

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
NOVEMBER 15, 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 6:00 PM on November 15, 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; Jason Sullivan, Planning Director;
Carolyn Miller, Deputy Clerk to the Board

INVOCATION AND PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

Chair Kost welcomed everyone in attendance and called the meeting to order at 6:05 PM.

APPROVAL OF AGENDA and CONSENT AGENDA

The Chair asked if there were additions, deletions, or corrections to the Agenda and Consent Agenda.

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

1. **Minutes:** Approval of Board Minutes for Regular Meeting held on October 18, 2010 and Work Session held on October 4, 2010

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

2. **Electronic Business Personal Property Tax Listings:** Approval of a request to adopt **Resolution #2010-56 Providing for Electronic Listing and Extending the Time for Filing Electronic Listings of Business Personal Property for Property Tax Purposes**, attached hereto and by reference made a part hereof.

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

3. **Tax Releases and Refunds:** Approval of a request to approve the tax releases and refunds, attached hereto and by reference made a part hereof.

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

4. **Easement for Central Carolina Community College:** Approval of a request to grant the water and sewer easement for the Central Carolina Community College to the Town of Siler City

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

5. **NC Firefighter's Relief Fund Board of Trustees Appointments- Goldston Rural Fire Department:** Approval of a request to appoint Jane Owens and Buddy Fields NC Firefighter's Relief Fund Board of Trustees Appointments for the Goldston Rural Fire Department

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

6. **Town of Pittsboro Planning Board Appointment:** Approval of a request to approve the appointment of Raeford Bland to the Town of Pittsboro Planning Board by the Town of Pittsboro Board of Commissioners

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

7. **National Adoption Month Proclamation:** Approval of a request to adopt **National Adoption Month Proclamation #2010-57**, attached hereto and by reference made a part hereof.

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

8. **Budget Reduction for Services Agreement Termination:** Approval of a request for a budget reduction in the amount of \$49,204 for services agreement termination between Fearrington Cares and the Chatham County Public Health Department

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

9. **Budget Reduction from Wake County Human Services:** Approval of a request for a budget reduction in the amount of \$12,000 from Wake County Human Services for the Chatham County Public Health Department

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

10. **Rocky River Heritage Appropriation:** Approval of a request by the Rocky River Heritage Foundation for Chatham County Chatham County to provide \$6,000 in funding for Evaluation of Nutrient Loading to the Upper Rocky River, Phase 1

This item was moved to the Regular Agenda for discussion prior to the Public Input Session

ROCKY RIVER HERITAGE APPROPRIATION

Chair Kost stated that the appropriation was for \$6,000. Staff was not clear as to what action the Board needs to take.

Commissioner Lucier explained that this item was pulled from the Consent Agenda because the motion needs to be reworded. He noted that the appropriation is going toward Dr. John Fountain at North Carolina State University. He is working with Chatham and will be conducting water quality analysis with funds in the amount of \$328,000 to monitor the Rocky River and find the source of pollution.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to approve the appropriation of \$6,000 to the Rocky River Heritage Foundation and support the work conducted by Dr. John Fountain. He clarified that the funds will be provided on a reimbursement basis. The motion carried five (5) to zero (0).

PUBLIC INPUT SESSION

Patricia B. Learned, 500 Jeremiah Drive, Chapel Hill, NC, stated that she wanted to thank the outgoing commissioners for their service in the past four years and the progress they brought to Chatham County. She personally wanted to thank them for their support of Interfaith Ministries of Chatham County. She was in Goldston on Saturday and in front of her was an elderly African-American man dragging his left foot and carrying a sack she was sure carried his worldly belongings. His eyes were filled with hopelessness and she was not sure what to do about this circumstance. The financial support of the Board of Commissioners to Interfaith Ministries has made it possible to begin working on a homeless shelter for people in Chatham County. She thanked the Board.

