

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
OCTOBER 4, 2010

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina met in the Chatham Community Library, Meeting Room, located in Pittsboro, North Carolina, at 9:00 AM on October 4, 2010.

Present: Sally Kost, Chair; George Lucier, Vice Chair; 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; David Hughes, Public Works Director; and Elizabeth Plata, Deputy Clerk to the Board

Work Session

1. **Chatham Conservation Plan Update:** Allison Weakly will update the Board of Commissioners on status of work of the Chatham Conservation Plan.
2. **Western Wake Partners Discussion:** The Board of Commissioners will be discussing information from the September 8, 2010 meeting and reviewing a possible schedule to complete its work and determine a response to the request to extend an outfall line from the New Hill facility to the Buckhorn discharge site.
3. **Historic Courthouse discussion:** The Board of Commissioners will be discussing the task force recommendations, public input comments and other information to begin deciding a timetable and course of action and use of the rebuilt courthouse.

CALL TO ORDER

The Chair called the Work Session to order at 9:45 AM.

CHATHAM CONSERVATION PLAN UPDATE

Allison Weakley, Biologist with Robert J. Goldstein and Associates, Inc., presented a PowerPoint presentation. She said that Robert J. Goldstein and Associates, Inc. was contracted about a year ago to develop a conservation plan for Chatham County. The presentation is as follows:

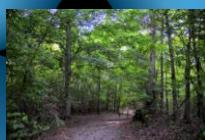
A Comprehensive Conservation Plan for Chatham County



Allison Weakley
Biologist/Ecologist
Robert J. Goldstein & Associates, Inc.
October 4, 2010

Chatham Conservation Partnership (CCP)

Mission: to develop and implement strategies for a community conservation vision that builds awareness, protection and stewardship of Chatham County's natural resources.



The CCP consists of over 50 organizations and participants, including federal, state, and local government agencies, non-profits, business owners, developers, and landowners.

Funding for the Conservation Plan

- Z. Smith Reynolds Foundation and NC Wildlife Action Grant Program
 - administered by the Triangle Land Conservancy (TLC)
- NC Urban and Community Forestry Grant Program
 - administered by the Piedmont Conservation Council (PCC)



*plus in-kind services from local, state, and federal agencies, and others!

Goals of the Conservation Plan

- A community vision for natural resources
- A greater understanding and awareness of the importance and location of natural resources
- An understanding of the economic importance of forest resources for timber, recreation and water quality
- Increased knowledge of impacts and threats to important natural resources
- Preferred strategies to manage and protect natural resources



Project Overview

- Conservation Plan
- Conservation Analysis and Mapping
- Environmental Resource (GIS) Database
- Stakeholder Involvement



CCP - Comprehensive Conservation Plan
 Estimated Timeline
 Robert J. Goldstein & Associates, Inc.
 October 22, 2009

Tasks	Oct-09	Nov-09	Dec-09	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10
1. Data Compilation and Synthesis													
2. Environmental Database Development													
3. Identify/Prioritize High-quality Habitats, Species, and Forest Resources													
4. Stakeholder Meetings	CCP			CCP	Comm.	Comm.	CCP			CCP	BoC	★	
5. GIS Modeling and Mapping													
6. Draft Plan/Recommendations													
7. Final Plan and Online Tool													

NOTE: Continuation of this project to add additional components has been approved and funded, with the Final Plan completed by December 15, 2010.

Check out the CCP Wiki!

- Focus Group meeting minutes, updates, presentations, data, maps, and other information
- Join the Focus Group listserve!
- Download data developed for the Plan to use with Google Earth

<http://chathamconservation.wikispaces.com>

Stakeholder Involvement

- Focus Group Meetings (7)
- CCP Meetings (4)
- Advisory Board Meetings (3)
 - Environmental Review Board
 - Planning Board
 - Agriculture Advisory Board
- Community Meetings – Pittsboro and Siler City (2)
- Chatham/Cary Joint Plan Committee (1)
- NC Soil and Water Conservation District Meeting (1)
(Area 3 – 11 Districts)

Upcoming CCP/community meeting:

- November 16, 2010, 7-9pm at Chatham Mills



Community Meetings

Pittsboro and Siler City
June 2010

- **Attendees** (23 total)
 - Landowners, farmers, foresters, developers, educators, natural resource professionals, business owners, hikers/outdoorspeople, others
- **Surveys, maps and discussion**
 - Surveys rated attributes of natural resources and potential goals for conservation by importance
 - Specific areas of importance outlined on maps and reasons for importance documented
 - Concerns documented



Community Meeting Highlights

- Water quality and quantity
 - Surface and groundwater resources
 - Stream buffers and wetlands
- Wildlife habitat and corridors
 - Large blocks of forestland and connectivity of habitats
 - Significant natural areas, habitats, rare species, and open space
- Working lands (agriculture and forest resources)
- Recreation and cultural resources
- Threats
- Education, assistance, incentives, other options
- Planning and collaboration



Community Meetings

Specific Concerns

- Impacts and pressure from development and infrastructure - e.g., US64, NC751
- Loss of significant natural resources - water quality/quantity (watersheds), wildlife habitat, connectivity, farms and forestland
- Need for preservation and restoration, education, planning and collaboration
- Sludge application
- Natural gas exploration
- CP&L energy production and coal ash pond



Conservation Plan

Table of Contents

INTRODUCTION

- Background
- Purpose and Need
- Goals and Objectives
- Stakeholder Involvement



GENERAL DESCRIPTION

- Topography
- Geology
- Soils
- Natural Plant Communities
- Rare Species
- Wildlife Habitat
- Working Lands
 - Forestry
 - Agriculture
- Water Resources
- Recreation (Low Impact)
- Land Use and Management
- Threats
- Existing Partnerships and Coordination

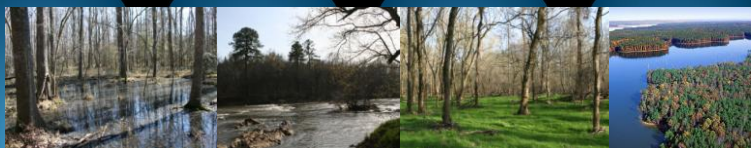


METHODS

- Data Compilation and Synthesis
- Identification of Priority Species, Habitats and Forest Resources
- Conservation Analysis

RESULTS

- Priority Species
- Priority Habitats
- Priority Forest Resources
- Core Areas and Connectivity



RECOMMENDATIONS

- Conservation Priorities
- Policies and Regulations
- Resource Management
- Funding and Incentives
- Monitoring
- Stewardship
- Implementation and Updates

