

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
DECEMBER 14, 2009

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the District Courtroom, located in Pittsboro, North Carolina, at 6:00 PM on December 14, 2009.

Present: Sally Kost, Chair; George Lucier, Vice Chair;
Mike Cross, Carl Thompson, and Tom
Vanderbeck

Staff Members Present: Charlie Horne, County Manager; Renee
Paschal, Assistant County Manager; Jep
Rose, County Attorney; Sandra B. Sublett,
Clerk to the Board; and Elizabeth Plata,
Deputy Clerk to the Board

INVOCATION and PLEDGE OF ALLEGIANCE

Commissioner Thompson delivered the invocation after which Commissioner Lucier invited everyone present to stand and recite the Pledge of Allegiance.

CALL TO ORDER

Tim Sullivan, Acting County Attorney, presided over the Board of Commissioners’ meeting and called the meeting to order at 6:00 PM.

ORGANIZATION OF THE BOARD

Chairman:

Mr. Sullivan, Acting County Attorney, presided over the organization of the Board. He opened the floor for nominations for Chairman of the Chatham County Board of Commissioners.

Commissioner Lucier nominated Commissioner Kost for Chairman of the Chatham County Board of Commissioners, stating that she had experience in county government, a terrific work ethic, and that she always comes to a meeting prepared.

Hearing no other nominations, Mr. Sullivan closed the floor for nominations and called for a motion for Commissioner Kost as Chair of the Chatham County Board of Commissioners.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to elect Commissioner Kost as the Chair of the Chatham County Board of Commissioners.

Vice Chair:

Chair Kost opened the floor for nominations for the Vice Chairman of the Chatham County Board of Commissioners.

Commissioner Vanderbeck nominated Commissioner Lucier for the office of Vice Chair of the Chatham County Board of Commissioners.

Hearing no other nominations, Chair Kost closed the floor for nominations and called for a motion for Commissioner Lucier as the Vice Chair of the Chatham County Board of Commissioners.

Commissioner Vanderbeck moved, seconded by Thompson, to elect Commissioner Lucier as Vice Chair of the Chatham County Board of Commissioners.

Commissioner Vanderbeck thanked Commissioner Lucier for his hard work and dedication as former Chairman of the Board of Commissioners.

Chair Kost thanked the Board of Commissioners for their trust in electing her Chair. She stated that it is an honor to fill that seat and that she appreciates the opportunity. She also thanked former Chairman Lucier for his outstanding efforts in instituting the State of the County address, for being a great leader in making changes to the Zoning Ordinance, etc., and for his leadership of staff and in the County.

APPOINTMENT OF THE CLERK TO THE BOARD

Chair Kost thanked the Clerk to the Board for her sixteen years of dedicated service to the citizens of Chatham County and the Board of Commissioners.

Commissioner Lucier moved, seconded by Commissioner Thompson, to reappoint Sandra B. Sublett to a two-year term as Clerk to the Board of Commissioners. The motion carried five (5) to zero (0).

APPROVAL OF AGENDA and CONSENT AGENDA

Chair Kost asked that Item #4, Notice of Award to Johnson Controls, be removed from the Consent Agenda for consideration at a later date.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier to approve the Agenda and Consent Agenda with the noted request as follows:

1. **Tax Releases and Refunds:** Approval of tax releases and refunds, attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

2. **Request to Deny Release of Late List Penalty:** Approval of a request to deny the release of late list penalty on public utility company Windstream North Carolina, Inc. and uphold the penalty imposed by NCGS § 105-312(h)

The motion carried five (5) to zero (0).

3. **Resolution for the Addition of Streets or Roads to the North Carolina System of Secondary Roads - Park Meadow Drive:** Approval of a request to adopt **Resolution #2009-69 for the Addition of Streets or Roads to the North Carolina System of Secondary Roads - Park Meadow Drive**, attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

4. **Notice of Award to Johnson Controls:** Approval of a request to approve and execute the Performance Contract and issue the Notice of Award to Johnson Controls, Inc. (JCI)

This item was removed from the Consent Agenda to be considered at a later date.

5. **Chatham County Farmland Preservation Plan:** Approval of a request to set January 19, 2010 as the date on which to hold a public hearing to receive public

comments on the Chatham County Farmland Preservation Plan prior to approval of the plan

The motion carried five (5) to zero (0).

6. **Funds Acceptance Awarded to Health Department:** Approval of a request to accept funds in the amount of \$12,020 awarded to the Health Department from the Women's & Children's Health/Women's Health Section/Branch

The motion carried five (5) to zero (0).