Randy Voller, 21 Randolph Court, Pittsboro, NC, stated that as Mayor and on behalf of the Town of Pittsboro, he wanted to thank the Board for their years of service. The leaders of Pittsboro have appreciated your efforts. The Town of Pittsboro Board members have signed a letter for the commissioners and they send their well wishes. On behalf of the Town of Pittsboro, he also wanted to thank the incoming commissioners and let them know that they are looking forward to working with them on providing the best value and quality of service to the citizens. Additionally, he wanted to single out Commissioner Vanderbeck for serving as Vice-Chair on the Triangle Area Rural Planning Organization for over three years. He also thanked Commissioner Lucier and Commissioner Thompson for their work in creating and supporting the economic development strategic plan. In the last couple of weeks Galloway Ridge began construction and UniBoard opened bringing over 300 jobs to the county. As an elected official, he stated that there are at least four constituencies for which to account; 1) those that voted for you; 2) those that voted against you; 3) those who did not vote; 4) the future. He hopes that in moving forward, that everyone understands that the many problems and solutions that county faces will be solved apolitically. He wished the outgoing and incoming Commissioners well.

Jeffrey Starkweather, 590 Old Goldston Road, Pittsboro, NC, submitted written comments and are provided in their entirety for the record as follows:

“Speaking as a 38 year resident of Chatham and the grandfather of three and five year old girls whose future is at stake in all the actions of county government, this is in many ways a sad occasion.

But it is equally a celebratory occasion, because most of us attending this meeting are here to thank you for your tremendous success in turning this county around and enacting a host of forward-thinking policies that are seen across the state as models for what is needed to develop sustainable and prosperous communities.

I am humbled to have been allowed to play a small part in helping to develop and implement some of those policies.

To steal a line from Lincoln’s Gettysburg address: “The world will little note, or long remember what we say here, but it can never forget what you did here.”

What you did here first and foremost was carry out the promises you made the voters of Chatham County four years ago; balanced and thoughtful land use policies that preserve rural character and natural resources while benefitting all Chatham residents; improved educational quality and facilities, sustainable economic development; and open and transparent government.

I will not go through a list or even a summary of what you accomplished in these four areas because that would take up the entire meeting. But I do want to mention a couple of policy accomplishments in the area of economic development and open government that I had the pleasure to be a small part of. Possibly others will speak to your unwavering support of improving our educational quality and facilities, two areas where your efforts have been recognized across the state.

As part of my advocacy work before this board assumed office in December 2006, I had the unpleasant assignment of attending the previous board’s Economic Development

Corporation meetings. As I told my fellow EDC members last week, I cannot think of any area of county administration where there has been a greater change than in the operations of the EDC. First, the previous board didn't even have a formal strategy. Under this board's leadership we had a year-long professionally guided process of numerous public input sessions in all parts of the county. That plan won the support of our municipal governments and the business community.

Under the leadership of EDC President Dianne Reid and chair Joe Glasson, we have secured financial backing of the business community to assist in its implementation. We recruited scores of talented and enthusiastic volunteers. We set up a small business loan program. We developed an innovative business incentive program that rewards business for hiring locally, providing high wages and benefits and having energy efficient and environmental sustainable operations. In fact, our EDC President, Chair, and Commissioner Lucier have been invited to make presentations to professional groups and other local governments on this model incentive plan. Let me add here that both Commissioners Lucier and Thompson provided critical leadership and support in their roles as liaison to our board.

And this leads me to a second area of accomplishment- open government and actively seeking citizen input. This too, was quite a contrast to the previous board. This board eventually added four new citizen advisory boards- affordable housing, environmental review, green building and sustainable energy, and a number of citizen task forces to work on special topics, including the major corridor ordinance, courthouse rebuilding, and green economy. I was amazed to learn that over 450 citizens volunteered their time and talent. Certainly this is the largest number of volunteers per capita in North Carolina. Starting with the EDC, the commissioners embarked on a "revolutionary" process of professionalizing and de-politicizing the selection of advisory board members. This included setting up criteria for diversity of membership and expertise, an open and publicly advertised recruitment process, an application that required answering short essay questions, an independent staff and citizen review committee, and public submission of all applications and the recommendations of the review committee to the Commissioners, who, of course, made the final selections as a board.

