOLVED by the Board of Commissioners of Orange County, North Carolina, as follows:**

**1. Determination To Proceed with Financing --** The Board confirms its decision to carry out the proposed installment financing as described above. As part of this financing, the County will refinance such existing County installment financing obligations as the Finance Officer may determine.

**2. Approval of Documents; Direction To Execute Documents --** The Board approves the forms of the Documents submitted to this meeting. The Board authorizes and directs the Board's Chair and the County Manager, or either of them, to execute and deliver those Documents to which the County is a party. The Documents in their respective final forms must be in substantially the forms presented, with such changes as the Chair or the County Manager may approve. The execution and delivery of any Document by an authorized County officer will be conclusive evidence of such officer's approval of any such changes. The Documents in final form, however, must provide for the principal amount of limited obligation bonds to not exceed \$75,000,000 and a financing term not to extend beyond December 31, 2032. The collateral pledged to the repayment of the County's obligations under the Documents must include the property associated with the new elementary school and may include any portion, or all, of the collateral pledged to the repayment of obligations that are refinanced, as the Finance Officer may approve. The amount financed under the Documents may include amounts to pay financing expenses and other necessary and incidental costs.

**3. Sale of Bonds; Approval of Official Statement** – The Board approves and appoints BB&T Capital Markets (a division of Scott & Stringfellow, LLC) as the underwriter of the bonds.

The Board approves the draft official statement submitted to this meeting as the form of the preliminary official statement pursuant to which the contemplated limited obligation bonds will be offered for sale.

The preliminary official statement as distributed to prospective investors must be in substantially the form presented, with such changes as the Finance Officer may approve. The Board directs the Finance Officer, after the sale of the bonds, to complete and otherwise prepare the preliminary official statement as an official statement in final form.

The Board acknowledges that it is the County's responsibility, and ultimately the Board's responsibility, to ensure that the Official Statement in its final form neither contains an untrue statement of a material fact nor omits to state a material fact required to be included therein for the purpose for which such Official Statement is to be used or necessary to make the statements therein, in light of the circumstances under which they were made, not misleading. By the adoption of this resolution, the Board members approve the Official Statement as materially correct and complete, and further acknowledge and accept their own responsibility for causing the County to fulfill these responsibilities for the Official Statement. The Board authorizes and approves the use of the preliminary official statement and final official statement by the underwriters in connection with the sale of the bonds.

**4. Authorization To Refinance Obligations with Existing Lenders** – The Board understands that for certain of the County's outstanding installment financing obligations, it may be in the County's best interest to modify the existing agreements with the current lenders, instead of refinancing those obligations through the issuance of the limited obligation bonds. The Finance Officer, and all other County officers and representatives, are authorized and directed to take all appropriate action to carry out such modifications and refinancings with the existing lenders.

**5. Authorization to County Manager and Finance Officer To Complete Closing** – The County Manager, the Finance Officer and all other County officers and employees are authorized and directed to take all proper steps to complete the financing in accordance with the terms of this resolution.

The Board authorizes and directs the Finance Officer to hold executed copies of all financing documents authorized or permitted by this resolution in escrow on the County's behalf until the conditions for their delivery have been completed to such officer's satisfaction, and thereupon to release the executed copies of such documents for delivery to the appropriate persons or organizations.

Without limiting the generality of the foregoing, the Board specifically authorizes the Finance Officer (a) to approve any additional agreements appropriate to carry out the plan of financing contemplated by this resolution, including agreements for the custody or investment of financing proceeds, appointment of additional underwriters and agreements for appropriate professional services, and (b) to approve changes to any documents or closing certifications previously signed by County officers or employees, provided that such changes do not conflict with this resolution or substantially alter the intent from that expressed in the form originally

signed. The Finance Officer's authorization of the release of any such document for delivery will constitute conclusive evidence of such officer's approval of any such changes.

In addition, the Finance Officer is authorized and directed to take all appropriate steps for the efficient and convenient carrying out of the County's on-going responsibilities with respect to the bonds. This authorization includes, without limitation, contracting with third parties for reports and calculations that may be required under the bonds, this resolution or otherwise with respect to the bonds.

**6. Miscellaneous Provisions --** All County officers and employees are authorized and directed to take all such further action as they may consider necessary or desirable in furtherance of the purposes of this resolution. All such prior actions of County officers and employees are ratified, approved and confirmed. Upon the absence, unavailability or refusal to act of the County Manager, the Board's Chair or the Finance Officer, any other of such officers may assume any responsibility or carry out any function assigned in this resolution. In addition, upon the unavailability of the Chair or the Clerk, respectively, any of the rights or responsibilities directed to such officers may be carried out or exercised by the Vice Chair or any Deputy or Assistant Clerk. All other Board proceedings, or parts thereof, in conflict with this resolution are repealed, to the extent of the conflict. This resolution takes effect immediately.

A motion was made by Commissioner Foushee, seconded by Commissioner Gordon to adopt the final bond resolution authorizing the issue of Limited Obligation Bonds in the maximum amount of \$75 million for the financing of Elementary School #11 for Chapel Hill – Carrboro City Schools, for other County capital projects and to refinance existing obligations.  
VOTE: UNANIMOUS

**b. Orange County Landfill Closure Date**

The Board considered making a formal decision regarding the specific date the Orange County Municipal Solid Waste Landfill will cease accepting waste and initiate permanent regulatory closure procedures.

Frank Clifton said that this issue has been discussed for many months and the recommendation is for the board to set a firm date such as June 30, 2013, and this time would allow the County to begin the closure process. The closure costs will be about \$3 million and the post-closure expenses are estimated to be \$2,484,555.

**PUBLIC COMMENT:**

Spence Dickinson acknowledged the Board of County Commissioners' hard work and said that he would like to know why the County is closing the landfill early. He said that he knows there are problems with the area around Rogers Road and the Board of County Commissioners is addressing these. He said that he does not see why they would move the landfill somewhere else when it is working and has the capacity for a number of years to come.

Commissioner McKee asked Solid Waste Director Gayle Wilson when the landfill would actually be full as it exists now.

Gayle Wilson said that it is hard to be precise, but he would say that it would probably last until mid-October or November of 2013.

Commissioner McKee asked if it would cause any hardship to keep it open until then and Gayle Wilson said no.

Commissioner Jacobs made reference to the estimate for closure expenses of \$3.1 million. He asked how much was in the reserve fund to apply toward closure costs.

Gayle Wilson said that he does anticipate that this expense will be paid from reserves and not debt financed.