7. **Funds Acceptance Awarded to Health Department:** Approval of a request to accept additional funds in the amount of \$20,033 for the Children's Resource Van and the Focus on Fathers Programs

The motion carried five (5) to zero (0).

8. **Funds Acceptance Awarded to the Health Department:** Approval of a request to accept additional funds in the amount of \$506.25 for the preceptor program

The motion carried five (5) to zero (0).

9. **Funds Acceptance Awarded to the Health Department:** Approval of a request to accept grant funds in the amount of \$5,000 for the Saving Babies Campaign

The motion carried five (5) to zero (0).

10. **Grant Funds Reduction for the Health Department:** Approval of a request for a reduction of \$111,324 in grant funds for the Teen Center SOS and Children's Trust Fund as included in the 2010 approved budget

The motion carried five (5) to zero (0).

11. **Fit Community Grant Application Approval:** Approval of a request to apply for "Fit Community" grant in the amount of \$60,000 for the Chatham County Health Department

The motion carried five (5) to zero (0).

12. **Purchase of Emergency Response Vehicles-Tax Exempt Borrowing:** Approval of a request from the Pittsboro Fire and Rescue Department to purchase two (2) emergency response vehicles, post notice of a public hearing, conduct a hearing, and secure financing thru tax exempt borrowing

The motion carried five (5) to zero (0).

13. **Fiscal Year 2009-2010 Budget Amendments:** Approval of Fiscal Year 2009-2010 Budget Amendments, attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

14. **Exemption for Architects Design and Construction:** Approval of **Resolution #2009-70 to Exempt Design Services for Performance Building Second Floor Renovations from the Provisions of GS 143-64.32** in the amount of \$33,690 for Hobbs Architects. The resolution is attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

15. **Set Public Hearing Date for Annual Communications Tower Search Ring:** Approval of a request to set March 15, 2010 as the date on which to set a public hearing to receive public comments on the annual communications tower search ring

The motion carried five (5) to zero (0).

16. **Reappointment to Solid Waste Advisory Committee:** Approval of a request to reappoint Doug Carver to the Chatham County Solid Waste Advisory Committee by Commissioner Kost

The motion carried five (5) to zero (0).

17. **Reappointment to the Human Relations Committee:** Approval of a request to reappoint Jan Nichols to the Human Relations Committee by Commissioner Vanderbeck

The motion carried five (5) to zero (0).

18. **Appointment to the Human Relations Committee:** Approval of a request to appoint Ivan Remnitz to the Human Relations Committee by the entire Board

The motion carried five (5) to zero (0).

19. **Resolution Endorsing the Reality Check Guiding Principles for Quality Growth:** Approval of **Resolution #2009-71 Endorsing the Reality Check Guiding Principles for Quality Growth**, attached hereto and by reference hereof.

The motion carried five (5) to zero (0).

20. **Request to Loan Child Care Networks Funds:** Approval of a request to loan Child Care Networks \$20,000 to purchase software and implement the Child Care and Adult Food Program in child care centers. The contract is attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

21. **"Food for Fines" for Library:** Approval of "Food for Fines" for library

The motion carried five (5) to zero (0).

22. **Triangle J Council of Governments Confirmation of Delegates:** Approval of Commissioner Mike Cross as the Chatham County representative for the 2010 Board of Delegates/Executive Committee for the Triangle J Council of Governments

The motion carried five (5) to zero (0).

END OF CONSENT AGENDA

BOARD OF COMMISSIONERS' MATTERS

Resolution in Honor of the Extraordinary Public Service of Colonel Gerald Totten

Chair Kost stated that the resolution honoring Colonel Totten was a difficult resolution to present as they all greatly feel the loss of this great public servant. She read the Resolution Honoring Colonel Gerald Totten in its entirety.

Commissioner Thompson moved, seconded by Commissioner Vanderbeck, to adopt **Resolution #2009-72 In Honor of the Extraordinary Public Service of Colonel Gerald**

Totten, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Mrs. Totten expressed appreciation for the resolution and stated that Colonel Totten would be honored and extremely proud to accept the resolution.

Commissioner Thompson stated that he got to know Colonel Totten years ago; that he spoke vigorously on some issues; that he always had his facts; that he found him to be a man of honor and integrity; that he was a great citizen and really loved Chatham County.

Commissioner Vanderbeck thanked the Totten Family for sharing Colonel Totten with the citizens of the County.