The newly elected board majority has each stated that they are committed to open government and diverse public input. Thus, I hope they will continue to utilize and expand your de-politicized model for all advisory boards and task forces.

Finally, and possibly most important, this board demonstrated they had open minds, approached each issue based on specific facts and circumstances, and were willing to modify their policies based on that input. I will cite just one key issue upon which the commissioners had specifically campaigned to implement- a major corridor ordinance. After over a year of deliberations by a diverse task force of citizens and with the professional planning guidance from Triangle J Council of Government the county unveiled a draft ordinance. Public informational meetings were held across the county. In rural areas there was vocal and emotional opposition. Did the commissioners rigidly stick to their campaign pledge? No, they actually heard these citizens' and deferred any further action on this ordinance. Instead, as part of the development of a new comprehensive land use planning process that was scheduled start next year, the commissioners decided to jettison a one-size-fits-all approach, and planned to let each area of the county determine their own land use strategy, including how they would protect and enhance their highway corridors.

I am hoping our new administration will follow this open-minded and flexible approach in their attempts to carry out their own campaign promises.

In final analysis, however, I do not think it is the specific policies that will be these three leaders' legacy, but the principles of leadership and governance they demonstrated. I am sure others can identify additional principles, but here on our four I believe should be honored and remembered as a key part of their legacy to Chatham County.

- Economic development needs to be carried out in a long-term and strategic fashion based on the specific factual circumstances of our county, regional and state, not on the basis of pork-barrel or special interest politics.

- We can best attract and expand job opportunities by investing in human capital and quality of place
- Government is us- that means it is inclusive of all residents and that citizen participation in the decision-making and implementation of policy choices is as important as voting
- Chatham citizens should be deciding our own land use destiny through a public process. This should not be left solely to the private decisions of outside development and other special interests

I believe that the vast majority of residents of this county continue to support these principles.

That leads me to how we, citizens of Chatham County who support these policies and principles, can best honor what you three leaders have accomplished here during the last four years.

First, we all need to do a better job of informing ourselves and our fellow residents about county government decision-making, policies and operations.

Second, we need to stay involved and ask the newly elected board majority to live to their pledge of open government and listening to citizens. I have a strong hope and no reason at this point to doubt that they will.

Third, we need to redouble our efforts to support and advocate for the policies and principles that these three leaders worked tirelessly on our behalf to implement over the last four years.

Finally, I want to encourage Commissioners Lucier, Thompson, and Vanderbeck, once you have had sufficient time to decompress, to stay involved in Chatham government and civic activities in whatever capacity you feel you can be of most service. You have irreplaceable experience, knowledge, talents and commitment to Chatham County. We still need your leadership.”

Larry Hicks, 128 Persimmon Hill, Pittsboro, NC, stated that he wanted to thank the commissioners. He stated that being a commissioner is a very busy operation. He thanked the outgoing commissioners for their commitment to Chatham County. He added that he was involved in the strategic planning effort a while back. It is interesting how when asked, people always want the same things: jobs, education, environment, health and safety for the citizens of this county. The differences come in how things will be accomplished, how to get through the barriers, how to pay for it and how to keep the taxes low. The holistic idea of this county is “let’s look forward.” He thanked the outgoing board members for their time and commitment, and congratulated the new members as well as offer his assistance.

Elaine Chiosso, 1076 Rock Rest Road, Pittsboro, NC, thanked the outgoing Commissioners for what they have done for Chatham in their four years of service. She stated that it must have been a tremendous act of sacrifice and knows that they had to attend numerous meetings and serve on many boards. As the Executive Director of the Haw River Assembly and the Haw River Keeper, she supported them the entire four years. It was amazing to live in a County where the Commissioners were not only willing to find ways to protect the environment, but also take steps and speak out on issues across the County line that affected the people in Chatham. She thanked them for their willingness to speak out on the stericycle medical waste incinerator, which was sending mercury down the river and also speaking out on the 751 South development in Durham that is encroaching on Jordan Lake. The legacy as a board will be the Jordan Lake Rules, which will never be as strong as they are now. She congratulated them for the incredible effort, especially in the last year with the Jordan Lake Rules.