Commissioner Gordon clarified that June 30, 2013 is the earliest that the landfill could be closed.

Commissioner Jacobs said that this financial impact does not say they have any funds available. He asked if there was \$10 million in reserve and it was answered yes.

Frank Clifton said that the issue is that the State may change the rules and the amount could change.

Commissioner McKee said that by deciding to extend the life of the landfill for a very short timeframe took this off the table. He said that the downside for him is that it does not allow for a timeframe to talk with the towns about the disposal of their trash.

Chair Pelissier said that the County has asked the towns for several years if they wanted to collaborate with Orange County about the closure and the disposal of trash afterwards. Everyone has known about this.

A motion was made by Commissioner Foushee, seconded by Commissioner Hemminger to approve the date of June 30, 2013 for the closure of the Orange County Municipal Waste Landfill, direct staff to initiate any and all regulatory procedures for implementing closure, and direct staff to notify Orange County Landfill account holders and facility users of the imminent cessation of landfill operations

VOTE: UNANIMOUS

**c. Direction for a New Solid Waste Interlocal Agreement and Transfer Station**

The Board reviewed and discussed a new Solid Waste Interlocal Agreement and a Transfer Station Site based on the Solid Waste/Rogers Road joint work session on January 26, 2012.

Frank Clifton said that during the last joint meeting with the towns there was a suggestion by Mayor Chilton to look at a site in the rural buffer and that was one of the sites originally looked at in 2008. This site was deferred because it was not big enough.

John Roberts said that there is limited action to take right now with a new agreement because it is not known what the towns are going to do. If the Board decided to pursue another transfer station in Orange County, a new agreement would not be needed because it would be a successor facility to the landfill and it would be treated like a landfill for the purposes of the existing agreement. The agreement would have to be amended to get into more details about recycling, etc.

Frank Clifton made reference to the agreements and said that, as a County, they need to formalize their relationship with the City of Durham and its transfer station. It would be in the best interest of the County to move forward.

Commissioner Hemminger asked who owned the property in the rural buffer.

Frank Clifton said that the rural buffer is a boundary and a zoning clarification. The parcel is owned by an individual.

Commissioner Hemminger asked who could make the determination about it being rezoned, etc.

Frank Clifton said that he thinks it is a joint planning issue where any decision that occurs requires unanimous agreement between the three parties.

**PUBLIC COMMENT:**

Bill O'Neal lives at North Hill subdivision, which is located in the north rural buffer. He presented a letter with signatures from six neighborhoods in the rural buffer, representing approximately 450 homes and more than 1,000 residents that express opposition to locating the solid waste transfer station on a tract of land within the rural buffer at the northwest corner of 86 and I-40. It is essential to maintain Orange County as one of the most desirable places to live. He said that the neighborhoods are committed to working with the County Commissioners to find a better, long-term option that can work for all citizens of the County. He said that this would be the first thing that people would see coming off the interstate.

Yvonne Maness said that she is opposed to this proposed site and she said she lives off of Mt. Sinai Road and Falls of New Hope. She agreed with Bill O'Neal.

Barry Katz read a prepared statement:

"I'd like to begin by paraphrasing the comments Gayle Wilson, Director for the Orange County Landfill, presented to the Solid Waste Advisory Board on August 11, 2010. Mr. Wilson remarked that after a 6-year search for a new landfill within Orange County, several sites had met the technical criteria, but the County Commissioners placed a greater value on the cultural and social concerns of its residents when it rejected each and every one of these sites. An overlapping 3 year search for a WTS site, also identified technically feasible sites but these sites were rejected over many years, Orange County Commissioners have respected the clearly expressed wishes of county residents versus a purely technocratic approach to governance. Orange County has wisely chosen to use the Durham WTS for the foreseeable future for its solid waste disposal.

Public speculation suggests that residents north of I-40 have elected to use the Durham WTS beginning in the near future, but that the municipalities of Chapel Hill and Carrboro have yet to fully commit to using the Durham WTS. Recently, an elected official has publicly suggested a site in the Rural Buffer, asserting undocumented claims of economic and environmental efficiencies as a justification. However, there are certainly strong social and cultural objections to the suggested site. The Commissioners have before you a letter signed by the presidents of nearby Home Owners Associations representing more than 1,000 rural Orange residents. The letter is supported by Orange County grassroots organizations: Orange County Voice and Justice United, representing the sentiments of many thousands more of the County's citizens. Furthermore, a number of traditional landowning families will be contacting the Commissioners either personally or by letter expressing their objection to a WTS at the suggested site. Other groups have already expressed their concerns to us and will add their opposition to this site in the coming days.

I would like to add a couple of other concerns regarding the suggested site. In all likelihood it would be the 75,000 residents of the municipalities and the University currently served by both public water and sewer who would be using a WTS at this site which is outside the urban services boundary. I am in the middle of contacting waste transfer site managers around North Carolina to discuss their arrangements and experience. This much I know, trucks that carry wet solid waste to and from the stations are not always water-tight and they leak material along the way, especially while idling at transfer stations. I know the Commissioners have been assured that it is safe to run a WTS without water and sewer, but the EPA Bulletin, "Waste Transfer Stations: A Manual for Decision-Making", is quite clear about the need for municipal services for a Transfer Station. Furthermore, at a December 7, 2007 meeting with the Commissioners a solid waste consultant, Lynn Klappich, was absolutely clear to the Board about the on-site necessity for public water and sewer. At one point, she was especially concerned in the event of an on-site emergency such as a fire, where very large quantities of water would run off-site and risk contaminating soil and groundwater. More than 1,000 residents depend upon that groundwater for all their household needs and the liability to the



Waste Transfer Station owners for poisoning this water would be great, indeed. [[Ms. Klappich is currently a Solid Waste Team Leader at Draper Aden, an environmental consulting firm.]]

When the public suggestion of the I-40/NC 86 site was raised, the mobile home park adjacent to that site was ignored. In fact, these homes comprise a socially-rich Latino community, comparable in size to the Rogers Road community in the early 70's when the Eubanks landfill was constructed. Given this neighborhood's proximity to the suggested site, a claim of environmental racism might be asserted, just as it was regarding the Rogers Road community in relation to placing a WTS at the Eubanks landfill.

Development at key transportation nodes have uniquely important economic, aesthetic, and social consequences. To its credit, Chapel Hill took its time to develop its eastern gateway, where Meadowmont, the Friday Center and all the thoughtful and appropriate high-density mixed-use projects have come to fruition.

