

**MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
MARCH 01, 2010**

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Central Carolina Community College, Multi-Purpose Room, located in Pittsboro, North Carolina, at 10:50 AM on March 01, 2010.

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

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

Agenda

1. **Western Wake Partners Request to allow Wastewater Outfall Line to Cross a portion of Chatham County and Discharge into the Cape Fear River below Buckhorn Dam:** Discussion of feasibility and cost analysis prepared by Camp Dresser and McKee (CDM) Engineering regarding conveying treated municipal wastewater effluent from Chatham County to connect with the pipeline conveying treated effluent from Wake County. This includes discussion of basic facility and infrastructure requirements, capital costs, and other considerations to assist the County in evaluating this option.
2. **Design Guidelines for Commercial, Industrial and Conditional Use Projects and Developments as recommended by the Chatham County Appearance Commission:** The proposed design guidelines include the mission of the Chatham County Appearance Commission, including the process of review of the Appearance Commission of proposed projects. The guidelines address (1) Screening requirements; (2) Lighting Requirements; (3) Signage; (4) Parking Lots; (5) General Planting; (6) Water Conservation, and (7) Landscape Buffering. In addition to the discussion of the guidelines, the Board of Commissioners will need to consider a date for a public hearing on the proposed guidelines.
3. **Proposed Contract for Establishing Financial Guarantees as provided in the Subdivision Regulations:** Review of proposed contract for developers who wish to guarantee the satisfactory construction, installation and completion of all required improvements for a subdivision and provide that the County sign the final plat when the guarantee and security is established.
4. **Goldston Infrastructure Project Update:** The Town of Goldston is considering a wastewater system for the town, connecting with the wastewater treatment plant in Sanford. The preliminary estimate for the project is \$6.4 million. The Town is working with USDA for grants and loans to fund the project. The Town would hold a referendum on the project and if approved, would issue general obligation bonds. This project is to address a public health concern and would also provide for economic development opportunities. The County’s financial commitment would be to purchase capacity. The annual amount, over a 40 year period for the County, would be \$126,000.

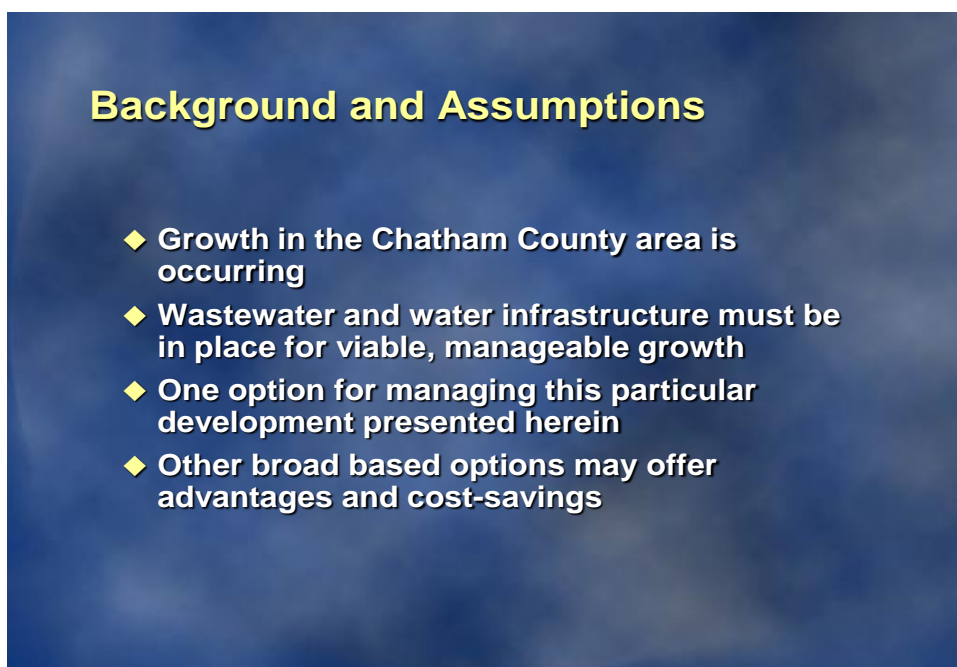
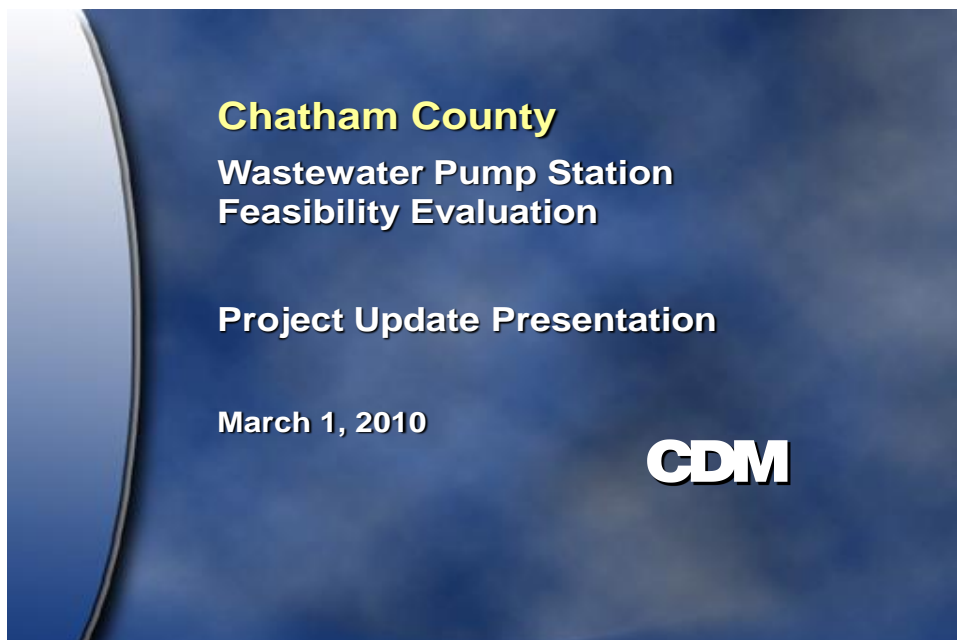
CALL TO ORDER