Greg Solomon, 13 Polks Landing, Chapel Hill, NC, stated that he wanted thank the board for everything they have done. He stated that the incoming members have big shoes to fill since the outgoing members have taken the county a long way. He thanked the outgoing Commissioners' families for giving up their time with the Commissioners; that being a Commissioner is very demanding on the families. He hopes that some of the projects that they have done will keep going and he also hopes that the incoming Commissioners will do what they promised to do or he will come to the meetings to speak out. He thanked the outgoing members for keeping their promises and wished them good luck.

Clyde Miller, 1680 Center Grove, Moncure, NC, stated that on behalf of the Rocky River Heritage Foundation, he would like to thank the outgoing Commissioners for their help stating that progress has been made to protect that river because of the Commissioners.

Roy Barnes, 1115 Mount Gilead Church Road, Pittsboro, NC, stated that on behalf of the common citizens of Chatham County, the ones who do not understand the sophisticated processes of county government, would like to say thank you. He stated that the citizens saw them at the parks, businesses and answered every call they received from the public. He thanked them for caring for the people.

Kenneth Brooks, 101 Lake Ridge Drive, Moncure, NC, stated that the one thing he asked the Board to do, was provide funding for the interfaith ministries and they did. He thanked them on behalf of the church community and the interfaith missions' community.

Chatham County resident spoke in the back of the room. He stated that he tried to get involved in politics. He was asked by his church to keep the congregation informed about things that were for/against Christian principles. He asked people in church to submit questions for all candidates; that he was disappointed that the sitting commissioners did not answer the questions. He stated that the church created a book with these answers and next to the sitting commissioners' names they had to write "Refused to answer the question."

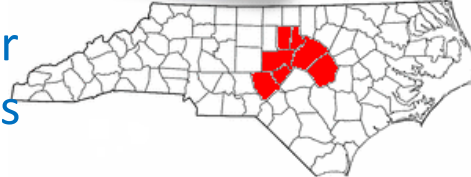
PRESENTATION BY CHAIR KOST

Chair Kost stated that she wanted to talk about the accomplishments of this Board in the last four years. She thanked the families, in particular the wives, of the outgoing Commissioners for sharing their family time. In creating the power point presentation, she realized that the reason why the Board accomplished what they did was because of the support from staff. The Board asked for an enormous amount of work from staff and staff always pulled through. For this, she thanked staff for working toward the goals of the Board. She presented a power point as follows:





Working together
 on regional issues



Guiding Principles for
QUALITY GROWTH



transit

Improve regional transit, matching land use decisions with transit investments.



vibrant centers

Reinvest in city and town centers, promote compact development, density and mixed use, and a balance of jobs and housing.



green space

Define growth and preservation areas to protect open space, agricultural land and natural resources, especially water supply and quality.



More Open and
 Transparent
 Government



*Distinguished
 Budget
 PRESENTATION
 Award*





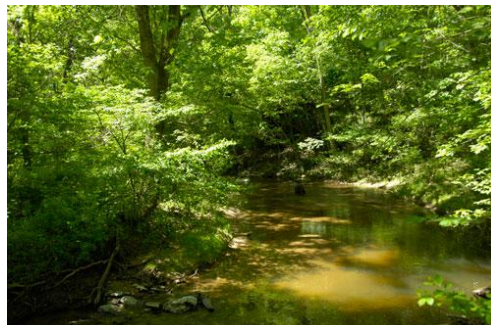
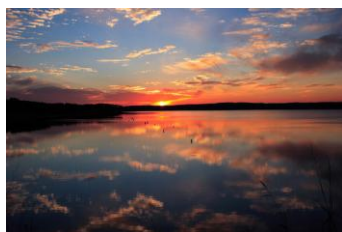
Economic Development



Protecting Rural Character



Environmental Protection



Fiscal Responsibility and Commitment to Education



Chair Kost stated that on the night that Commissioners Lucier, Thompson and Vanderbeck took office in December of 2006, they adopted the Code of Ethics. She stated that Chatham's status in the region has been greatly elevated. The current Board has worked on issues dealing with regional water, transportation, planning and environmental protection. Chatham's environmental ordinances are used as a model in the triangle and Chatham County was instrumental in getting the Jordan Lake Rules through the General Assembly. Chatham's section of the American Tobacco Trail was completed, which connects Durham, Chatham and Wake Counties.