The I-40/NC 86 transportation node is THE NORTHERN GATEWAY to Chapel Hill. A WTS at this node would add an industrial-type traffic flow to already busy and often congested roads, causing substantial delays or disruptions for residents and commuters that in itself, has economic consequences. It would be comparable to having a perpetual logging operation spilling on and off a main traffic artery.

Looking ahead, there will come a time when Chapel Hill's ever-expanding population will no longer be provided its high quality of life within the town's urban boundaries. The last great development opportunities will lie at and just north of the I-40/NC 86 northern gateway. It would be a foolish squandering of an irreplaceable future asset to blight this area with a Waste Transfer Station.

I hope your legacy will be one that protects the land and citizens of the County against a hastily, ill-conceived suggestion put forth in a moment of panic. We have had a looming solid waste disposal problem for many years. The appropriate action for this 21<sup>st</sup> century problem is a 21<sup>st</sup> century solution and not by out-moded landfills and transfer stations, especially at a location that risks poisoning residential groundwater, may have a taint of racism, and compromises long-term urban development.

I urge the Commissioners to give no further consideration to the recently suggested WTS site at the intersection of I-40 and NC 86. Thank you."

Jennifer Johnson said that she has lived in Orange County for 20 years and she opposes this waste transfer station. It should be in an industrial environment.

Thomas Linden said that he is concerned that by putting a transfer station at NC 86 that it would be simply kicking the can down the road. He also does not want to transfer the County's trash into someone else's neighborhood. He said that his solution is three-fold - decrease the amount of trash they generate with a pay-as-you-go process, build a state of the art waste-to-energy disposal system, and put such a plant at Carolina North.

Spence Dickenson said that he is opposed to having transfer station in the rural buffer. He said that he is working with a man that works with N. C. State who said that there is some funding to help set up local collection of food waste and turning it into compost. He said that there should be better recycling and food composting in a high-tech County.

Christine Lee said that she agreed with other speakers opposing the siting of the transfer station in the rural buffer. She said that this intersection of I-40 and NC 86 is a prime location and it should be an area of revenue generation and growth.

David DiFiuseppe stated his opposition to siting this in the rural buffer and he begs the Board of County Commissioners not to do any type of feasibility study on this because of the amount of opposition to this site.

Sally Council said that she does not live close to this site, but she wanted to voice her opposition to this proposed siting. She said that there should be other 17-acre sites that are in industrial areas and would be more suitable for this type of facility.

Nina Frankel said that she is also opposed to this siting in the rural buffer. The buffer contributes to the quality of life of all residents.

Sharon Ryan lives in the Falls of New Hope. She said that she has lived in North Carolina since the 70's. She implored the County Commissioners to not consider siting a transfer station in the rural buffer.

Bonnie Hauser spoke on behalf of the Justice United Environmental Team. She said that they are opposed to the waste transfer station in the rural buffer. She said that there are better sites within the town limits of Chapel Hill and Carrboro. She said that the Durham Transfer Station is not a good solution and the towns should explore their own options.

Carol Boggs said that she is just as committed to this opposition as the previous speakers. She said that Chapel Hill is considered nationally as a jewel in many ways for its excellence in education, community, etc. She said that you cannot recreate the beauty and serenity of rural Orange County once change and growth overcome it.

Vikram Rao said that he represented HOAs and as a community they need to look at a modern solution to this transfer station. He pointed out a petition that was signed by the Presidents of multiple HOAs, which is shown below.

Betty Maltsby said that she served on every citizen committee in the 1990s when they were siting a landfill. She said that it is important to be responsible for our own garbage. She said that it is important to keep the process public.

Chris Weaver said that he agreed to oppose this and to implore the towns to take care of their own waste. He agreed with solidifying the agreement with Durham and getting it nailed down. He loves the idea of energy generation.

Susan Chandler said that the rural buffer is unsuitable for this purpose. She said that this land is the gateway to the community. Protecting the rural buffer is the right thing to do environmentally and philosophically.

Marilee Mctigue has lived in rural Orange County for 20 years. She lives ten miles away from this site. She said that she attended the Assembly of Governments work session and she was pleased that there was discussion amongst the groups, but she was shocked that members of the Town of Carrboro Board of Aldermen offered up a site outside of their jurisdiction and within the rural buffer. She said that this is unacceptable. She said that the rural parts of our county are not vacant lands for the municipalities to decide upon. She urged the Board to reject this site tonight and to work collaboratively with the municipalities and UNC to find a long-term solution that is acceptable to everyone.

*The following are comments from citizens that were unable to attend the meeting.*

**From:** Lisa Povsic [<mailto:lisa.fink@duke.edu>]

**Subject:** proposed transfer station

To Orange County Commissioners:

We are writing to you in regards to concerns over the proposed solid waste transfer station proposed on the Northwest side of the I40/86 intersection. Our decision to move to a rural area of Orange county several years ago was most highly influenced by the desire to be in a county that valued it's natural areas and did it's best to protect natural resources and prevent urban

sprawl. We felt that our children would benefit more from being in a natural setting than living in the city and attending Chapel Hill schools and we understood we were giving up "city amenities" for a more rural setting. It was because of this that we chose our current homesite, which sits less than a mile from the proposed transfer station site. While we understand that this is a low population area, which might be ideal for such a site, we also understand the proposed site to be in a rural buffer area and from our understanding this was deemed such specifically to remain rural and not require urban services and to "buffer" the rural land from projects like the proposed transfer station. This buffer area also sits very close to the Henry Oosting Natural Area (Duke Forest and Triangle Land Conservancy) which was deemed a natural heritage site of regional significance according to the *Inventory of Natural Areas and Wildlife Habitats for Orange County* in March 2005 as a result of the natural area inventory conducted in 2001-2002.

We hope that the county continues to be known as a place that prides itself in protecting its natural areas and decides against the proposed facility on a rural buffer area.

Please enter our concerns into the upcoming meeting minutes.

Sincerely,  
Lisa and Tom Povsic  
118 Woodkirk Lane

From Bill Harmon:

I am sending a note concerning the county commission meeting on February 21 for locating the waste transfer station (garbage facility) on highway 86 opposite Whitfield Road. Because of prior obligations I will not be at the meeting which I just found out about yesterday but would like my comments added to the meeting minutes. As a resident of this area (less than a mile from the proposed site) I share the same concerns for this option that most neighbors would share. They range from the possibility of better waste disposal options in light of technological advancements, development infringements on communities as well as associated effects from this proposal which negatively impacts those closest to the site including traffic, smell and property value consequences. It's also troubling that less than one air mile away we already have the county landfill and waste station on Eubanks Road to serve the city and county. Geographically, it seems that the needs of the county would be better served with an alternate site given the proximity of the current one. I'm sure anyone utilizing the existing facility would agree. I am copying our commissioners on this matter for their own consideration as well. Thank you for your service and immediate attention.