The Chair called the Work Session to order at 10:51 AM.

Western Wake Partners Request to Allow Wastewater Outfall Line to Cross a Portion of Chatham County and Discharge into the Cape Fear River Below Buckhorn Dam:

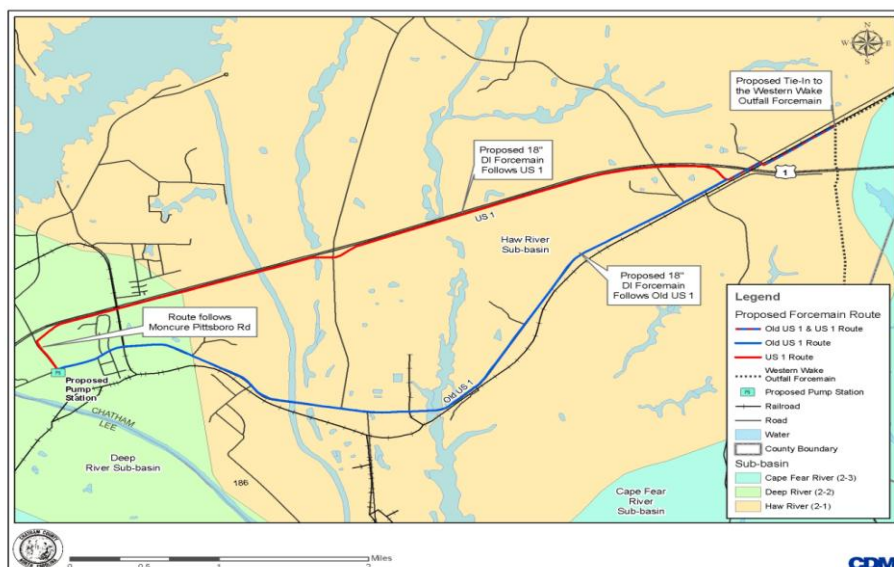
David Hughes, Chatham County Public Works Director, provided background information and introduced Kevin Irby and Jim Butcher.