In the area of open government, there have been many improvements including those to the county website, annual state of county address, comprehensive community survey Chair Kost said. The Board also did away with the electronic voting equipment that caused so many problems with voters. The county budget document was enhanced as a communications tool to the citizens. This Board enacted e-notices. The subdivision process was enhanced so that the developers are now required to meet with the community to learn their concerns and be aware of how it will be impacted by the development. Citizens can now sign up online if they wish to speak at a commissioner meeting. The number of press releases and general communication has greatly increased. The agendas for meetings contain more complete information. Board and committee vacancies are now advertised and the application process has been enhanced. While there is work to be done in open government, the door has been opened pretty wide.

Chair Kost stated that a foundation has been laid in the area of economic development. A strategic plan is in place and the Economic Development Corporation (EDC) Board has been expanded and reorganized. The incentive program is used as a model across the state. The new community college campus in Siler City is amazing. The Board has worked hard to expand broadband services. They know that art is very important to economic development and so, the Arts Council and Arts Incubator were provided with funding. Chatham County now has a small business loan program in place. The Board has invested in the community college, parks and recreation, and the schools because all are part of economic development. They have worked on issues with water both in quantity and quality and they have supported the sewer in Goldston.

In the last four years, the Board has enacted the lighting ordinance, made revisions to the off-premise signs, zoning along the major highways, had land use planning with Cary, zoned the corridors and worked closely with the property owners, said Chair Kost. Changes in the subdivision and zoning ordinance were made. A study was done and the farmland preservation plan was adopted. The Grand Trees of Chatham Board was formed.

Chair Kost stated that in the area of environmental protection, stream buffers were increased and new county facilities were built to LEED standards. A stormwater management ordinance was enacted. The Board is working on a regional water intake on the west side of Jordan Lake. The Environmental Review Board was created. The permit rebates for green building were enacted and the Soil and Erosion Control Ordinance was strengthened. The Green Building Advisory Board was formed and the recycling program was expanded.

In the area of fiscal responsibility and education, the Board has worked hard to hold down taxes while addressing neglected needs in the County said Chair Kost. The need for space, including space for the courts, was addressed. The library was built and the new middle school will open in January. Long range planning saved the County about 7 million dollars in constructions costs alone by taking advantage of a very competitive bid environment. Education has always remained as a top priority and the funding per student in Chatham has ranked fourth in the 100 counties. During the economic downturn, no county employee or teacher lost their jobs. The County's bond rating jumped two levels. The non-profit allocation process was revamped and the Board pursued a deal to purchase water from Durham, which is a reliable and cheaper source of water. Performance reviews of county departments were enacted and greater budget flexibility was provided to the schools. Additionally, County government was reorganized to create greater efficiencies. A land banking committee was formed and land for parks was purchased, so that it could be used for a school in the future. Through it all, the tax rate in Chatham has stayed just at the state average and is lower than most of the surrounding counties.

There are accomplishments that do not fit into the other categories, said Chair Kost. This accomplishments include the efforts of the human relations and the creation of the Human Relations Department, construction of parks and playing fields for youth, increased emergency funding for citizens in need, a job links center at the community college, expanding the health clinics to address the needs of the jail. She stated that it has been a pleasure to serve alongside three wonderful men. She stated that Commissioners Lucier, Thompson and Vanderbeck have worked hard for the citizens of the community and accomplished a lot. She stated that as a citizen of the community, she thanks them for their service. She presented plaques to each of the outgoing commissioners.