Sincerely,

William A. Harmon, Jr. CFP, RFC

Office: 919-968-1177  
Fax: 919-869-1633  
2210 Holly Circle  
Chapel Hill, NC 27514

February 20, 2012

To: Orange County, NC Commissioners: Bernadette Pelissier, Pam Hemminger, Valerie P. Foushee, Alice M. Gordon, Barry Jacobs, Earl McKee and Steve Yuhasz

From: Michael Recny, Bill O'Neil, Ed Lowdermilk, Jack Olich, Mary Miller, Vikram Rao, and W. L. Triplett

Re: Proposed Solid Waste Transfer Site location on the northwest corner of I40/NC 86

Preserving the beauty, integrity and character of the Chapel Hill/Carrboro Rural Buffer is absolutely essential to maintaining our town as one of the most desirable places to live and to raise families in Orange County, NC. The Rural Buffer was created decades ago by visionary Chapel Hill/Carrboro and Orange County community planners who worked toward a common goal of creating a buffer region to prevent unchecked urban growth and commercial sprawl that has plagued other communities in NC. To their credit, Chapel Hill/Carrboro under the Joint Planning Agreement have (to date) demonstrated a commitment to preserving Urban Services Boundary by permitting only low density residential housing and no commercial development in the Rural Buffer, thereby preserving the natural character and beauty of this precious neighborhood resource.

However, Carrboro Mayor Mark Chilton recently put forth a proposal to build an industrial sized solid waste transfer station ("WTS") to serve the needs of Chapel Hill, Carrboro and the rest of Orange County within the Rural Buffer on a tract of land at the northwest corner of Interstate 40 and NC 86.

We the undersigned, who serve as representatives of six Orange County Homeowners Associations which collectively represent approximately 450 properties and more than 1000 residents ***express our vigorous opposition to this proposal.*** Construction of a WTS on this site would breach the integrity of the Rural Buffer and constitute a major violation of the fundamental principles upon which this region was originally created, and successfully maintained for the past 30 years.

Furthermore, *it makes absolutely no sense whatsoever* to locate a commercial WTS in the Rural Buffer on the proposed site that:

- (a) has no municipal water or sewer service to adequately address the need to sequester, treat and dispose of toxic chemicals/waste generated within such a commercial operation;
- (b) would destroy a tree-laden, highly visible tract of land that currently serves as a pristine gateway between the Rural Buffer and Chapel Hill city limits, and
- (c) places a major industrial operation in very close proximity to hundreds of homes and thousands of residents who live within the Rural Buffer.

In addition to breaching the underlying integrity of the Rural Buffer with a commercial WTS operation, there are other significant environmental concerns which motivate our opposition to this site, such as (but not limited to) the potential impact on watershed areas near the proposed site from waste water runoff that could be contaminated with toxic chemicals escaping from the site, and the potential contamination of personal and community wells that serve thousands of residents living in close proximity to this site.

Therefore, we request the Orange County Commissioners immediately eliminate this particular site from further consideration. Furthermore, we request that the Commissioners adopt a firm

policy that Orange County will not support ANY site for a potential WTS that would be located anywhere within the Rural Buffer surrounding Chapel Hill/Carrboro.

We and the homeowners we represent are firmly united in our opposition to the proposed NC86/I40 site, and together we are fully committed to take whatever action necessary, including legal means, to protect the integrity of the Rural Buffer in order to preserve the intent, character and beauty of this precious region for decades to come.

We certainly appreciate that solving our County's future solid waste disposal needs is a difficult and complex issue, and we are very willing to work together with our elected officials and other stakeholders to identify more suitable, "21<sup>st</sup>-century" solutions that the entire community can support.

Respectfully yours,

**Michael A. Recny**

President, Creek Wood HOA (*representing 64 properties*)

**VikramRao**

President, Stoneridge POA (*representing 230 properties*)

**W. L. Triplett**

President, Lockridge HOA (*representing 30 properties*)

**Ed Lowdermilk**

President, Falls of New Hope HOA (*representing 92 properties*)

**Bill O'Neil**

Vice President, North Hills HOA (*representing 20 properties*)

**Jack Olich**

President of Old Field Drive HOA (*representing 7 properties*)

**Mary Miller**

President, Woodkirk HOA (*representing 8 properties*)

I am writing this letter to the Commissioners of Orange County, and also the elected leaders of Chapel Hill, Carrboro and Hillsborough. In simplest terms, I do not support a waste transfer station in the Rural Buffer. As an engineer, I would like to share some potentially nontraditional thoughts on this subject with you.

1. No professional industrial or process engineer would consider implementing an "intermediate stage" process without knowing the final downstream or end state processes for the future. A waste transfer station is an "intermediate stage" process.

2. In the case of Orange County, there are four basic categories of end state downstream processes to consider for the desired future:
- a. Landfill in Orange County
  - b. Advanced technology waste to energy process in Orange County
  - c. Landfill outside of Orange County
  - d. Advanced technology waste to energy process outside of Orange County

3. Two of these choices should have no need for a waste transfer station in Orange County. They are the ones where the final process takes place in Orange County. The other two might not need a waste transfer station in Orange County if the final process was close to the population being served. Therefore, a waste transfer station is not a logical proposal until the final "resting place" for our non-recyclable waste is defined. Otherwise there is a good chance of a wasted investment and short and long term consequences to the integrity of the Rural Buffer.

4. The challenge of developing an integrated plan for a County with the various issues of population density, land use plans and transportation networks that exist here is daunting. To many persons, an integrated plan means having one method that all citizens utilize. Another view of an integrated plan is one where the differences that exist are comprehended and alternate strategies are implemented so that the different needs are met. I believe the latter method has a greater chance of success in our County.

5. Although we are one County, there are two fundamentally different regions. One is south of I-40 and is comprised primarily of Chapel Hill, UNC, and Carrboro. The other region contains Hillsborough and the unincorporated areas of Orange County. Population density differences are a key factor of these two regions.