Kevin Irby presented a PowerPoint on the Chatham County Wastewater Pump Station Feasibility Evaluation, including background and assumptions, pipeline profile, forcemains, agency coordination, Western Wake Outfall, and planning level cost opinion. The PowerPoint presentation follows in its entirety:

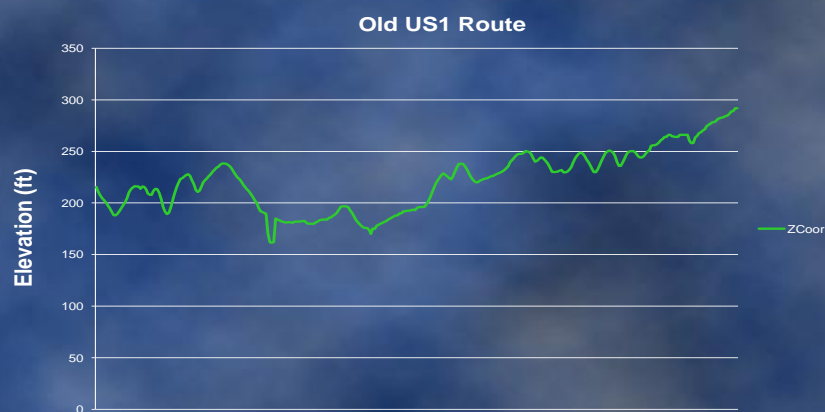


Background and Assumptions

- ◆ New Pump Station located at Moncure-Pittsboro Road and Old US-1
 - ◆ Treated residential wastewater
 - ◆ 6 mgd peak flow capacity
- ◆ New forcemain routed along Old US-1 or US-1 to near Chatham/Wake border
 - ◆ Tie into planned Western Wake Outfall
 - ◆ One pipeline sized for maximum capacity



Pipeline Profile



Forcemain

- ◆ Option 1 – Old US-1 alignment
 - ◆ Approximately 34,000 feet (6.4 miles)
 - ◆ 7 roadway crossings (trenchless technology)
 - ◆ 3 stream/wetland crossings (trenchless technology)
 - ◆ 3 railroad crossings (trenchless technology)

Forcemain (cont.)

- ◆ Option 2 – US-1 alignment
 - ◆ Approximately 32,000 feet (6.1 miles)
 - ◆ 4 roadway crossings (trenchless technology)
 - ◆ 3 stream/wetland crossings (trenchless technology)
 - ◆ 2 railroad crossings (trenchless technology)

Forcemain (cont.)

- ◆ Forcemain assumptions for cost estimate
 - ◆ 18-inch diameter
 - ◆ Peak flow velocity = 5.2 ft/sec
 - ◆ Velocity >3.5 fps for solids scour
- ◆ 16 air/vacuum valve stations in manholes
- ◆ Assume no significant rock or problematic material encountered

Agency Coordination

- ◆ Department of Transportation (DOT)
 - ◆ US-1 access restricted
 - ◆ Designated as a “fully controlled access road”
 - ◆ Old US-1 alignment may be more viable
- ◆ CSX Railroad
 - ◆ Construction access permits required
 - ◆ Minimum setback requirements achievable
- ◆ Dept of Environment and Natural Resources
 - ◆ Environmental assessment required by SEPA
 - ◆ Interbasin transfer may apply

Department of Environment and Natural Resources

- ◆ State Environmental Policy Act (SEPA) requires an Environmental Assessment (EA) for permitted flows of 1,750 gpm or greater (2.5 mgd)
- ◆ Interbasin Transfer (IBT)
 - ◆ Per General Statute 143-215.22G, IBT applies if 2 mgd or more withdrawn from one basin and discharged into another
 - ◆ Proposed Western Wake Outfall discharge point is the Cape Fear sub-basin
 - ◆ IBT application required if potable water source is not within the Cape Fear sub-basin

Western Wake Outfall

- ◆ 60-in diameter pipeline
- ◆ 62,000 feet (11.8 miles)
- ◆ Design flow = 91.3 million gallons/day
- ◆ Peak design velocity = 7.2 feet/sec
- ◆ 7.7 feet/sec with Chatham flow contribution (0.5 feet/sec increase)