REFERENCES

APPENDICES

- Plans, Policies and Ordinances
- GIS Data
- Funding and Incentives



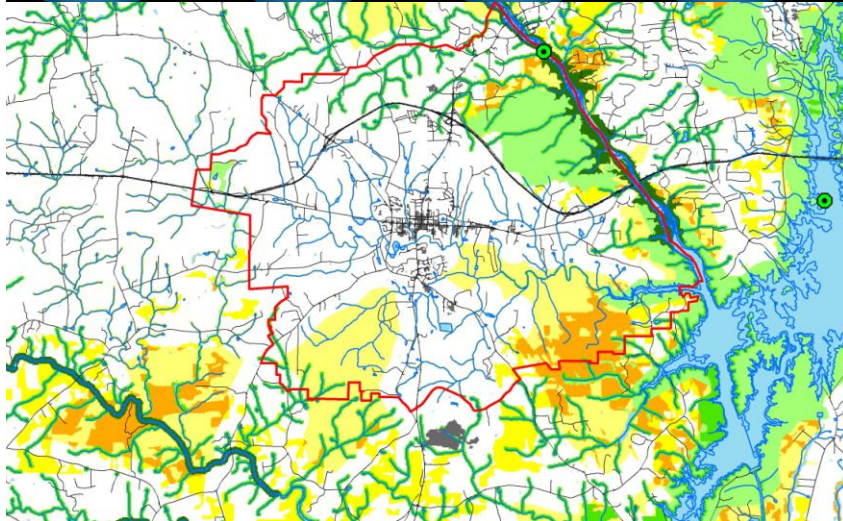
Building on State and Regional Conservation Planning

- NC Conservation Planning Tool
- NC State Wildlife Action Plan
- Southern Forest Land Assessment
- NC Forest Resource Assessment

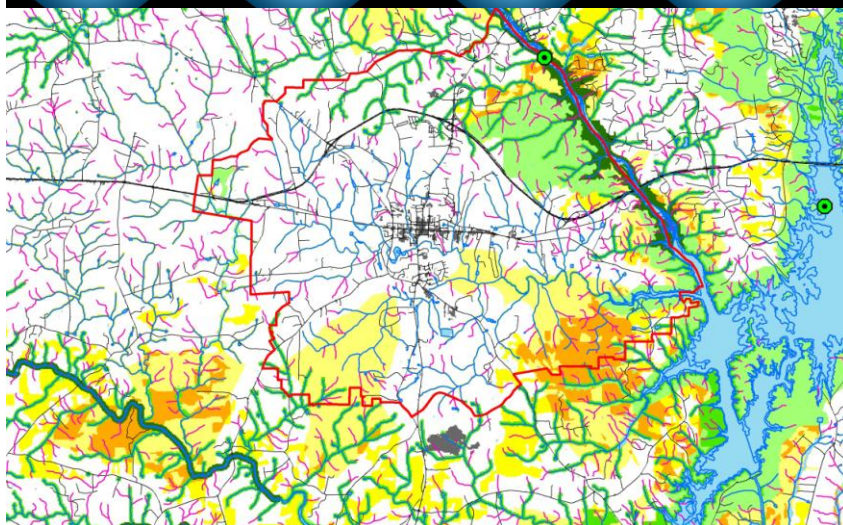


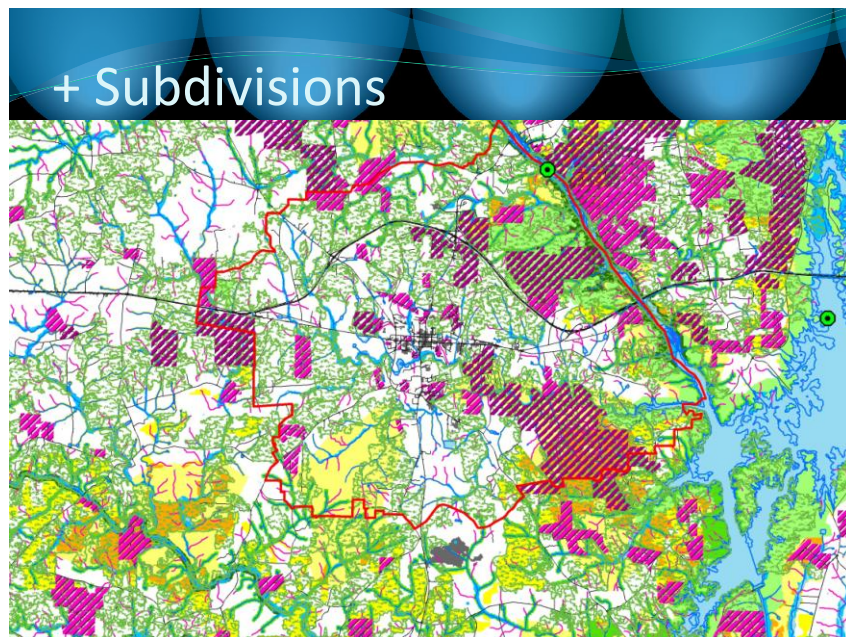
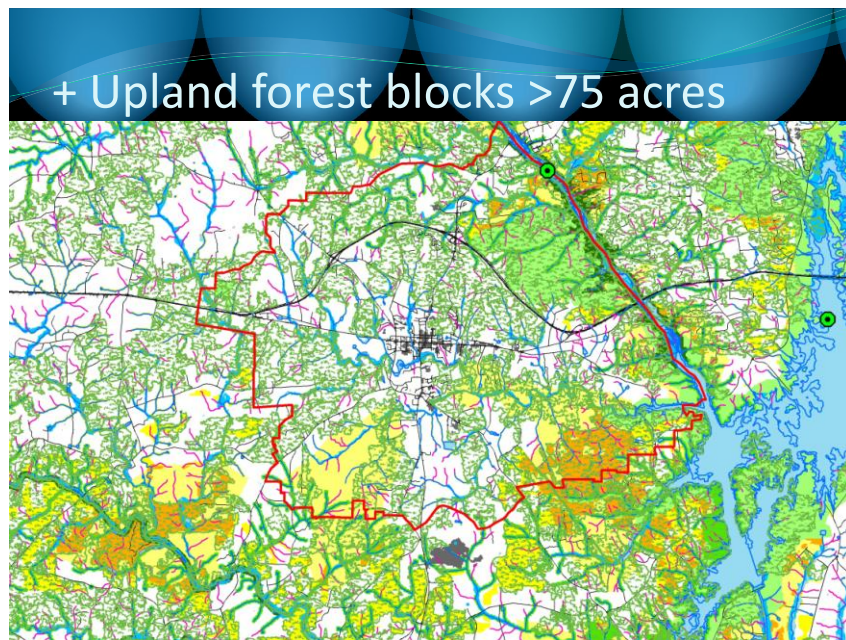
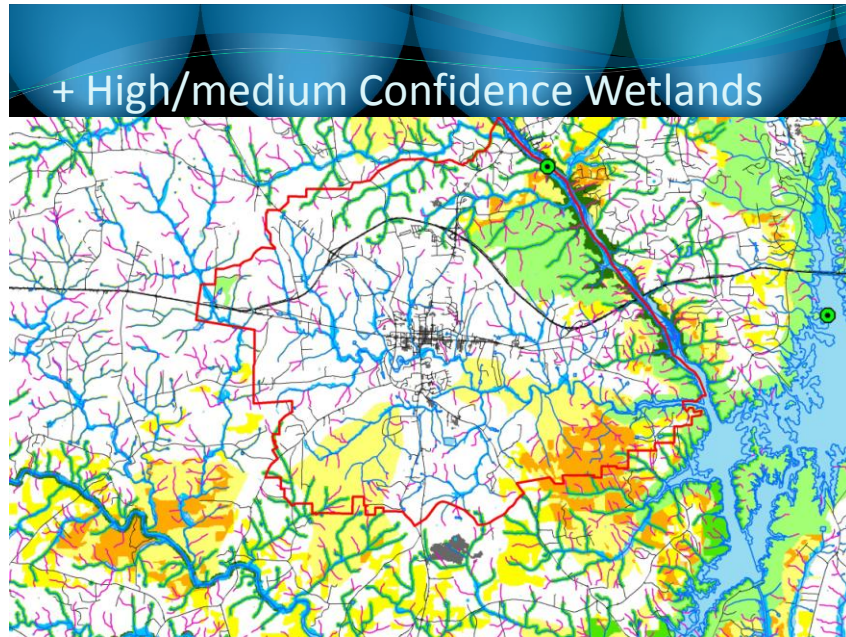
The Chatham Conservation Plan considers data layers and methods used in these existing models, and provides updates, additions and other modifications for application of these planning efforts at the local level.