6. I have a strong belief that leadership has a responsibility for creating a compelling vision. I have no leadership role within this County, but I'm willing to share my vision to stimulate discussion. My vision for this County has three elements for implementation:

- a. The current excellent recycling process is maintained and improved with a benchmarking study to identify global best practices and then implementation plans created to execute improvement.
- b. An advanced technology waste to energy facility is implemented to serve the area south of I-40 at an appropriate location within the bounds of Chapel Hill, UNC and Carrboro. The key stakeholders are Chapel Hill, UNC and Carrboro. I submit that Chapel Hill Transit and the Chapel Hill-Carrboro School system are initiatives that recognize the existence of this "southern region".
- c. A partnership is created between Hillsborough, Orange County and the city of Durham to manage the non-recyclable solid waste of these areas. I-85 is a natural conduit for such a partnership. Through a true partnership, improved processes could be jointly developed for the near term for improved standards at the Durham waste transfer station and then the creation of a plan for a waste to energy facility that would support Hillsborough, the unincorporated region of Orange County and the city of Durham when appropriate.

7. I also believe that leadership must have the courage to make key strategic choices and then figure out the tactics to implement those strategic choices. I believe that given that there are only four basic choices to pick from for the final "resting place", not a lot of study is required to pick the strategy. Pick a strategy that is "right" for each "region" and then figure out the implementation plan considering the environment, technology status and costs consistent with adding value to our respective "regions". This is where some study is required.

In conclusion, a waste transfer station should not be considered as a viable concept in any location until a rational strategic choice is made for the ultimate processing of our non-recyclable solid waste. There are effective strategies that would eliminate the need for any consideration of a waste transfer station.

Thank you for considering my input into the discussion. If you have any questions about my thoughts, I would be happy to respond to them.

I would request that my letter be included in the minutes of your respective meetings on this subject.

Ned McClurg

105 Woodkirk Lane

Chapel Hill, NC 27514

[nedsmc@gmail.com](mailto:nedsmc@gmail.com)

Chair Pelissier asked for direction on the interlocal agreement.

Commissioner Yuhasz said that there is a group of elected officials that have looked at the interlocal agreement. He said that until they find out what Chapel Hill is going to do there is really not a lot to discuss with regard to a new interlocal agreement. He suggested holding this in abeyance until the Town of Chapel Hill has done something.

*A motion was made by Commissioner McKee to have staff move forward with an agreement with the City of Durham.*

Commissioner Jacobs asked about Chapel Hill's timeframe. He thinks that the County needs to put forth the question to the municipalities as to whether they are partners or not.

Frank Clifton said that he was told that Chapel Hill will not have a decision about solid waste issues for about six months because they need to hire a consultant. He suggested securing the County's future and then the towns could decide if they want to be partners.

Commissioner McKee clarified that his motion was to negotiate with the City of Durham on behalf of Orange County for waste generated by Orange County.

Commissioner Jacobs asked Frank Clifton if he had any sense from Durham that they would charge different if it was just Orange County versus the towns.

Frank Clifton said not at this time. The first priority is to have a destination and the second priority is the cost.

*Commissioner Jacobs made an amendment to the motion to direct staff to proceed with Durham to accept Orange County's waste but also ask staff to similarly get cost estimates if the current partners were to participate with the County.*

*Commissioner McKee accepted the amendment.*

Commissioner Gordon suggested pursuing this agreement with Durham and having staff come back with parameters.

Commissioner Jacobs wants to know if the County bundles trash with the municipalities if it would get a better price.

Commissioner Hemminger seconded the motion.

VOTE: UNANIMOUS

Chair Pelissier suggested sending a letter to the towns letting them know that the County is not negotiating on behalf of the towns.

Commissioner Foushee said that she wants to talk about the next steps. She said that it is time for Orange County to have a real discussion about what happens to material solid waste and to engage with the towns and UNC as to where the trash goes. She suggested that UNC should be one of the partners.

Commissioner Yuhasz said that it is incumbent upon the County to find the right place to put the trash in the County. He said that it is a problem that is not going away.

Commissioner McKee said that there is a mobile home park beside the rural buffer and this is a neighborhood just as much as any of the other neighborhoods that are represented here. He said that the County needs to be responsible for its own trash and they need to look at options with their partners if they wish to bring forth a site on the town's property or UNC. He is not willing to look at this rural buffer site for a transfer station.

Commissioner Gordon asked about the letter to the towns and what it would say. It needs to be clear that the County will not be negotiating for the towns. She wants to leave it open for the partners to join at any time.

Chair Pelissier said that the letter would say that the County would negotiate on Orange County's behalf and they would want to know what the costs are to the partners and UNC. The letter would ask the partners if they were willing to join in on the negotiations.

Commissioner Gordon said that before there could be any consideration of this site, it would be only fair to have another comprehensive and deliberative process because that was the type of process used when the Board was considering other sites. She said that she does have grave concerns about this particular site.

Commissioner Hemminger echoed what Commissioner Gordon said. At this point, she does not agree with the process because it has not been public. The process needs to include the partners involved. She does not like the Durham Transfer Station option either, but it had to be done.

Commissioner Jacobs thanked Mayor Chilton for making an attempt to be a leader. He thinks that Mayor Chilton has been diligent in trying to work on the solid waste issues. He does disagree with the conclusion, but he appreciates his effort. He reminded the Board that Commissioner Moses Carey, when he was the Chair in 2007, sent a letter to the Mayors of Chapel Hill and Carrboro to solicit interest in participating in a solid waste disposal solution and pointed out that it would be costly to not have a solution. There was never a response. He



reminded the Board that three of the County Commissioners had the privilege at their first meeting having to decide about the transfer station. One of the parts of the resolution was to say that the County would look for an environmentally sound, cost-effective alternative solution to disposal of solid waste and to look for local and regional partners. He said that there will have to be some decisions about moving forward. He thinks that there should be discussion to ask staff to come back with some plan or some timetable to seek regional partners and look at alternatives to shipping solid waste. He said that he is tired of municipal problems being solved by putting them in rural areas. He challenged Mayor Chilton to come back with a site in Carrboro.

Commissioner Yuhasz said that regional solutions do not eliminate the need for a collection spot.

Chair Pelissier said that she thinks it is premature to say the County needs a waste transfer station until they know what their partners are going to do. She suggested asking the Solid Waste Advisory Board to look at alternative solutions.

Frank Clifton said that the County has been moving forward with solutions for solid waste. The plans for redesigning the collection centers will compact all of the County's waste to the point that it will reduce hauling costs and addresses the bigger picture of the urban garbage trucks, etc.

Chair Pelissier encouraged the towns to go to a pay-as-you-throw system in order to decrease waste.