Commissioner Lucier stated that when he first met Colonel Totten three years ago, he was running for office for the Board of Education and he was running for County Commissioner; that in the Board of Elections Office, they talked for two to three hours about school issues while surviving a couple of rainstorms; that they actually wound up working on together during the time they served on their respective boards; that Colonel Totten made such an immense contribution to the wise working relationship that they have between the Board of Commissioners and the Board of Education, and everyone is a winner to have a Board of Commissioners and a Board of Education who work so well together for a common purpose to improve the education of our youngsters; that when Colonel Totten's term expired on the Board of Equalization and Review, the County was preparing the last revaluation; that in order for him to serve another term on that board, the Board of Commissioners actually had to change the bylaws in order to keep him on that board; that he did a fantastic job; that everyone on the Board will miss him greatly; that we all appreciate everything he did for the County; that he was a true public servant; and we are all so grateful for having known him.

Commissioner Cross stated that Colonel Totten used to call him his "swabby buddy"; that they had a special friendship because of their both being retired military officers; and that he will be sorely missed.

Resolution Honoring Marcia Espinola: Approval of Chatham County Resolution in Honor of Marcia Espinola 2009 Nancy Susan Reynolds Award Recipient

Chair Kost read the resolution in its entirety and expressed appreciation to Ms. Espinola for her work efforts.

Commissioner Lucier moved, seconded by Commissioner Thompson, to adopt **Chatham County Resolution #2009-73 in Honor of Marcia Espinola 2009 Nancy Susan Reynolds Award Recipient**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Ms. Espinola thanked everyone for award stating that it was an honor to receive; that she didn't work to get recognized; however, it was nice to be recognized and that she would work even harder.

Resolution Honoring Jerry Markatos: Approval of Chatham County Resolution in Honor of Jerry Markatos 2009 International Human Rights Award Winner Human Rights Coalition of North Carolina

Jerry Markatos thanked the Board and stated that the Tier-County Alliance is where he and his wife got their start in the volunteer spirit and in the manner of engaging serious issues on a volunteer basis. He stated that they never lack for participation in the County and in these traditions.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to adopt **Chatham County Resolution #2009-74 in Honor of Jerry Markatos 2009 International Human Rights Award Winner Human Rights Coalition of North**

Carolina, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Vanderbeck stated that he had known Mr. Markatos for over ten years and that he agrees with a newspaper article, Mr. Markatos remains one of the most genuinely, positive, humble, and affectionate individuals he has ever known.

PUBLIC INPUT SESSION

Robert Sears, 454 Lewter Shop Road, Apex, stated that the Joint Chatham-Cary Land Use Plan is giving authority away; that the Board has sovereign authority in Chatham County and that the Board is helping Cary to complete their evil plan to control all the way to Jordan Lake; and that he is concerned about mixed-use in the area. He presented a copy of the partition to the Clerk against the mixed-use and urged the Board to zone the land one house per five hours with the exception of relatives who could get a variance. He also urged the Board to plan for a landfill.

Chair Kost stated the plan is still a draft plan; that there will be modifications made to the plan and will go to public hearing prior to adoption.

Natalie Leary, 8300 Suite 10, Health Park Drive, Raleigh, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

"The American Cancer Society is the second largest funder of cancer research, second only to the Federal Government. Therefore, we are the largest not for profit behind existing cancer research efforts. Our researchers have shared in many historical breakthroughs including (but not limited to) the following:

1. Proving mammography as an effective screening for breast cancer.
2. Creating the pap smear to detect cervical cancer.
3. Identifying smoking as the cause of lung cancer.

Our research efforts are made possible by our signature fundraising event, Relay For Life. Chatham County hosts two of these overnight events in Siler City and Pittsboro. Relay For Life is not only a fundraiser but a celebration of survivorship. Participants are given the opportunity to celebrate the individuals that have fought and won, remember those taken by cancer and fight back, vowing to see a cure discovered!

Pittsboro has helped to bring in over \$1.1 Million since beginning in 2001. Siler City started their journey in the 1990's and has seen more than \$1.3 Million raised in the fight! Chatham County has a lot to celebrate. These numbers are incredible!! A difference is being made by your local citizens.

We can't rest because this disease is still taking those we love. Join us at your local Relay for Life. Particularly in Pittsboro we are in need of more volunteers to help us plan and execute this event!!"