NCCPT Biodiversity/Wildlife - Pittsboro



+ "Soil streams"






Conservation Layers used in Mapping

- Rare species and high-quality communities
 - Significant Natural Heritage Areas (SNHAs)
 - Element occurrences (EOs)
- Landscape Habitat Indicator Guilds (LHIGs)
- Wetlands
- Streams
- Priority Watersheds
- Important Bird Areas (IBAs)

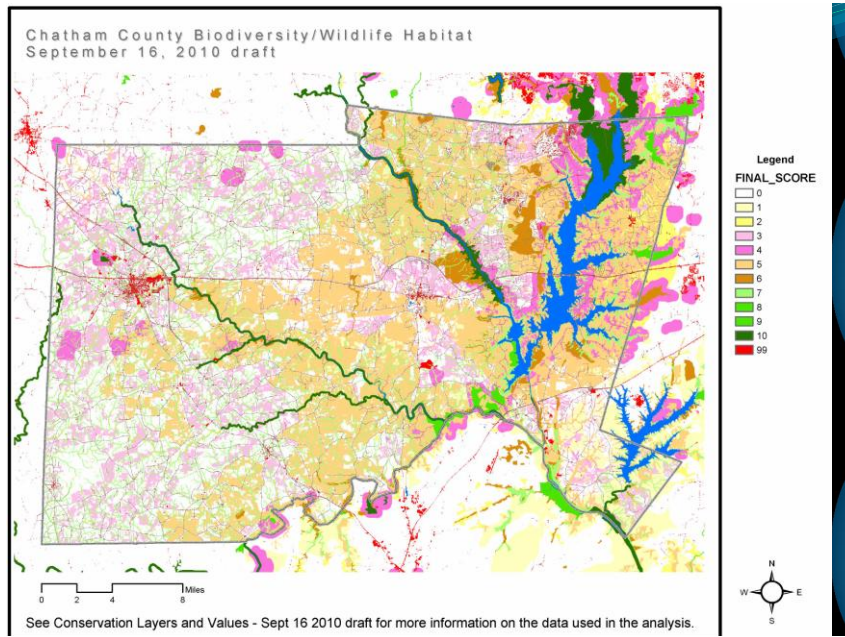
- Priority Habitats (State Wildlife Action Plan)
- Forest resources (forestland, forest patch size)
- Protected land
- Impervious surfaces