Chair Pelissier asked for a motion on whether or not to pursue a transfer station.

A motion was made by Commissioner McKee, seconded by Commissioner Jacobs to NOT pursue a transfer station at this site and to notify the Towns of Chapel Hill, Carrboro, Hillsborough, and UNC by letter and to include in the letter that Orange County continues to be open to collaboration on future sites.

VOTE: UNANIMOUS

**d. Direction for Historic Rogers Road Community Improvements**

The Board considered requests from the Rogers-Eubanks Neighborhood Association (RENA) and discussed issues from the Solid Waste/Rogers Road joint work session on January 26, 2012, including the possible creation of a Historic Rogers Road Task Force.

Frank Clifton said that this is a follow-up to a prior meeting where the County Commissioners discussed these issues. It was decided at that meeting that each entity would appoint a task force.

Clerk to the Board Donna Baker said that the Town of Carrboro has made its two appointments and the Town of Chapel Hill will be making appointments at its February 27<sup>th</sup> meeting.

**PUBLIC COMMENT:**

Stan Cheren spoke on behalf for the Justice United Environmental Team and RENA. He thanked the Board for setting a date certain for closing the landfill. He asked that the County Commissioners let them know when a progress report will be coming from the County. He thanked the County Commissioners for securing the support from the Assembly of Government for providing the community center for the Rogers Road community. This fulfills a promise of recreation space once the landfill closes. RENA has nominated Mr. Robert Campbell and David Caldwell to represent it on the task force.

A motion was made by Commissioner Hemminger seconded by Commissioner Foushee to approve the following:

Composition of the Task Force – two members appointed by each Town, Chapel Hill (will make appointments on 2/27/12) and Carrboro; two members appointed from the County; and two members appointed from RENA ( David Caldwell and Robert Campbell who were nominated from RENA.)

VOTE: UNANIMOUS

A motion was made by Commissioner Hemminger, seconded by Commissioner Foushee to approve the charge of the Task Force to address sewer service to historic Rogers Road area as defined by the previous water hook ups in this area and a community center and to direct the task force to include how to pay for these recommendations, and direct task force to submit an interim report to the Orange County Board of County Commissioners by the end of August.

Commissioner Yuhasz pointed out the difficulty in providing sewer service in an economical manner while complying with all of OWASA's requirements for providing that sewer service. Part of that should be a discussion with OWASA about adjusting some of the policies for this service. Specifically, he is concerned about the requirement that all sewer service should be gravity rather than to a pump station.

Commissioner McKee said that he has severe reservations on the sewer aspect because it is not defined how large an area this is. Sewer service is generally a municipal responsibility. This will move Orange County into providing sewer. There needs to be more specificity.

Commissioner Foushee said that Commissioner McKee's comments should be considered but what the task force brings back are only recommendations and they would not bind the Board to do anything. She said that the County Commissioners need to be clear on what is provided and how it is provided. She said that Commissioner Yuhasz's comments are one point and what happens in the historic area is another point, and all of this is part of the task forces' purposes.

Commissioner Jacobs agreed with Commissioner Foushee and Commissioner McKee. He does not see any reason why the group could not make an interim report to the boards so the towns and County can address the concerns before the final report.

Commissioner McKee requested that the motion be withdrawn because he wants to vote for the community center, but he cannot support adding the sewer.

Commissioner Hemminger said that she would not accept this as an amendment. Her understanding is that the task force only makes recommendations and then the boards eventually decide what to do.

Commissioner McKee said that the sewer system needs to be narrowly defined.

*Commissioner Hemminger amended the motion to provide sewer only to the Historic Rogers Road neighborhood.*

*Commissioner Hemminger repeated the motion:*

The motion is to charge the task force to address the community center and sewer service to the historic Rogers Road neighborhood as defined by the previous water hookups in this area and to report back with an interim report by the end of August, with a final report to be brought back before the Assembly of Governments meeting on December 6, 2012.

VOTE: UNANIMOUS

**Utilization of part of the 104 acre Greene Tract for the Historic Rogers Road Community:**

A motion was made by Commissioner Foushee, seconded by Commissioner Hemminger to table this item until the task force brings back their recommendations in December 2012.

VOTE: UNANIMOUS

Commissioner Foushee and Commissioner Hemminger volunteered to serve on this task force.

**e. Modify the Urban Curbside Single Stream Recycling Collection Schedule**

The Board considered a proposal to modify the previously authorized Urban Curbside Single Stream Recycling Collection implementation scheduled for July 2012.

Solid Waste Director Gayle Wilson said that at the January 26, 2012 Joint Work Session with the towns, it was disclosed that the County staff was concerned about the financial risk involved in the curbside recycling program. The single stream recycling collection proposal would cost \$948,500 to add the needed roll carts. The proposal now is to proceed with the program without roll carts because of the financial considerations.

Commissioner Yuhasz said that this was discussed at the last SWAB meeting. He asked about the feasibility of delaying the single-stream recycling for a year. He asked how much revenue would be lost if there was comingling. Gayle Wilson said that it would be about \$100-200,000.

A motion was made by Commissioner Yuhasz, seconded by Commissioner Jacobs to not initiate single-stream recycling collection and stay with dual-stream, making temporary adjustments to Walnut Grove that would allow the County to remain dual-stream for one year until it is known what the Town of Chapel Hill will do.

VOTE: Ayes, 3 (Commissioner Yuhasz, Commissioner Jacobs, and Commissioner McKee); Nays, 4

MOTION FAILED

A motion was made by Commissioner Hemminger, seconded by Commissioner Jacobs to authorize staff to proceed with implementation of single-stream recyclables collection within the Towns of Carrboro, Chapel Hill, and Hillsborough using existing 18 gallon bin receptacles and negotiate a one-year contract renewal with the Waste Industries, Inc. for the collection of recyclables within the Urban Curbside Recycling Program.

VOTE: UNANIMOUS

**f. Follow up: General Policy for Board of County Commissioners Advisory Boards**

The Board considered the final draft of the Board-approved General Advisory Board Policy and authorizing the Chair to sign.

Chair Pelissier noted that this has been discussed several times in work sessions.

Commissioner Gordon made reference to page 4 (A-1-c) at the top and the definition of domicile and said that the way this reads, a person would not have to live here.

A motion was made by Commissioner Gordon, seconded by Commissioner Yuhasz that all Board members shall be residents of Orange County and also shall maintain their domicile in Orange County, and the Clerk shall confirm applicants shall maintain their domicile and their residence in Orange County.