Planning Level Cost Opinion

Description	Cost (2010 \$)
Pump Station	\$3,000,000
Conveyance Facilities	\$6,220,000
Construction Subtotal	\$9,220,000
Construction Contingency (30%)	\$2,800,000
Construction Total	\$12,020,000
Engineering and Other Services Contingency (10%)	\$1,200,000
Land Acquisition Contingency	\$500,000
Total Capital Cost	\$13,720,000

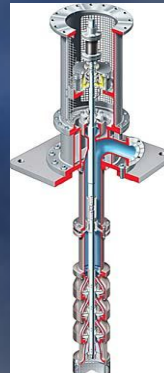
Note: capital cost opinion assumes forcemain along Old US-1

Questions



Pump Station

- ◆ 6.0 million gallons/day
- ◆ Treated wastewater
- ◆ Vertical turbine pump offerings available
- ◆ 2,083 gallons/min per pump
- ◆ 2 duty + 1 standby
- ◆ 380 feet lift (165 psi)
- ◆ 300 horsepower motors



Mr. Hughes and Mr. Irby answered questions from the Board.

Commissioner Lucier asked what the cost would be if we had our own discharge point, how many miles would it be to run it to Buckhorn Dam, or would it be cheaper to do it ourselves.

Commissioner Cross stated that just because six million gallons per day was not going to affect the flow of their pipe, it does not mean that they are not going to charge the County for that pipe and that the County might be just as well off to do its own.

Mr. Irby stated that it would be more complicated from a topographical standpoint.

Chair Kost stated that she did not know the answer to going this route and doing it ourselves, versus tying in with the Partners.

Commissioner Cross stated that he thought it needed to be researched further and talk with the possible partners. He further stated that he would hate to go either way for six million gallons per day when there will likely be nineteen gallons in the end; that if we had to place our own pipe from Moncure, a treatment facility to take care of nineteen million per day would not have to be built at first; and that the pipe from Moncure down, in his opinion, should be sized for nineteen million gallons per day for Chatham County treated sewer water.

Chair Kost stated that she had philosophical differences about the County being in the sewer business; that she thinks that there is a reason for towns and densities; and that is why you have municipalities. She stated that her thoughts for going down this route was to look for economies where we could help Pittsboro or the pressing developers in trying to save money; that what she is hearing is that there won't be that much saved; that she is trying to figure out which direction the County goes; that ultimately, this is not a decision about what they are doing with wastewater, it is a decision about what Cary wants which is Chatham County's permission to run a discharge line through eight miles of Chatham County.

Commissioner Vanderbeck agreed with the Chair stating that they couldn't just ask how much it was going to cost to run nineteen million gallons. He stated that they need to know how much of that amount they want, what they are going to do with it, and they are land use, monetary, and partnership decisions; and that it is tough in getting that in the fashion in which they are approaching it. He stated that he appreciated the timeliness and thoroughness of the report, but that they need to study it further.

Commissioner Vanderbeck stated that he appreciated the thoroughness and timeliness of Mr. Irby's report and stated that the Board needs to thoroughly study all options.

Commissioner Lucier stated that in concurring with Chair Kost, their purpose was to get some sense about what the opportunities might be to tie in to that line as the Board considered their request to them and that even though they are not fully satisfied with the answer, he has done what the Board asked him to do.

Chair Kost stated that she feels there needs to be some dialogue between Cary, Pittsboro, and the Preston Group; that it is her understanding that Cary doesn't need an ultimate answer due to time slippage until April; that they do not have to make a decision right now; and that is based on what they were told by Cary. She asked that recreational easement and trails issue be brought back to the Board in the near future.

Commissioner Lucier stated that he thought the Board was going to have to start thinking about the framework in which they can formally respond to Cary about their request to run a transmission line through Chatham County. The initial letter sent to them a couple of years ago asked for three things to be discussed: 1) To work to develop a wastewater treatment capacity of something close to nineteen million gallons per day; that they paid for the study; and that DENR has not approved Chatham's specific request but approved that that location can handle the additional discharge. 2) To not oppose our desire for an additional water allocation out of Jordan Lake; that we now have a consortium on which David Hughes represents the Board on which is working very well; that it represents Cary, Apex, Durham, OWASA members,

Pittsboro, and several others; and that he understands it is moving ahead with good will and common purpose and the events have begun to request that allocation. 3) The annexation issue which for Chatham is tied into the adoption of a joint land use plan that would clearly define any limits of annexation for Cary. He stated that in the initial letter, several things which they asked for have been done; that he feels those issues will have to frame the discussion in addition to having today's information.