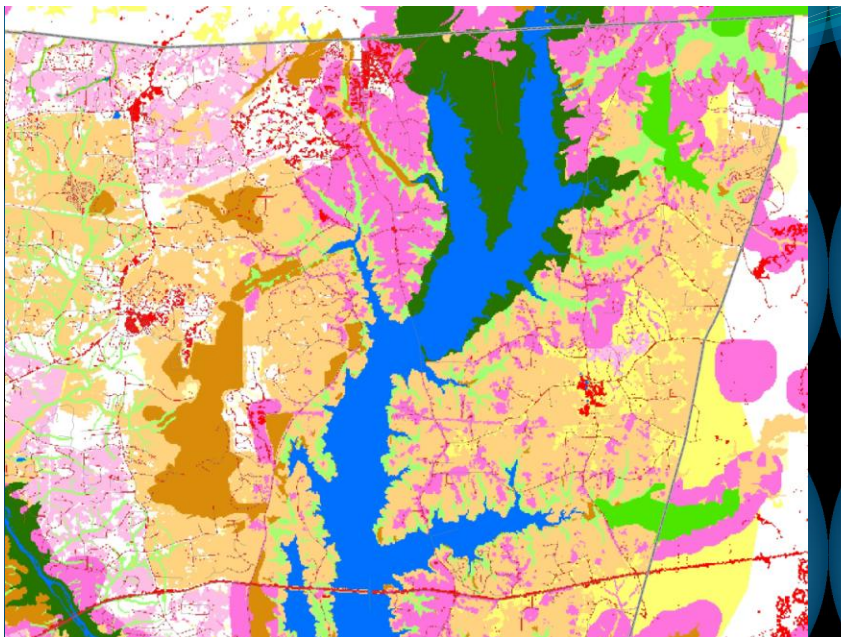
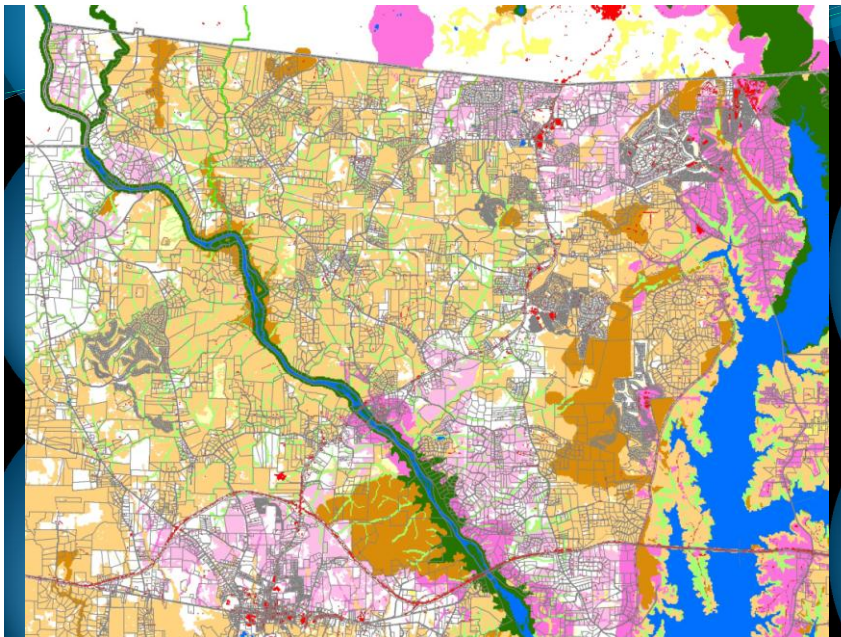
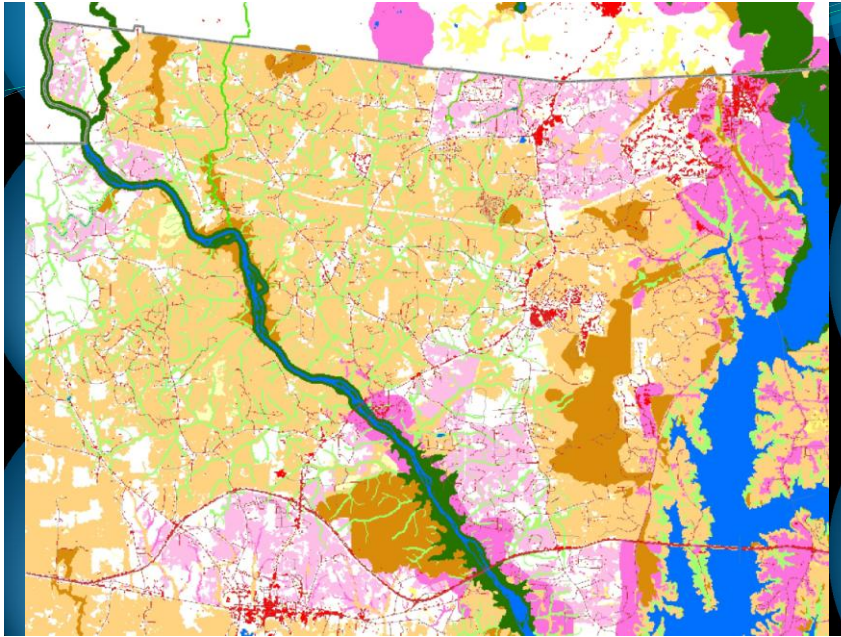


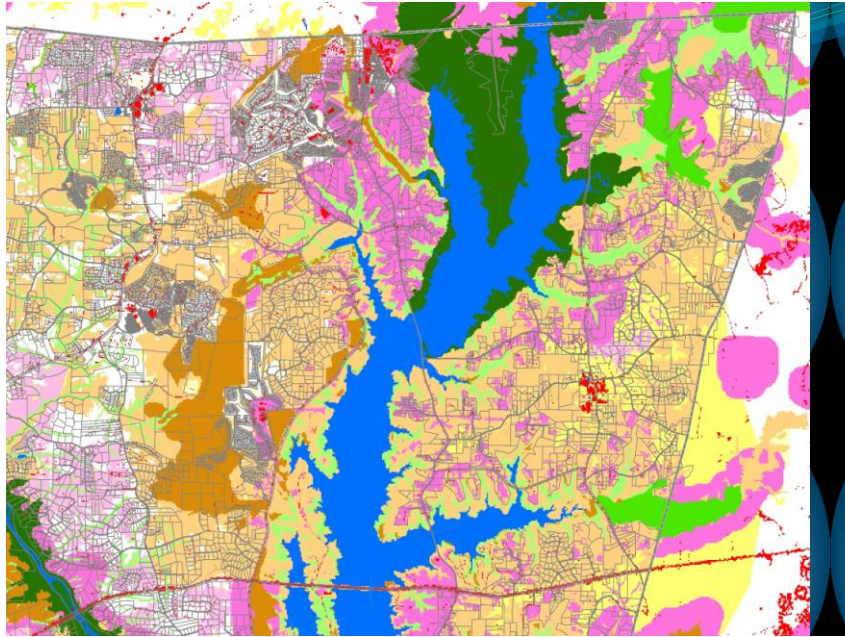
Conservation Layers and Values

CONSERVATION LAYERS/VALUES - Biodiversity/Wildlife Habitat and Forest Resources
 Chatham Conservation Plan
 Robert J. Condit & Associates, Inc.
 2010-2011