Contact Natalie Leary with Questions:

Natalie Leary

919.334.7201

Natalie.Leary@cancer.org

Larry Ballas, 139 Indian Creek Lane, Apex, NC, stated that he felt it was important for the Board to look at redistricting since the Census is coming up in a year and consider changing the make-up of the Board to something that was more conducive to everything that needs to be done since the County is growing so fast. He stated that he would like to go to a seven commissioner board, have five districts which are district only voting and two at-large members which would allow for sectionalized development in Chatham County where a commissioner who would be most interested in their district and then at-large members who would be most interested in the County development and how the

districts fit together; that it would allow for other diversity in the development of the County; and that it will be important to get the citizens involved early.

Bill Sommers, 1067 Fearington, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

"I ask permission to speak at this time, not as a member of the Planning Board, but as a citizen of Chatham County very interested in the progress of the United States in crafting a creditable and operational health care program. Although there are many issues – and pros and cons – I was struck by recent information that the national grouping of Blue Cross and Blue Shield has been building up a case against a national health insurance that will emphasize states rights. Blue Cross/Blue Shield has helped to develop model legislation for state legislatures that would effectively make both a federally-created health insurance exchange and a public health insurance option illegal under the 10th Amendment of the US Constitution. This even before the legislation is passed and signed into law by the President.

This, I believe, is a terrifying and insulting use of Blue Cross and Blue Shield collections from individual rate payers using these funds to frustrate the needs of those who are in dire need of health care assistance. It is also a poor reflection on our own NC Blue Cross and Blue Shield who seemed to be against health assistance for the poor and those who are in desperate need of care in a time of great economic and social troubles. I do ask that the Board of Commissioners be aware of this manifestly unfair use of the funds paid for coverage under Blue Cross and Blue Shield and that they contact our local state legislators to make them aware of these possibilities.

I have attached a copy of a news item on this matter along with an editorial I recently wrote for our local Chatham County Line newspaper on similar issues.

Thank you for your attention."

BOARD OF COMMISSIONERS' MATTERS

Capital Improvements Program: Public hearing to receive public comments on the Recommended FY 2011-2015 Chatham County Capital Improvements Program

Renee Paschal, Assistant County Manager, reviewed the Capital Improvements Program (CIP) which was presented to the Board of Commissioners on December 07, 2009 and reviewed the recommendations.

Public Hearing:

Larry Ballas, 139 Indian Creek Lane, Apex, NC, stated that the plan that was presently was basically a good plan; that if the jail is going to only be partially be built, he thinks it should be built to add a second story; that postponing the new high school is an excellent idea since we do not know what the future economy is going to be/do and we do not know what the tax base is going to be like in the future; that if a of new houses are going to be built, the high school may be placed a little further down the line in funding; that the new judicial facility needs to be built with collapsible, sound-proof walls in order to be able to expand to accommodate additional needs; that if the landfill is built, there needs to be a greater fee assessed to those outside the County who use it; that it is not an easy process, but he feels the Board has to look at the most efficient, cost-effective way of maximizing the buildings so that the citizens of the County are not over burdened in this tie of recession to get these things done as they are critical to Chatham County.

Sam Cooper, PO 369, Pittsboro, NC, presented comments to the Board and provided them in their entirety for the record as follows:

"Three points that I want to make:

Point #1) There are many different stakeholders related to construction of a new judicial center. When mentioning construction of a new judicial center, most people think of judges, lawyers, and clerks.

I want to identify and emphasize a much longer list of stakeholders. Stakeholders in the judicial system include:

1. Judges,
2. Clerks,
3. Prosecutors
4. Public Defenders
5. Appointed Counsel
6. Private Attorneys,
7. Probation Officers
8. Magistrates
9. Community Service
10. Deep River Mediation
11. Juvenile Justice
12. Project Turnaround
13. TASC
14. Community Resource Court Officials
15. Guardian Ad Litem
16. Domestic Violence Advocates
17. Child Support Services and Enforcement
18. Child Protective Services
19. Adult Protective Services
20. Civil Court Mediators
21. Civil Court Arbitrators
22. Chatham County Sheriff's Department
23. Pittsboro Police Department
24. Siler City Police Department
25. Parks and Recreation officials
26. NC Highway Patrol
27. Wildlife Enforcement
28. County and municipal enforcement officials including the Health Department, Planning, and Zoning, etc.
29. And, last but not least, the citizens of Chatham County – Citizens of Chatham County that
 - Are crime victims
 - Witnesses
 - Civil litigants in Small Claims Court, District Court, Superior Court
 - Citizens that need divorces
 - Citizens that need domestic violence protection orders
 - Citizens that need an adoption
 - Name change
 - Partition action
 - Citizens with a speeding ticket
 - Citizens that need to probate an estate
 - Citizens pursuing an incompetency hearing
 - Citizens needing to be appointed guardian of a family member at the Laurels
 - Citizens involved in a foreclosure.
 - A mechanic that needs authority to sell a vehicle pursuant to a lien.