VOTE: UNANIMOUS

Commissioner Gordon made reference to item C-2 and said that it should say "members shall be appointed from applicants" instead of "nominees."

A motion was made by Commissioner Gordon, seconded by Commissioner Foushee that item C-2 should say, "members shall be appointed from applicants..."

VOTE: UNANIMOUS

A motion was made by Commissioner Gordon, seconded by Commissioner McKee that item J-1-a-ii should say, "Chair, Vice Chair and Secretary shall be elected by the advisory board unless otherwise specified by the BOCC."

Chair Pelissier said that this does not apply to the ABC Board.

John Roberts said that all boards that this applies to will have an individual document that will take precedence over this policy, and the Board of County Commissioners will be able to address this in each individual policy.

VOTE: UNANIMOUS

Commissioner Gordon made reference to item B-5 and asked about the policy and if that was a BOCC policy.

John Roberts said that this means unless the board's specific policy dictates otherwise.

A motion was made by Commissioner Gordon, seconded by Commissioner Yuhasz that this item should say, "unless the advisory board's specific policy dictates otherwise."

VOTE: UNANIMOUS

Commissioner Gordon made reference to Section VIII, Quorum and Voting and said that she is not sure about vacant positions not being counted when a quorum is present.

The Board decided to keep this language.

A motion was made by Chair Pelissier, seconded by Commissioner Hemminger to add language on page 3, Section II, Duties, B, that the heading should say, "Primary Responsibilities."

VOTE: UNANIMOUS

A motion was made by Commissioner Foushee, seconded by Commissioner Yuhasz to approve the final General Advisory Board Policy with changes approved above.

VOTE: UNANIMOUS

John Roberts said that there are a lot of requirements in this policy that advisory board members have to meet. He asked how the Board wanted this to be enforced. The Clerk will verify a number of these requirements, but for violations, he needs some direction.

A motion was made by Commissioner Foushee, seconded by Commissioner Gordon to direct the County Attorney to investigate any variances to the policy and to bring it back to the Board of County Commissioners.

VOTE: UNANIMOUS

**ORANGE COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION ADOPTING THE ORANGE COUNTY BOARD OF COMMISSIONERS  
ADVISORY BOARD POLICY AND REPEALING THE CONFLICTING PROVISIONS OF ALL  
PRIOR ADVISORY BOARD POLICIES AND RESOLUTIONS**

**WHEREAS**, on November 10, 2011 the Orange County Board of Commissioners tentatively approved a general advisory board policy document to govern the procedures of its advisory boards; and

**WHEREAS**, the general policy document was needed because of a wide disparity between and among the procedures of the multiple advisory boards reporting to the Board of Commissioners; and

**WHEREAS**, North Carolina General Statute 153A-76 grants to boards of county commissioners the broad authority to organize county government, including the authority to "create, change, abolish, and consolidate offices, positions, departments, boards, commissions, and agencies of the county government, may impose ex officio the duties of more than one office on a single officer, may change the composition and manner of selection of boards, commissions, and agencies, and may generally organize and reorganize the county government...."; and

**WHEREAS**, it is the intent of the Orange County Board of Commissioners that a single general policy document will benefit Orange County by limiting confusion for County staff members who assist advisory boards in the performance of advisory board functions; and

**WHEREAS**, it is the intent of the Orange County Board of Commissioners that, in addition to being governed by the general policy document, a specific policy document shall be developed for each advisory board, which specific policy document together with the general policy document shall be the sole controlling documents of the advisory boards to the extent those documents do not conflict with statutes or ordinances governing the advisory boards.

**NOW, THEREFORE, BE IT RESOLVED**, that the Orange County Board of County Commissioners, pursuant to North Carolina General Statute 153A-22, adopts the general policy document, Orange County Board of County Commissioners Advisory Board Policy, and repeals any policy or resolution governing Orange County Advisory Boards to the extent those policies or resolutions conflict with the Orange County Board of County Commissioners Advisory Board Policy; and

**BE IT FURTHER RESOLVED**, it is the intent of the Orange County Board of Commissioners that in determining whether there is a conflict between or among the terms of the general policy document and any prior policy or resolution, staff may consult with the County Attorney who shall take into consideration the intent of the Board of Commissioners in assisting staff in resolving the conflict; and

**BE IT FURTHER RESOLVED**, upon the adoption of each subsequent board specific policy document, which shall accompany the Orange County Board of County Commissioners Advisory Board Policy, all prior policies or resolutions governing the Orange County Advisory Board for which the specific policy is adopted shall be repealed in totality, save and except the Orange County Board of County Commissioners Advisory Board Policy.

This the 21<sup>st</sup> day of February, 2012.

A motion was made by Commissioner Hemminger, seconded by Commissioner Foushee to adopt and authorize the Chair to sign the resolution, entitled "Resolution Adopting the Orange County Board of Commissioners Advisory Board Policy and Repealing the Conflicting Provisions of all Prior Advisory Board Policies and Resolutions."

VOTE: UNANIMOUS

## **9. Reports**

### **a. NC 54/I-40 Corridor Study**

The Board received a presentation from Durham-Chapel Hill-Carrboro Metropolitan Planning Organization staff (Leta Huntsinger) on the NC54/I-40 Corridor Study.

Planning Director Craig Benedict introduced DCHC-MPO staff Leta Huntsinger, who made a PowerPoint presentation.

## **NC 54/I-40 Corridor Blueprint for Mobility**

### **Land Use – Transportation Vision**

The NC 54 Corridor Master Plan promotes location-efficient decisions to help lower combined housing and transportation costs per household. It connects people and jobs, served by a more energy efficient transportation network that enables more trips to be made by walking, bicycling and transit. The plan defines target growth areas that help reduce sprawl in outlying areas.