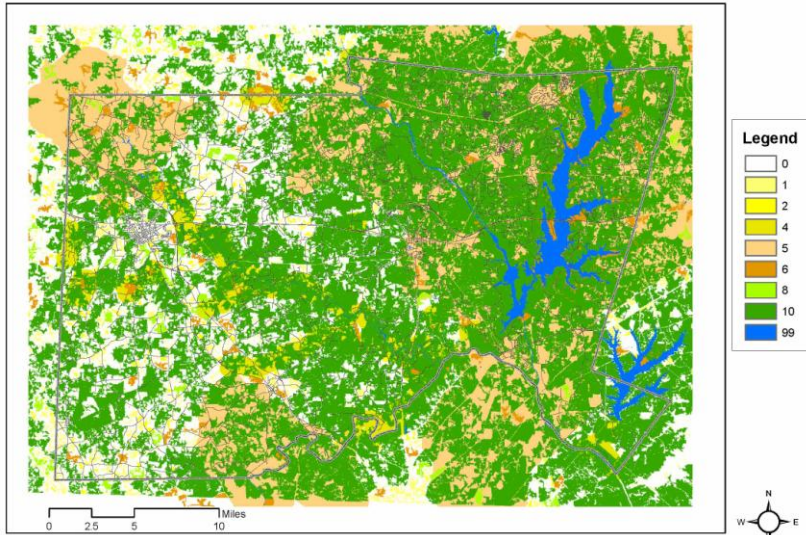
Category Name	Layer*	Database/Source	Units	Priority/Status	Significance	Notes
WETLANDS	Wetlands - Seasonal	Wetlands - Seasonal	Acres	High	High	Wetlands are critical habitat for many species and provide important ecosystem services.
	Wetlands - Emergent	Wetlands - Emergent	Acres	High	High	Wetlands are critical habitat for many species and provide important ecosystem services.
	Wetlands - Forested	Wetlands - Forested	Acres	High	High	Wetlands are critical habitat for many species and provide important ecosystem services.
	Wetlands - Shrubland	Wetlands - Shrubland	Acres	High	High	Wetlands are critical habitat for many species and provide important ecosystem services.
	Wetlands - Open Water	Wetlands - Open Water	Acres	High	High	Wetlands are critical habitat for many species and provide important ecosystem services.
	Wetlands - Barren	Wetlands - Barren	Acres	High	High	Wetlands are critical habitat for many species and provide important ecosystem services.
	Wetlands - Agricultural	Wetlands - Agricultural	Acres	High	High	Wetlands are critical habitat for many species and provide important ecosystem services.
	Wetlands - Developed	Wetlands - Developed	Acres	High	High	Wetlands are critical habitat for many species and provide important ecosystem services.
	Wetlands - Forested	Wetlands - Forested	Acres	High	High	Wetlands are critical habitat for many species and provide important ecosystem services.
	Wetlands - Shrubland	Wetlands - Shrubland	Acres	High	High	Wetlands are critical habitat for many species and provide important ecosystem services.
STREAMS	Streams - Headwater	Streams - Headwater	Acres	High	High	Streams are critical habitat for many species and provide important ecosystem services.
	Streams - Medium	Streams - Medium	Acres	High	High	Streams are critical habitat for many species and provide important ecosystem services.
	Streams - Large	Streams - Large	Acres	High	High	Streams are critical habitat for many species and provide important ecosystem services.
	Streams - Very Large	Streams - Very Large	Acres	High	High	Streams are critical habitat for many species and provide important ecosystem services.
	Streams - Headwater	Streams - Headwater	Acres	High	High	Streams are critical habitat for many species and provide important ecosystem services.
	Streams - Medium	Streams - Medium	Acres	High	High	Streams are critical habitat for many species and provide important ecosystem services.
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	Streams - Headwater	Streams - Headwater	Acres	High	High	Streams are critical habitat for many species and provide important ecosystem services.
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PRIORITY WATERSHEDS	Priority Watersheds - High	Priority Watersheds - High	Acres	High	High	Priority Watersheds are critical habitat for many species and provide important ecosystem services.
	Priority Watersheds - Medium	Priority Watersheds - Medium	Acres	High	High	Priority Watersheds are critical habitat for many species and provide important ecosystem services.
	Priority Watersheds - Low	Priority Watersheds - Low	Acres	High	High	Priority Watersheds are critical habitat for many species and provide important ecosystem services.
	Priority Watersheds - Very Low	Priority Watersheds - Very Low	Acres	High	High	Priority Watersheds are critical habitat for many species and provide important ecosystem services.
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FOREST RESOURCES	Forest Resources - High	Forest Resources - High	Acres	High	High	Forest Resources are critical habitat for many species and provide important ecosystem services.
	Forest Resources - Medium	Forest Resources - Medium	Acres	High	High	Forest Resources are critical habitat for many species and provide important ecosystem services.
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PROTECTED LAND	Protected Land - High	Protected Land - High	Acres	High	High	Protected Land are critical habitat for many species and provide important ecosystem services.
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IMPERVIOUS SURFACES	Impervious Surfaces - High	Impervious Surfaces - High	Acres	High	High	Impervious Surfaces are critical habitat for many species and provide important ecosystem services.
	Impervious Surfaces - Medium	Impervious Surfaces - Medium	Acres	High	High	Impervious Surfaces are critical habitat for many species and provide important ecosystem services.
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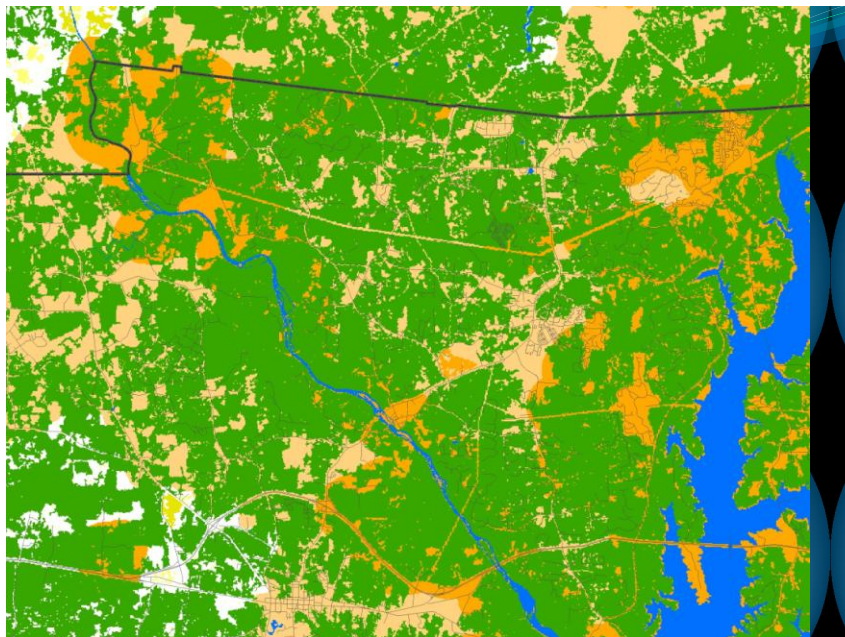