Commissioner Lucier thanked Chair Kost for her kind words and list of accomplishments she presented. He stated that it has been an honor for him to serve as County Commissioner. It was an honor to serve alongside the other Commissioners, to represent the citizens of this county and to address the needs that were brought to the Board, and to do their best to achieve what is best for the county. Chatham is a great County with tremendous potential. It has been a great Board of Commissioners that worked well together. He added that he looks forward to start on projects that he could not do before. He thanked everyone for working with them in the last four years. He also congratulated the incoming Commissioners and wished them well.

Commissioner Thompson thanked everyone for the plaque he received. He read a statement he prepared, which is provided in its entirety for the record as follows:

“I want to thank the citizens of Chatham County for the privilege of serving this county for the last four years. I feel blessed to have been involved in leading this great County for three of the last four decades and to have been an integral part of the growth and development. Believe it or not I was here when we did not have a building inspections program, back in 1978. We did not have a recreation program. We did not have a community college. We did not have an economic development program and the planning department was in its fledging beginnings. I have had the opportunity over these many years, thankfully to play leadership role in moving this County forward so that we are positioned to grow and prosper. We are sound fiscally. We have land use tools that have been put in place to protect our water resources and we have instituted mergers to ensure greater government transparency and accountability. We have a school system with two nationally ranked high schools, a community college that is ranked number 50 in the top 50 in the nation among community colleges, a human relations commission that is the most active in the state, an economic recruitment plan for industry that will be used as a model for other counties throughout the state. Lastly, we have an economic development plan that once totally implemented, will be roadmap for creating jobs that will pay a living wage for our citizens for years to come. When I ran for office in 2006 along with George Lucier and Tom Vanderbeck, we made promises to the people of Chatham County. We were elected overwhelmingly with a mandate from the people for change. I am proud to say here tonight that we kept those promises. In this year’s election, the people have again spoken. While the results were not positive, where I am concerned, I respect their choice and hold no ill will towards anyone. I wish my opponent and his colleagues the very best as they assume the role of leadership over this great County that I love. My thanks go out to my colleagues for the congenial way that we have worked together to serve our constituents; Tom Vanderbeck, Sally Kost, George Lucier, Mike Cross. I want to thank Charlie Horne our County Manager and the County staff for your able assistance, your hard work and dedication on behalf of the citizens of Chatham County, as well as our County Attorney, Mr. Rose and to all the various volunteers who served on the various affiliated boards and non-profit organizations in serving our citizens, and lastly all the multitude of friends and advisors. I see many of you when I look at the audience, who willingly have given up themselves over the last four years offering assistance to us in every way. To those folks, I will always be eternally grateful. These times, these relationships and these accomplishments have made me a better person and I will carry them with me throughout my remaining life experience. Again, for this I say thank you.

Commissioner Vanderbeck thanked all the voters for the opportunity to serve as their county commissioner. He stated that it had been a great honor and experience. He stated that he was still in awe at the great number of citizen volunteers who have stepped up with their time and talents on behalf of Chatham. He thanked the staff and especially the county attorney for their efforts in helping the Board implement a platform upon which commissioners were originally elected. He thanked all the Board members with whom he served; especially the outstanding leadership of the former chairs Thompson, Lucier and the current Chair Kost. He added that it has been quite a journey where together they have all been a part of a community building experience. He stated that he will continue to work to help Chatham build its potential to become a model sustainable and thriving community, where all residents have the opportunity to lead productive and fulfilling lives. He congratulated the incoming commissioners on their election success and wished them well in confronting the difficult challenge they face.

BREAK

The Chair called for a short break.