This is not an all-inclusive list of stakeholders. My point is that construction of a judicial center will impact the lives of every citizen in the county.

Point #2) Current facilities are not adequately safe and secure.

After becoming CSC in February 2009, I requested that AOC conduct an assessment of court facility safety and security. Their report concluded that Chatham's court facilities did come close to meeting current security and safety standards. All catastrophes cannot be prevented, but what do I say, what does the county say if we do nothing?

It is reasonable to expect a courtroom and court facilities to be safe and secure when someone comes to court. Presently, that is not the case.

Point #3) If not now, then when?

County offices moved into the building where we now sit in October 1984. 25 years ago, a quarter of a century ago, almost half of my life time ago, the space allocated for judicial facilities is basically unchanged.

During the past 25 years, the need and demand for county services have certainly increased for the Clerk of Superior Court office; likewise for the District Attorney's Office, the Register of Deeds Office, Tax Office, County Manager's Office, etc.

Increased case loads and the need for appropriate facilities and staffing have certainly changed.

We can only do so much with what we have. From my point of view, we have hit a wall. We can no longer make more out of what we have. I suggest that we have reached a critical point. We are less and less able to provide core services and meet the reasonable expectations of the county's citizens.

Is there a need for construction of a new judicial facility? Yes, absolutely.

Construction of a judicial facility is part of a bigger picture, a bigger picture that impacts the lives of every citizen and every family in Chatham County.

The citizens of Chatham County deserve more than we currently provide. The citizens of Chatham County need more than we currently provide. Now is the best of times to address our ability and our inability to meet the needs of Chatham County's citizens...

I want to recognize others who are here tonight in support of the judicial center construction proposal:

- Page Vernon, District Court Judge
- Chuck Anderson, District Court Judge
- Jim Woodall, District Attorney
- Dana Hackney, Assistant Clerk of Superior Court
- Todd Roper, Chatham County Bar President"

Flint O'Brien, 30125 Porter, Chapel Hill, NC, reviewed what, he explained, the people in the northeast are stating about the new high school opening in 2011. He stated that people are expecting the schools to open on the delayed schedule as previously discussed. He stated that the Board was sending a clear message to the citizens in the northeast east that, not that they don't have the money to build schools, but that the high school is not a priority. He stated that his fight is for better schools so that better jails will not be needed. He stated that the Board of Education passed their Capital Improvements Plan which included a request for funding and the need for the high school.

Jeffrey Starkweather, Old Graham Road, Pittsboro, NC, presented comments to the Board and provided them in their entirety for the record as follows:

"While I am speaking as a citizen and grandparent of two future students of the proposed Northeast High School, I will also be speaking from the perspective of my role as board member of the Chatham County Economic Development Corporation and the newly named Triangle South Workforce Development Board. I want to talk tonight about being

SMART. This board is committed to smart growth and sustainable economic development. But you need smart students to achieve that. And in order to have smart students, you need smart schools, particularly smart high schools. And in order to have smart schools you need smart budgeting. And to have smart budgeting you need smart County Commissioners.

I know we have the latter based on your past record of supporting quality schools and your recent statements indicating you are committed to keeping the Northeast High School in the current Capital Improvement and on schedule with at most a short delay as a result of the economic downturn.

Northwood High School opened in 1972 the year I moved to Chatham County. I had two children who graduated from Northwood. My daughter, who is the youngest, graduated in 1996. Like many young people who grow up in rural communities she vowed never to return to live in this hick place. However, her parents were fortunate that she and her husband moved back here to Northern Chatham when she was pregnant with her second child. I have two beautiful and brilliant grand daughters, ages four and two. When we've discussed the planned Northeast High School we assumed that there certainly was no need to worry about it being built in time for my two granddaughters. But last week when the CIP was being presented, I noticed a slide that said based on the most recent student projections this school would not be needed until 2020. It was said that the school might not be built until 2022. I did a little quick math based on this schedule. I thought to myself, WOW, schedule my granddaughters would be 17 and 15 in 2022 and have started high school in Northwood. I knew this would shock my daughter.