### **Project History – August 2009 through November 2011**

- Analysis
- Public review period
- Action plan
- Phase II Analysis
- Revised

### **Study Area – map**

### **Public Involvement**

#### ***What we heard from Phase I – Key Issues***

- Superstreet
- Proposed flyover ramps
- Structured parking deck
- Park and ride facilities
- Growth projections
- Collector street connections
- Fordham Boulevard
- Others

### **Overview of Study Refinements**

- Adjusted development expectations in the corridor
- More detailed park-and-ride study
- Greater integration of bus & rail to address gaps

- Expansion of pedestrian/bicycle recommendations
- Further analyzed and developed roadway design options
  - Modified functional design recommendations and phasing
  - Addressed neighborhood concerns
  - Recommended 15-501 interchange modifications
  - Coordinated with Light Rail alignments

### **Land Use Concept – map**

#### **Park-and-Ride Strategy**

- Multiple markets\
  - o Regional commuters
  - o Satellite parking for constrained destinations
  - o Transit/light rail commuters
- Dispersed park-and-ride opportunities to capture markets
- Reduced future park-and-ride capacity at Leigh Village
- Phased approach

#### **Transit Recommendations**

##### *Short Term*

- Expand local service
- Create better regional connections
- Express bus to serve Park and Ride outside of corridor

##### *Long Term*

- Enhanced bus provides fast connections to major transit generators
- Increased bus service north of the corridor
- LRT connects corridor with region
- Flex route shuttle service for low density area

#### **Light Rail**

- Alignment C-1 and C-2 are still viable alternatives
- Roadway designs reflect C-1 alignment; however, C-2 alignment will work with minor design changes
- Additional traffic analysis may be needed if C-2 is selected as preferred alignment
- Neither the C-1 or C-2 alignment is in direct conflict with NC 54 recommendations

#### **Bicycle & Pedestrian Recommendations**

- Cohesive, connected network
- On-road and off-road facilities
- Pedestrian emphasis areas
- Intersection at grade and grade-separated crossing treatments
- Pedestrian signals

#### **Roadway Recommendations**

- Complete collector street connections
- Widen NC 54 to six lanes
- Improve capacity through superstreet design and grade separation
- Address critical issues at I-40 interchange

- Modify US 15-501 interchange

### **Next Steps**

- Public review period through March 2012 – March 14<sup>th</sup> public hearing at the TAC Meeting
- Final Plan Approval April 2012

The County Commissioners asked clarifying questions, which were answered by Leta Huntsinger.

Commissioner McKee made the point that bus rapid transit would do what light rail is being projected to do cheaper, more efficiently, and more effectively.

Chair Pelissier asked about the cost figures.

Leta Huntsinger said that there are some recommendations within this study that would likely fit well with the broader plans. The transit tax money could be used to help support some of these. Just like the highway needs in the region, there is not enough money to cover the needs for transportation.

### **10. County Manager's Report**

Frank Clifton said that the bids for the Efland sewer extension were really good and the County has been allocated money from the State's Clean Water Trust Fund and a low-interest loan of 2.4%. There is a gravity line that will be associated with removing one of the pump stations, which will open up another 15 acres for residential development.

The County also moved forward with the four-year revaluation process. The plan is to do this January 2013. This will be based on sales that occurred in 2011 within Orange County. Preliminary estimates are forthcoming. There will be no impacts for the upcoming budget year.

### **11. County Attorney's Report**

John Roberts said that the Court of Appeals has resolved the parking dispute between the County and the Town and the courthouse will remain open.

### **12. Appointments**

#### **a. Recommendations for the Board of Directors of the Piedmont Food and Agricultural Processing Center**

The Board was to consider appointing three directors to the Board of Directors of the Piedmont Food and Agricultural Processing Center.

DEFERRED

#### **b. Orange County Nursing Home Community Advisory Committee – Appointments**

The Board considered making appointments to the Orange county Nursing Home community Advisory Committee.

A motion was made by Commissioner Jacobs, seconded by Commissioner Yuhasz to appoint Mr. Elijah Flowers, III and Mrs. Patricia Revels to At-Large positions expiring March 31, 2015.

VOTE: UNANIMOUS

#### **c. Animal Services Advisory Board – Appointment**

The Board considered making an appointment to the Animal Services Advisory Board.



A motion was made by Commissioner Jacobs, seconded by Commissioner Yuhasz to appoint Ms. Katherine Doom as the Hillsborough Township Representative to a first full term expiring June 30, 2015.

VOTE: UNANIMOUS

### **13. Board Comments**

Commissioner McKee said that he attended a TARPO meeting last week and they discussed transportation improvements. He said that there is a huge shortfall of funds over the next 25 years. He thinks that this should be kept in mind.

Commissioner Yuhasz said that he will be meeting soon about the governance of OPC Mental Health. He said that the Board should expect that Judy Truitt will be visiting them to explain these changes. The Board will be asked to approve a governance scheme that will be unique among all the governing mental health organizations.

Commissioner Foushee congratulated the Chapel Hill High Men's basketball season for finishing 25-0. Also, the Orange High School wrestling team won the State Championship for the 2<sup>nd</sup> year in a row.

Commissioner Hemminger said that she attended the Community Home Trust retreat. Affordable housing was discussed and a lot of organizations are leaning towards rentals instead of home-ownership.

Commissioner Jacobs said that the code to get into the County parking spaces is 1202#. He said that he does not recall being apprised of a community meeting tomorrow night for the Eno EDD. Someone complained to him today that they could not find anything on the County's website about this.

Commissioner Gordon said that the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Transportation Advisory Committee (TAC) met recently and she sent an email about it. The TAC did approve the Locally Preferred Alternative (LPA), though not in exactly the same form as it was approved by the Board of County Commissioners. The Board wanted only the C2 alignment to be studied further, while the TAC voted to send both options forward, with the C2 alignment option preferred. She thought that the County preferring C2 was very important in convincing the TAC members to prefer the C2 alignment.

Regarding Triangle Transit, Commissioner Gordon said that ridership continues to increase.

Chair Pelissier updated the Board about discussions concerning transit with the towns and UNC. She asked the Attorney to write a memo on whether to have one agreement with all three parties (Orange County, Triangle Transit, Chapel Hill Transit) or whether to have two separate agreements, with one of them being an agreement between Orange County and Triangle Transit.

Chair Pelissier said that there was also discussion about how the human service needs are met in the Orange County Transit Plan.

Chair Pelissier asked if Commissioner Gordon could go to the next Durham/Orange County Transit meeting and the Board agreed since Commissioner Foushee will be out of town and that would leave only Chair Pelissier and Commissioner Yuhasz attending.

### **14. Information Items**

- February 7, 2012 BOCC Meeting Follow-up Actions List
- Update on Whitted Human Services Center
- Update on Comprehensive Parks & Recreation Master Plan
- Letter from Board Chair Regarding BOCC Meeting Follow-up Actions Lists

**15. Closed Session -NONE**

**16. Adjournment**

A motion was made by Commissioner Jacobs, seconded by Commissioner Hemminger to adjourn the meeting at 11:00 p.m.

VOTE: UNANIMOUS

Bernadette Pelissier, Chair

Donna S. Baker, CMC  
Clerk to the Board