Chair Kost stated that she agrees but if they have any opportunities, she would rather them reach the decision after they have heard all of the opportunities whether it be trails or discharge.

Design Guidelines for Commercial, Industrial and Conditional Use Projects and Developments as recommended by the Chatham County Appearance Commission:

Chair Kost stated that the Board would need to consider setting a public hearing on the design guidelines as part of this discussion.

Angela Birchett, Chatham County Land Use Administrator, explained that the Chatham County Appearance Commission developed Design Guidelines in 1999 as a tool to assist them in reviewing site plans. The guidelines were presented to the Planning Board, who reviewed them at that time, and was then presented to the Board of Commissioners in August 1999 as an information item and no action was taken by the board. In December 2008, the Board adopted amendments to the Zoning Ordinance which included design standards to comply with the Chatham County Design Guidelines. Since the design guidelines are now referenced in the Zoning Ordinance, the County Attorney has advised that the Board needs to adopt the guidelines.

The amendments to the Zoning Ordinance adopted in December 2008 includes references to the Design Guidelines in Section 12, Landscaping and Buffering Standards; Section 14, Off-Street Parking and Loading; and Section 15, Regulations Governing Signs. The County Attorney has advised that the Board of Commissioners should adopt the Design Guidelines since they are now mandatory. The Appearance Commission revised the Design Guidelines in 2009 and the Planning Board reviewed them in May 2009 and their recommendations have been incorporated into the guidelines. The County Attorney has recommended that the Board hold a public hearing to receive input on the guidelines prior to adoption.

Chair Kost asked if there was a summary of the major changes in the design guidelines available. She asked that the major changes in the guidelines be made available prior to the public hearing.

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to schedule a public hearing on the Chatham County Design Guidelines during the April 19, 2010 Board of Commissioners' meeting. The motion carried five (5) to zero (0).

Chair Kost asked that the Appearance Committee look at plant enhancements and landscaping upgrades to the courthouse circle after the renovations to the Superior Courthouse are completed.

Commissioner Vanderbeck stated that he thought this would be a good idea and suggested that the Appearance Commission talk with the Historical Association before they do a lot of large planting. He stated that an alternative site would be the entrance to the Chatham Business Campus. He volunteered to plant, with Siler City, some of the plantings if the Appearance Commission comes up with a plan.

Proposed Contract for Establishing Financial Guarantees as provided in the Subdivision Regulations:

Ben Howell, Chatham County Planner, explained that the Subdivision Regulations, in Section 3.1(B), includes an option for a developer to request that the county accept a financial guarantee to cover the remaining costs of completing required improvements as part of the final plat approval. A majority of major final subdivision plats submitted for approval have a financial

guarantee to cover items that have not been completed. The Subdivision Regulations requires that the financial guarantee be approved by the County Attorney as part of the final plat approval. The County Attorney has advised that it would benefit the County to enter into a contract with the developer to set a date for the completion of the improvements.

The County has several financial guarantees on file to cover the completion of infrastructure for subdivisions receiving final plat approval in the form of letters of credit, performance bonds, and direct payment to the county. Some of the financial guarantees have expiration dates, such as letters of credit, which can be renewed if the improvements are not completed, while some financial guarantees have no expiration date, such as many of the bonds. The County Attorney has advised that a contract would better protect the county to ensure that the improvements are installed if the developer fails to complete the improvements.