So, I am here tonight to strongly urge you to keep the building of the Northeast High School on track even if that means a two year delay. I believe it is best to rely primarily on impact fees to finance the school since these will come primarily for the new residents whose children will be served by this school. Of course, we should also take advantage this challenge to urge our representatives in the General Assembly to pass a local bill allow Chatham to utilize a much more equitable and sustainable 1% land transfer tax to replace the impact fee.

Before I make three points regarding this issue I want to thank this board for its strong support for our schools, as well as for the excellent job you have done finding cost savings in our budget to allow us to continue to provide quality facilities and services in Chatham. I know personally how successful you have been in finding ways to save the taxpayers funds as you required the EDC to take \$25,000 of its fund balance to help pay for funding for the arts, something which actually has worked out quite well. I also want to complement the county staff for their yearly excellent CIP and regular budget process and work, although I will have to challenge one aspect of this year's CIP analysis- the projections for student population in the east.

First, it is generally agreed that the number one factor in promoting sustainable economic development is the quality of its public schools. We need quality schools and this particularly this new high school if we want to attract the good paying, green, high tech jobs that our strategic economic development plan calls for. As the Wake County public school system implodes we have an opportunity to attract some of those new economy jobs that might have gone to Wake if we can offer quality schools. But that means we cannot be housing children in trailers and temporary pods.

Moreover, human capital is the most important economic asset a community has and the quality of that capital is dependent on the continued improvement of our public schools. In that regard let me quote from a book by economic development and education researcher William Schweke, from his book *Smart Money, Education and Economic Development*.

Research shows that a high-quality education increases the earnings of individuals and the economic health of their communities. Some believe, however, that increased public investment will not necessarily improve the quality of education offered. But recent studies show that education spending can have a direct, positive impact on the business climate and

can improve the success of at-risk students, whose contributions to the economy are critical for achieving a high-value/high-wage economy in the 21st century.

Second, size matters when it comes to have smart schools. I wrote you and the school board back in March 16, 2007 concerning this issue. I presented to you overwhelming research demonstrating that smaller high schools, generally no larger than 800 students, achieve better quality educational outcomes than larger schools, without sacrificing choice for top students. This research demonstrates that small schools help:

- diminish behavior problem
- decrease drop outs
- increased extracurricular participation
- poor and minority student the most
- improve educational outcomes for most students, particular students in the middle in terms of academic ability and achievement

Also, new communications technology allows for advanced placement courses to be offered to students in all the high schools in the county at the same time, thus solving the problem of needing a large high school to provide such courses.

Moreover, smaller high schools promote smart and sustainable growth. Large high schools in rural areas require significantly greater transportation cost, energy consumption and greenhouse gas emissions. This results in loss of quality family time and decreased student energy and concentration following long bus rides. Of course, this also negatively impacts traffic congestion and air pollution. Finally, community support is diminished with large high schools, which everyone agrees is a critical requirement for school success.

Due to this research I opposed increasing the student population of Northwood High School, while a strongly support its renovation, as did many others. While the core facility was enlarged to serve 1200 student, the classroom capacity was only enhanced to serve approximately 1,000 students. I was assured by the commissioners at the time that they would not increase the student population past 1,000. I am glad to hear that you are determined to keep that commitment.

This leads me to my last point. The CIP indicates that Northwood currently has 955 students. The projection that the high school would only be at 91 percent capacity in 2020 is based on a clearly improper definition of capacity. This estimate was based on using the temporary pod at Northwood as though it were permanent classroom space to argue that the current capacity of Northwood is 1200 students. While I seriously question the actual student projections, as did several Commissioners last week, I believe using the temporary pod to argue that Northwood is not anywhere near capacity is like saying there was no need for the new Margaret Pollard Middle School because we can count the 21 trailers at North Chatham as meeting that school's capacity. I don't believe anyone would be willing to make that argument.

Thus, in conclusion, I urge you not to delay construction of the Northeast High School beyond 2014 and rely primarily on impact fees to fund it, assuming we are not able to get a local bill allowing us to replace those impact fees with a much more equitable and sustainable 1% land transfer tax."

Joe Glasson, 11408 Governor's Drive, Chapel Hill, NC, stated that that one of the key aspects of economic development is a strong school system; that he doesn't think it is an either/or situation; that he hopes the Board will be able to find a way to finance the new high school; and that the Board will be able to move forward with it.