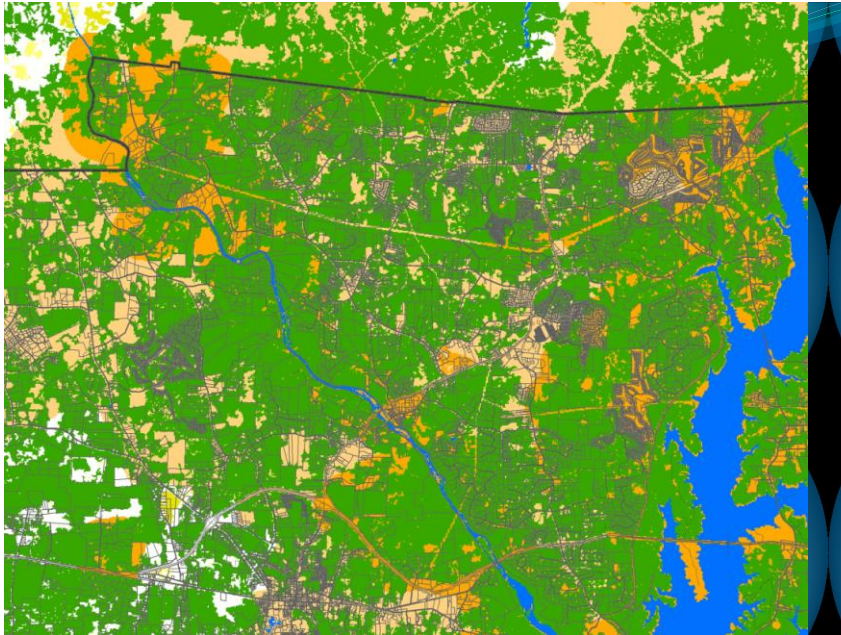


Chatham County Forest Resources
September 16, 2010 draft



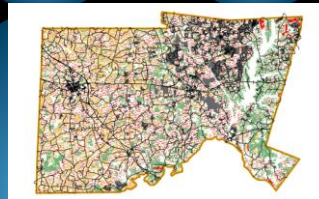
See Conservation Layers and Values - Sept 16 2010 draft for more information on the data used in the analysis.





GIS Database Categories

- Aerial Photography
- Topography/Elevation
- Soils
- Geology
- Water Resources
- Land Use
- Land Cover
- Developed/Infrastructure
- Habitats/Species
- Protected Lands
- Parks and Recreation
- Working Lands



Next Steps - Timeline

- Agriculture and water resources will be added as components of the Plan
- Final Plan by December 2010; final draft by November 2010
- Final Plan and data will be posted on the Chatham County website
- Request for County approval, and implementation and updates once Plan is complete



Contact Information

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ENVIRONMENTAL CONSULTANTS
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Allison Weakley – Project Manager,
Chris Hopper, Sean Doig, Gerald Pottern

QUESTIONS?



A collage of nature photographs including a river, a bald eagle, a heron, a raccoon, a turtle, a forest path, and a fish, with the Chatham County seal in the center.

Photo Credits

- CCP Nature Photo Contest Winners – 2009
- Elaine Chiosso, Haw River Assembly
- Gerald Pottern and Allison Weakley, RJG&A
- NC Soil and Water Conservation
- NC Wildlife Resources Commission
- Triangle Land Conservancy



Ms. Weakley said that there is an upcoming meeting at Chatham Mills on November 16th from 7:00 to 9:00 PM. This will be an opportunity to provide input on the plan.

Ms. Weakley said that in the next few weeks these maps would be available on the County's GIS.

Chair Kost asked what they were looking at in terms of agriculture.

Ms. Weakley said that they are identifying important hubs for agriculture, important communities and infrastructure for agriculture, and they will be making recommendations on protection of those resources. There will be some mapping involved and there will be a data layer that will show important agricultural resources in the County.

Commissioner Cross asked if this conservation plan would be ready for submission by the end of the year for the County Commissioners.

Ms. Weakley said that the next community meeting is November 16th from 7:00 to 9:00 PM at Chatham Mills.

WESTERN WAKE PARTNERS DISCUSSION

Chair Kost said that there has been some last minute information, an e-mail received by Mr. Ben Shiver, Cary Town Manager, responding to various questions raised by the Chatham Board of Commissioners.

Charlie Horne, County Manager, gave the County Commissioners a copy of the email with the additional information. He said that he has not had time to digest this information because it was sent out late last night. It is part of a compilation of material that the County Commissioners already have. This is regarding a request by Western Wake Partners for a transmission line in Chatham County. The Board reviewed the e-mail.

Commissioner Lucier said that the handout did not address question #4. He stated that if property values go down and payment is required in-lieu, this makes it revenue neutral. Mr. Horne verified that this issue has not been addressed yet.

Chair Kost went through the copies of the documents in the Commissioners' packets for this item. She said that they need to make sure that all of the questions have been addressed. She said that she is concerned about the property value issue and what can be done legally.

Jep Rose, County Attorney, said that this would probably qualify as an attorney/client closed session item.

Commissioner Lucier made reference to the public hearing that was held by the Division of Water Quality (DWQ) on September 28th in the Apex Town Hall. He said that he expressed that the concerns were twofold: what impact it would have on Chatham County to run a transmission line through the County and the drinking water quality in Jordan Lake. The hearing officer of DWQ asked how long it would take Chatham County to decide and he told the officer that the decision would be based on addressing the concerns. He said that the goal was to make a decision within the next two months.

Chair Kost said that if the County Commissioners were to grant approval for this transmission line, the question is what is it that they want to see for Chatham County. She said that she would like to develop a list of concessions. She said that this has been treated as a separate issue as the Joint Land Use Plan. She thinks that these two items are tied.

Commissioner Lucier said that at the Town Council meeting, the Cary Town Council voted 6-1 that they would agree to have a legislative local bill that says that zoning decisions that are made by Cary and/or Chatham County shall be consistent with the adopted or amended Joint Land Use Plan and amendments to the plan require approval by both jurisdictions. The Town Council said that they would not support the local bill until after the Joint Land Use Plan was adopted.

Chair Kost said that she thinks they are very close to having a plan for the eastern part of Chatham that will fold into the County Land Use Plan very well. However, there needs to be some protection. She thinks that the way to protect the Land Use Plan would be to have the language that says, "Any annexations by any of the Partners would require approval of the Town and County Board of Commissioners."

Commissioner Cross stated that at the meeting in Moncure, the residents stated that they would rather not have this line running through their property. He asked if Chatham County would have to agree to this line before Cary would agree to do the Land Use Plan.

Chair Kost said that the issue is that if the County does not grant approval, it will go straight to the General Assembly to get approval because the Partners are mandated to discharge into the Cape Fear River Basin.

Commissioner Cross stated that there were other options being considered.

Commissioner Lucier said that most of the options being discussed had a transmission line going through Chatham County.