There are several questions the board will need to discuss if contracts will accompany financial guarantees. First, the contract will include a date for the completion of the improvements, which would be set prior to the expiration of the financial guarantee, if one is included. He asked how far in advance of the expiration of the financial guarantee does the Board want the contract expiration, stating that staff recommends at least one month to allow time to prepare documentation to call the financial guarantee if needed. Second, does the Board want to allow staff to renew contracts for a set amount of time before coming back for Board approval? Staff recommends allowing at least one administrative contract extension, not to exceed two years or the original contract length, whichever is less. Third, does the Board want to require contracts for the renewal of financial guarantees for final plats that have already been approved? Staff recommends allowing administrative approval of contracts for existing subdivisions. As an example, for 2010 there are 12 financial guarantees that are up for renewal.

Historically, the County has not required contracts as part of the approval of a financial guarantee; however, the current economic climate has left some approved subdivisions uncompleted. The County has not called a financial guarantee on any project under the County's jurisdiction and staff ensures that financial guarantees with expiration dates are renewed by the developer. The issue is ensuring that subdivisions with final plat approval are completed in a timely manner, especially when lots have been transferred to other parties, which has occurred in some subdivisions in the County.

Mr. Howell answered questions from the Board and citizens.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to approve using a contract when a financial guarantee is requested by a developer at final plat approval; to approve setting the expiration date on the contract 45 days prior to the expiration date of the financial guarantee; to approve one administrative staff extension per contract; to approve one administrative approval per existing subdivision that currently is approved and has financial guarantee; and approved the County Manager to sign the contracts as recommended by the County Attorney. The motion carried five (5) to zero (0).

The County Attorney explained that the rule of reasoning is what would guide the Board when the date is established.

Goldston Infrastructure Project Update:

David Hughes, Chatham County Public Works Director, informed the Board of the meeting at the Town of Goldston on February 16, 2010 to discuss the proposed project to provide centralized sewer to the Town of Goldston. The purpose of the meeting was to discuss the Preliminary Engineering Report prepared by Withers & Ravenel for the Town of Goldston to provide centralized sewer to the residents and businesses in Goldston, as well as the J. S. Waters Elementary School, to collect this sewer in a gravity collection system, install a 180 gpm pump station on the edge of town and pump the waste through a 6-inch force main with a discharge into the City of Sanford gravity collection system on the east side of the Deep River parallel to Highway #421. The waste would then be treated at the City of Sanford Waste Water Treatment Plant (WWTP). Each of the attendees is a potential shareholder in the project as the Town is seeking funding participation from Chatham County, RDA, NCREDC, and CWMTF

and will need an interlocal municipal agreement with the City of Sanford for acceptance of the wastewater.

Michael Wicker, with Withers & Ravenel, presented a PowerPoint on the Town of Goldston Sewer Feasibility Study. He reviewed the purpose of the project, project benefits, the current situation, the proposed service area, grant funding for the study, the recommended project, system capacity, projected costs, County participation, current funding projections, and the next steps.

Mr. Wicker answered questions from the Board.

Commissioner Vanderbeck stated that in the report, it states that the “The town medial household income does not appear low enough to qualify for community development block grants; however, a community outside of town may qualify should this be pursued at a future date.” He stated that this leads him to believe, with County money being involved as far as taking water to Sanford, that the community outside may qualify, yet their system is failing. He asked why they wouldn’t be included in this to then be relieved of the safety issue and then to be pumped to Sanford. It states that it is a lower household income, which would then qualify, but if they need this, are they currently in a failed septic situation.

Mr. Wicker stated that they did not evaluate outside of the town.

Commissioner Lucier stated that there are two parts to the answer: 1) yes, they are having failing septic systems; 2) They can’t be part of the bond referendum because they are not in the Goldston City Limits. He stated that he is a strong supporter of this project and has been for a number of years; that one of the reasons is public health; that second is economic development in that this area cannot do anything economically without some kind of sewer/wastewater treatment sewer system; that the population isn’t growing even though it is a good location with a four-lane highway located close by; that there is no doubt in his mind that the presence of the water line will stimulate economic development in the area and increase residents’ property values; that he has worked out the math, from a pragmatic point of view, and it will take approximately \$16 million to recoup the County’s investment, which should probably be done for public health reasons; that he doesn’t feel that it is out of the question; and that he views it as a public health issue, an economic development issue, and a capital investment issue that will work; that his expectation is that the County will get the 45% grant if we push now; that it will allow, between the County participation and the grant, for it to move forward in a way that the residents of Goldston can afford their sewer bill; that without the County participation, it will be very difficult for them to afford the sewer bill; that in relation to Commissioner Vanderbeck’s questions, he has little doubt that many of those folks will want to sign on; and that they need to work toward that end.