Heidi Landford, 76005 Governor's Drive, Chapel Hill, NC, stated that she pulled her children out of school and entered them into Woods Charter School because she did not have the confidence that the new school was going to be built. She stated that the emphasis on education in the County needs to be front and center and be proactive and not reactive.

Patricia Vanstory, 11020 Governor's Drive, Chapel Hill, NC, stated that prior to moving into their home, she and her husband looked at the schools with great hope that they would have a better high school for their children and that they think it is very important to proceed with the plans to build the new school.

Joe Glasson stated that one of the things he would like for the Board to consider is that the economy is going to turn around and that the latest projection of capacity at Northwood High School needs to be addressed.

Karl Kerchergis, 1417 Morris Road, Pittsboro, NC, stated that his children went through the Chatham County School System and they were very grateful for the experience. He stated that they chose Chatham County over Chapel Hill more for the diversity in the County; and that he would counter anyone who says that Chatham County Schools have a bad reputation.

Chair Kost closed the public hearing.

BREAK

The Chair called for a short break.

Other:

Jordan Lake Rules Joint 1 Stage Adaptive Management: Approval of the joint Chatham County and Town of Pittsboro proposal

Fred Royal, Environment Resources Director, stated that Chatham County and the Town of Pittsboro are submitting a joint proposal for the Stage 1 Adaptive Management Program for existing development. The proposal includes the following key elements:

1. Public Education Program
2. Storm Sewer Mapping
3. Best Management Practices (BMP) Operations and Maintenance Program
4. Illicit Discharge Program
5. Best Management Practices (BMP) Retrofits for Existing Development

For efficiencies for programming and shared watersheds, Chatham County and the Town of Pittsboro propose to jointly develop a Stage 1 Jordan Lake Adaptive management Program. This proposal will be reviewed by the Division of Water Quality (DWQ) and then submitted to the Environmental Management Commission (EMC) for review and approval. Upon notification of approval, Chatham County and the Town of Pittsboro will engage in an inter-local agreement describing respective roles and responsibilities. The proposal is due to the Division of after Quality (DWQ) by December 31, 2009.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to approve the joint Chatham County and Town of Pittsboro proposal. The motion carried five (5) to zero (0).

PLANNING AND ZONING

Request for Conditional Use Rezoning: Approval of a request by Brian Sawyer for a conditional use rezoning on parcel 82735, located at 525 Old Farrington Road, Williams Township, from R-1 Residential to Conditional Use Neighborhood Business (CU-NB), on approximately 1.16 acres

Jason Sullivan, Acting Planning Director, explained the specifics of the request by Brian Sawyer for conditional use rezoning.

Mr. Sullivan answered questions from the Board of Commissioners and Planning Board.

Commissioner Cross moved, seconded by Commissioner Thompson, to approve the request (Planning Department and Planning Board recommendation by a vote of 8-2) by Brian Sawyer for a conditional use rezoning on parcel 82735, located at 525 Old Farrington Road, Williams Township, from R-1 Residential to Conditional Use Neighborhood Business (CU-NB), on approximately 1.16 acres and adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof.

A discussion ensued. The Chair called for a vote. The motion carried five (5) to zero (0).

Request for Conditional Use Permit: Approval of a request by Brian Sawyer for a conditional use permit on Parcel 82735, located at 525 Farrington Road, Williams Township, for multiple uses as stated in the application and as allowed in the Table of Permitted Uses for the Neighborhood Business District

Jason Sullivan, Acting Planning Director, explained the specifics of the request for the conditional use permit. A discussion ensued. The Board received comments and the Planning Director answered questions from the Board.

Commissioner Lucier moved, seconded by Commissioner Cross, to postpone a decision on the request by Brian Sawyer for a conditional use permit on Parcel 82735, located at 525 Farrington Road, Williams Township, for multiple uses as stated in the application and as allowed in the Table of Permitted Uses for the Neighborhood Business District

Resolution to Pre-Award the US 15-501 Sidewalk and Landscaping Stimulus Project Construction Contract: Approval of US 15-501 Sidewalk and Landscaping Stimulus Project: Resolution to Pre-Award the Construction Contract for NCDOT Concurrence and Authorize County Manager to Execute Contract upon Concurrence; Resolution to Exempt Construction Administration and Professional Services for Stimulus Project From the Provisions of GS 143-64.31

Ben Howell, Planner, explained the specifics of the request and both resolutions.