Commissioner Cross said that this seems like a one-deal project because one will use the other as leverage. He said that there is not much cooperation between the two sides. He stated that both sides promised to listen to the citizens.

Commissioner Thompson said that Commissioner Cross is saying emphatically that the landowners did not agree with the line, but he also sensed from others in the group that the acceptance of this depended on what kind of concessions Chatham County would be able to derive in the situation that would benefit them.

Commissioner Cross said that the things on the table provided by Cary are different than what was said at the meeting on the 8th. He added that only one of the fourteen property owners was present at this meeting. He lives more than a half of mile from that line and while this line will not cross his property, it will affect his neighbors. He stated that he has communication with his neighbors beyond just seeing them in meetings. One of the differences between the written data and the information provided at the meeting was how easements would be handled should this line transmission line be allowed to come through. Agreeing to this will add over eight miles of trails for four-wheelers that people do not want.

Chair Kost said that if she thought it would stick, she would vote no right now. She agrees that the Western Wake Partners get all the benefit and Chatham County gets the 8.1 miles of big pipe with no real benefit. She does not see how it will stick because they are mandated to do this and the long route along Wake County would do more environmental damage than this one.

Commissioner Cross said that he does not think that Cary will approve the Land Use Plan unless they get this easement.

Patrick Barnes, a citizen, said that he attended the Project Delivery Team meetings, which was about 18 months of meetings. He attended all of these meetings. There were three possibilities for this line. The first one was going through Wake and Harnett. This was between 25-30 miles of discharge line. Chatham County was the 2nd option and going into Harris Lake was the 3rd option. Harris Lake was eliminated. The actual reason that the route through Harnett was eliminated was because the Harnett County Board of Commissioners said no. He said that he totally understands what Commissioner Cross is saying, but regarding the discussion about whether or not the legislature would override this, he said that the State statute says that, "no municipality may use the power of eminent domain to cross its neighbor's property without the Board of Commissioners' ok." From the House viewpoint, any bill that appears before the House will have to go to committee. In this case, it is very doubtful that it would ever get there. If it did go to committee, it is a year process to go through. He said that it could be delayed forever. The Wake County Senators and House members have no interest in this fight because there would have to be a vote by the House and the Senate to override an existing statute.

Commissioner Lucier agreed that the annexation issue has been tied to this.

Chair Kost said that she agreed with Mr. Barnes that denying this will slow it down, but she does not agree that it will stop it, because this is mandated.

Commissioner Vanderbeck said that tying this in with the Land Use Plan is key because of the potential impacts on Jordan Lake and the watershed. If there is true partnership, that should go along with the local bill language. As Cary is a partner in Western Wake Partners, then the issue subsumes the line going through Chatham.

Chair Kost said that she sees some movement to move forward with what she suggested, but Commissioner Cross does not agree. She asked Commissioner Thompson his view.

Commissioner Thompson said that it would help to have the answers to the questions about what the County can and cannot do in the Moncure situation.

Chair Kost said that she wants to do everything that they can to protect those property owners. She would also like to have more information on what can be done in this respect. She would also like to see what can be done to protect the County's financial interests.

Commissioner Thompson would like to thoroughly know their position before moving forward.

Commissioner Lucier said that he was disappointed and confused with some of the responses from Cary in regards to this issue. For example, the question was asked how many of the Chatham residents would be served by this line and Cary simply gave the number of residents that are currently there and could possibly be there based on what already had been annexed and approved for development. This would be 4,200 residents. At the same time, the maximum number of people that this line will serve is 430,000. So, out of that 430,000, Cary basically has said, if you believe these numbers, that it has no intention of annexing into Chatham County. If Cary does intend on annexing into Chatham County, it has not given numbers that it intends to follow.

Chair Kost said that the current Cary Town Council will say that they do not intend to do any forced annexations, but if a property owner requests annexation, then they will likely grant it.

Mr. Horne said that if you believe the numbers that Commissioner Lucier read, and Cary is not going to annex, then Cary should be wholeheartedly in favor of the annexation legislation.

Chair Kost said that the County Commissioners need to wrap this up in a two-month time period.

Commissioner Thompson asked if they were confident that they have all the questions that they want asked. This is the first step.

Mr. Horne suggested having a small closed session to discuss legal issues before adjourning today to talk about this further.

Chair Kost suggested moving on to the courthouse discussion and see what the Attorney has to say regarding the legality issues and bring it back to the October 18th meeting for discussion.

HISTORIC COURTHOUSE DISCUSSION

Chair Kost said that this is the task force recommendation. She made reference to the PowerPoint of the task force recommendation. The Board needs to reach a decision in order to give the architect direction to start with the design work that needs to happen. David Hughes, Public Works Director, made some introductory comments to the Board. He said that staff needs to know the types of court proceedings that will be taking place, because this will affect security, ingress, and egress.

Mr. Horne said that if the Board is comfortable with the plans for the first floor, this could be started fairly quickly. He has a concern about the security for the different types of courtrooms.

Commissioner Vanderbeck said that it comes back to the frequency of use and the type of use.

Commissioner Lucier asked how many days the courtroom was used as a superior courtroom in the days before the fire.

Judge Joe Buckner said that this could not be answered with any kind of formula. He said that the Superior Courtroom was used by Superior Court probably on the average, for two weeks. This courtroom was used for private district civil litigation anytime it was open. There was a district court session planned every day of the week in the district court. The use of the superior courtroom was all of the time. Superior Court is scheduled by session, usually a one or two-week session. Some of it is predictable, but some of it is not.

Judge Buckner continued with examples of how the courtroom is used.

Judge Buckner said that you have to think about the definition of a courtroom, which is a place where court is being held. He said that so much of the negotiation that needs to go on in a confidential setting with the lawyers happens outside the courtroom.

Chair Kost said that in the new building, this would be covered.

Judge Buckner said that it is, but if that floor is not built out, it will not be at a sufficient level. He said that if there is a fifth courtroom in the historic building, then he thinks it will be used. He said that if they go with the two in one, they will give up a lot of efficiency, a lot of safety, and a lot of access to justice.

Commissioner Lucier asked if there were more courtrooms, could cases be scheduled there that would require less security than what is required now. The downstairs could be a visitor's center and museum to celebrate the historic nature of the courthouse. Judge Buckner said that this would work.

Commissioner Vanderbeck asked if the representatives have decided that they want the new courthouse built out and Judge Buckner said yes. This includes the Public Defender, the District Attorney, the Sheriff, Community Corrections, Juvenile Justice, the Private Bar, the District Court Judges, the Superior Court Judges, and the Clerk of Court.