Chair Kost reiterated that today’s decision in order to move forward for planning purposes is whether the County is willing to contribute up to \$126,000 per year over a forty-year period. She also stated that she thinks they need to talk with Congressman Etheridge’s Office regarding grant possibilities.

Commissioner Thompson stated that he had been a supporter of this project from the very beginning for health reasons and for economic development. He stated that he thinks it is essential that we have County participation; that he feels from a perception perspective there may be those who feel they have been left out; that given the amount of money that the County would be spending and the fact that some may not have been included in the process, he would want some assurances from the town that they are going to pursue bringing in people who are currently not in the town so that they could benefit from being a part of the system; and that he would think that it would be more economically feasible to bring in more households.

Commissioner Lucier stated that the 48,000 allocation (which could be 60,000) is really the County’s allocation; that they need to make sure that everything is done in such a way that those folks who are suffering the same way as the Town of Goldston is suffering have access to it as well; that he thinks it is within the Board of Commissioners’ power to carry through.

Commissioner Vanderbeck stated that when the discussion arose a couple of years ago, he believes they had a verbal commitment from the Goldston Mayor that he would support taking care of those communities.

After further discussion, Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to continue the Goldston infrastructure project with the understanding that there would be a financial commitment by the County up to \$126,000 per year. The motion carried five (5) to zero (0).

Metropolitan Planning Organization:

Melissa Guilbeau, Sustainable Transportation Planner, stated that at the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) meeting on February 24th, staff discussed the “Jobs for Main Street” Act that is being considered by the US Congress. If passed, this Act may include funding for transportation projects, similar to that provided in the American Recovery and Reinvestment Act (ARRA). The County’s MPO ARRA project – new sidewalk along a portion of US 15-501 – recently started construction. In anticipation of additional funds, the DCHC MPO has asked its member jurisdictions to identify transportation projects that could be completed with these funds. Potential projects should:

- Be located within the DCHC MPO (see attached map)
- Be “shovel ready” or simple to design and implement (project may have to be under contract within 90 days)
- Have a pedestrian, bicycle or transit component
- Total about \$250,000

The MPO has asked that projects be submitted by March 12 for consideration at its March 24 meeting. Staff has identified potential projects that fit the above criteria for your consideration. Some of the projects could be combined (e.g. new sidewalk and bus stop enhancements):

- Pedestrian crossings on US #15-501. Construct “pork chop” islands and install crosswalk striping and pedestrian signals at Manns Chapel Road and Old Lystra Road.
- Sidewalk on US #15-501. Construct new sidewalk, extending the soon-to-be-constructed sidewalk south, on the west side of the road, or along a new segment (e.g. Fearington Village).
- Sidewalk on Manns Chapel Road. Construct new sidewalk on the south side of the road from US #15-501 to Great Ridge Parkway (entrance to Briar Chapel).
- Trail along Big Woods Road. Construct a trail from Beaver Dam Road (just south of Jack Bennett Road) to the site of the proposed northeast district park.
- Bus stop enhancements. Construct covered bus shelters with benches at Chatham Transit Network and Chapel Hill Transit bus stops (two in Fearington Village and one on US #15-501 at Manns Chapel Road). Also construct bus pullout at the stop on US #15-501.

Note: Bike lanes were strongly considered, but \$250,000 would construct only about a half mile.

Chair Kost asked if the Board would be agreeable to submitting to her their preferences and delegate her to work with Ms. Guilbeau to prioritize the projects due to the lack of meeting time today. Staff will then submit the highest priority project(s) to the MPO by March 12, 2010.

By consensus, the Board agreed.

ADJOURNMENT

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to adjourn the Work Session for lunch with the North Carolina Cooperative Extension Service and for the presentation of their annual report at 12:10 PM. The motion carried five (5) to zero (0).

Sally Kost, Chair

ATTEST:

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