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to adopt **Resolution #2009-75 to Pre-Award the Construction Contract for NCDOT Concurrence and Authorize County Manager to Execute Contract upon Concurrence**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to adopt **Resolution #2009-76 to Exempt Construction Administration and Professional Services for Stimulus Project From the Provisions of GS 143-64.31**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Chatham County Sign Ordinance Options Draft: Discussion of the proposed amendments to the sign regulations in the Zoning Ordinances, Off-Premise Sign Ordinance, Lighting Ordinance and consideration of setting a public hearing date to receive public input. The proposed amendments are for changes to temporary signs, non-conforming provisions, and internally illuminated signs

Mr. Sullivan discussed the proposed text amendments to the sign regulations in the Zoning Ordinance, Off-Premise Sign Ordinance, and Lighting Ordinance.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to set January 19, 2010 as the date on which to hold a public hearing to receive public input on the proposed amendments to the sign regulations in the Zoning Ordinances, Off-Premise Sign Ordinance, Lighting Ordinance. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

Charlie Horne, County Manager, informed the Board of a new application review process that he stated can be used in tracking nominations. He asked the Board to review the process and give Staff feedback.

COMMISSIONERS' REPORTS

Chatham Transit Network:

Commissioner Vanderbeck explained that Chatham Transit Network (CTN) has been selected by the state to get grant assistance to develop a 5 year Community Transportation Service Plan (CTSP) that includes:

1. Development and promotion of transit options.
2. Integrates the community transportation system's program.
3. Improvements in efficiency and effectiveness of transportation programs.
4. Coordination of public transportation services across geographies and jurisdictions.
5. Dependable mobility transportation options.
6. A focused plan for growth over the next 5 years.
7. Defensible, results-based budget requests.

It is estimated at \$80,000 and would include a 10% match (5% County/5% CTN).

Broadband:

Commissioner Vanderbeck explained that he attended the House Select Committee on (High Speed Internet Access in Rural and Urban Areas) Broadband for rural areas; that municipalities are not getting a level chance; that if (HB1252) is allowed to go through, it puts equity and economic development issues on the back burner; and that he feels he needs to speak up on this issue.

Metropolitan Planning Organization Boundary:

Chair Kost presented a draft letter to Governor Perdue and Secretary Conti regarding the adjustment of the boundaries of the Durham-Chapel Hill-Carrboro-Metropolitan Planning Organization in Chatham County; that despite a unanimous vote by the Chatham County Board of Commissioners that the MPO not consider any expansion or adjustment of the MPO boundary until after the results of the 2010 Census, the TAC voted against the unanimous vote of the Chatham Board; that this letter reiterates the reasons the Chatham Board of Commissioners is opposed to the boundary adjustment and expresses its disapproval of elected officials from other jurisdictions overriding their unanimous decision.

Chair Kost asked that the Board read the letter and that she receive their feedback as soon as possible, as the letter needs to be distributed to the Governor posthaste.

Commissioner Lucier stated that the letter did not take into consideration future land decisions within Chatham County.

Commissioner Vanderbeck advised that there was a Rural Planning Organization (RPO) meeting on December 17th.

Chatham-Orange Work Group:

Chair Kost stated that the Vice Chair and she met with a new Chatham-Orange Work Group and shared their concerns regarding the vote by the MPO; that it may be wise to ask other jurisdictions to also vote on the matter as they did; that she needs to know if any Commissioners have concerns; and that the next meeting will again be in February, 2010.

Chatham-Cary Subcommittee:

Chair Kost also stated that the Vice Chair and she had attended the Joint Chatham-Cary Subcommittee last Friday; that there is no compilation of citizen comments; and that February 04, 2010 is the date set for the next meeting. Also discussed was preparing joint resolutions, addressing traffic, and speed reductions on roads adjacent to the American Tobacco Trail.

Commissioners' Retreat:

Chair Kost reminded the Board of their scheduled retreat to be held on January 20, 2010, January 21, 2010, and a half day on January 22, 2010, if needed. She stated that if there were any items that the Board wanted on the retreat agenda, to let the Vice Chair and her know so they could discuss it at the December 28th preliminary agenda meeting. The upcoming agenda review for the January 04, 2010 Board of Commissioners' meeting will be held on Monday, December 28, 2009.

The County Manager stated that he will finalize the Legislative Meeting dates and will confirm the dates with the Board of Commissioners.

ADJOURNMENT

Commissioner Vanderbeck moved, seconded by Commissioner Cross, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 8:52 PM.

Sally Kost, Chair

ATTEST:

Sandra B. Sublett, CMC, Clerk to the Board
Chatham County Board of Commissioners