Commissioner Vanderbeck said that verified that criminal superior cases could not be held there because of safety.

Chair Kost said that she has been working under the impression that there is not enough room on site to have an adjacent jail, so that there will be an issue of inmate transport.

Charlie Horne said that one of the options is a footprint that could be used around the building.

Chair Kost said that, based on earlier discussions on the CIP, the County Commissioners heard that there was not space to build a jail next to the courthouse.

Commissioner Lucier said that the information they got with the CIP was that it would cost several million dollars more to build the jail next to the judicial building.

Mr. Horne said that this has not been ruled out, but they want to explore all possibilities before making a decision.

Renee Paschal, Assistant County Manager, said that the extra cost of the jail being next to the courthouse was true at the time the CIP was prepared. When the project manager was brought on, they decided that it was worth taking another look at whether the jail could be located next to the justice building. Part of the work of the architect that is being hired to do the jail will be to do a site selection study. This will be one of the options that the architect considers.

Chair Kost said that this is problematic because it is all related to how they approach the whole courtroom space issue.

Commissioner Vanderbeck said that what was discussed with the CIP and the adjacent building has now been expanded to “could potentially be connected with a secure corridor to the building.” This also brings another option of modules and components to address future needs as needed. He asked if this was a possibility.

Ms. Paschal said that this has to be examined. They do not know if the jail can fit on this site and also have the ability to expand in the future. It does not make sense to build the jail there if it cannot be expanded.

Judge Buckner asked if the question was, if they built out the four courtrooms in the new facility, that they would not need the security measures built into the renovation of the old courthouse.

Commissioner Vanderbeck said that he was saying, depending on the function, you may not have to add additional security measures to bring it up to a sufficient level for some heavy duty cases.

Judge Buckner said that the answer is yes.

Chair Kost said that the County Commissioners asked for a bid add for the flex space as a separate bid. As the planning proceeded, it became clear that it had to instead be structured as a bid deduct. There are some preliminary numbers as to what it means to build out this space or not build it out.

Mr. Hughes went through the alternates from the handout.

Chair Kost asked for a reminder about the numbers. She said that the judicial building, while it was still flex space, pre-March 25th fire, the budget for the judicial building was around \$20 million. When they went forward with the application for the financing through the Rural Development Center, they went for \$25 million. She asked if it was now coming in at \$1 million. She said that she is taken aback that these numbers are so low.

Discussion ensued on the correct numbers.

Ms. Paschal said that she would show the Board the CIP that was approved.

Commissioner Vanderbeck said that, including monies spent, there was \$21,000,099, but \$1.1 million had been spent. The cost of the project in the CIP was \$20 million, and with the build out of \$996,000, that brings the total up to \$21 million, which has not been spent, although \$1.1 million had already been spent prior to fiscal year 2010. The total would now become \$23.1 million.

Chair Kost said that the good news is that they do not have to borrow \$25 million. She said that she is hearing that \$1 million will build out the full facility as it has been redesigned. The other component is the historic courthouse and that it would not need the level of security that it would need if it were just dedicated to Superior Court. She said that the space could be designed as a courtroom, but the design could allow for more flexibility for some more multi-purpose activities. Judge Buckner agreed.

Commissioner Vanderbeck suggested that staff, Mr. Hughes in particular, work out a reverse timeline and bid opportunities to finally decide what could be removed and what can be done.

Chair Kost said that she sent out an email over the weekend that it was brought to her attention that on the second floor, the courtroom space did not have windows.

Mr. Hughes said that this is not completely correct. The only courtroom that does not have any windows is the one on the west side because there are offices on the side.

Commissioner Lucier said that it probably makes sense to go ahead and build it out.

Judge Buckner said that if they have the space, they will be able to serve the public much better. He thanked the County Commissioners for the opportunity to be heard.

Commissioner Cross said that during the task force meeting, one question that came up over and over again was what percentage of the time would the courthouse, once rebuilt, be used. This would determine what some people wanted to recommend as uses in the facility. He asked, with the new facility being built out, what the percentage of usage would be for the old courthouse.

Judge Buckner said that you have to provide landlord space for Probation and Parole, Juvenile Services, Public Defender, and the District Attorney. These functions in the new facility would be used as often as those officials are working in those facilities. This is not just about the courtrooms, but the court officials that have lots of duties outside of court. As far as court goes, he sees the ability to respond to longer cases. He thinks that the old building will be used a lot because it will give them some programming opportunities that they may take advantage of.

Chair Kost said that, based on the numbers that she is seeing for the judicial center, it seems to be the best financial decision and the best operating system for the courts. She agrees that the second floor of the historic courthouse should be built as a courtroom. She would like to have some flexibility as far as additional storage, so that it can truly serve other purposes. She would like for it to have the dignity, the feel, and the look that existed “pre-fire.”

Commissioner Thompson agreed.

Chair Kost would like to see some of the options. She asked if there was general consensus from the Board.

Commissioner Lucier said that he agrees with building out the new judicial center on the second floor. He would like it to remain a courtroom. He would also like the first floor to be a visitor’s center and museum area and a courtroom that does not require high security. Regarding the fixed or non-fixed chairs, he would like to see an option of semi-fixed, where it has the feel of a courtroom, but could be modified 10 or 15 years from now without much cost.

Chair Kost said that this is basically agreeing with the task force recommendation. She said that, on the first floor, she would like to see some restroom facilities. Secondly, in the area that was previously the District Attorney’s Office, the configuration could be a large room for community seminars and a meeting space. It could also be the museum.

Commissioner Thompson suggested talking with the museum representatives to see how much space they need. The Board agreed.

Chair Kost asked if there was going to be a stakeholder’s group for the rebuild. Charlie Horne said that once the Board decides on a course of action, staff will try and figure out the most logical stakeholders. An obvious one is the Historic Associations and the court system.

Chair Kost asked if this was enough direction and Mr. Hughes said yes.

Commissioner Lucier asked if this would be discussed at the next meeting and Chair Kost said yes.

CLOSED SESSION

Commissioner Vanderbeck moved, seconded by Commissioner Thompson to go into Closed Session at 12:00 PM to discuss matters of attorney/client privilege. The motion carried five (5) to zero (0).

WORK SESSION

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to go out of Closed Session and reconvene in the Work Session. The motion carried five (5) to zero (0).

ADJOURNMENT

Commissioner Lucier moved, seconded by Commissioner Thompson, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 12:32 PM.

Sally Kost, Chair

ATTEST:

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