COMMISSIONERS’ PRIORITIES

Issues Impacting the People of Color in Chatham County Report:

Heather Rodin, Chair of the Chatham County Human Relations Commission, stated that as part of their duties, they are to advise the Board of Commissioners of social issues,

cultural diversity issues and other issues impacting the citizens of Chatham County. She added that they have an obligation to set forth issues that result in discrimination. They have to let the Board know that all people are entitled to equal opportunity in all areas of their lives. Further, the commission has the responsibility of recommending specific strategies. They are presenting a report done by Esther Coleman, Human Relations Director, entitled "Issues Impacting People of Color in Chatham County." It is the wishes of the Human Relations Commission for the Board to accept the report and the recommendations.

Ms. Coleman presented a power point presentation and provided written comments which are provided in their entirety for the record as follows:

"Thank you for the opportunity to present to you this evening on behalf of the Human Relations Commission. One of the most rewarding functions of my work is listening to stories that Chatham residents tell me. I hear stories from people who have been fired or laid off, and we talk about what to do next. I hear stories from parents of children with disabilities who are having problems at school. I hear stories about living conditions like the African-American grandmother who called to tell me about the mold in her apartment that was making her brand new grandchild sick. Someone told her they had read my notice about a new state law about mold and landlord responsibilities, so the grandmother called to ask me about how that law might help her family. Most of the time, I am able to help the people who tell me these stories, and that is where the reward comes for them and for me.

From Economic Stress to Economic Prosperity



I also remember the true story that Ms. Barbara Perry told about Hillsboro Street here in Pittsboro and how back in the 20s and 30s, that street was teeming with black businesses like Mr. Council's barbershop and store, and Mr. Smith's fish market, and his ice house, and his funeral parlor.

And there was Mr. Farrell and Mr. Simon's shoe shining shop in the Long Hotel. And there was the blacksmith shop and the auto repair shop and the shoe store and the drycleaners – all owned by blacks. June Reeves was quite the entrepreneur with a beauty shop, barber shop, and café combination. And there was Mr. Womack. Well, Mr. Womack sold coffins.¹

Hearing
tell the story of
Street, I have to
what happened to
black business

From Economic Stress to Economic Prosperity

Ms. Perry
Hillsboro
wonder
all the
ownership?

Issues Impacting People of Color in Chatham County

The report, *Issues Impacting People of Color in Chatham County*, paints a picture of socio-economic stress, not only for people of color, but for the entire community. Tonight's presentation goes a step further to suggest how we as a community can move from socio-economic stress to economic prosperity through a human relations approach.

*From Economic Stress to
Economic Prosperity*

“It’s not what you see.”

Objective: To provide an overview of quantitative, qualitative, and anecdotal evidence that demonstrates the experience of living, learning, and working in Chatham County.



*From Economic Stress
to Economic Prosperity*

Chatham County Population:

Race	Percentage
White	72.0
Black/African American	12.7
Hispanic	13.3
Asian & Others	2.0
Total:	100%



US Census Estimate

As you can see, people of color represent 28% of Chatham's population. So, people of color are a significant slice of our overall population pie.

The report delineates the status of blacks and Latinos in these quality of life categories:

*From Economic Stress
to Economic Prosperity*

1. Unemployment
2. Employment Discrimination and Labor Violations
3. Health
4. Hate Bias and Hate Crimes
5. Fair Housing
6. Education
7. Justice System
8. Poverty
9. Hunger
10. Income

Indicator 1 is Unemployment

*From Economic Stress to
Economic Prosperity*

1. Key Unemployment Rates*:

Race	Percentage
North Carolina	9.8
White	8.6
Black	15.0
Latino	9.0
White Males 20+	9.5
Black Males 20+	20.4
Latino Males 20+	9.2
White Females 20+	7.2
Black Females 20+	10.6
Latino Females 20+	9.6

*As of July 2010

One Chatham County resident, who is also a prison reform advocate, wrote to me and said this, “The North Carolina Department of Corrections is full of people of all colors that don't need to be there. Our main enemy is UNEMPLOYMENT! I would venture to bet that the rates are higher than 20% for certain groups. From where I sit, it is a tragedy the numbers of people with little possibility of becoming self-sufficient.”

Her unemployment estimate was pretty close, especially for black males whose unemployment rate is 20.4%.

And to compound the problem, experts say that African-American and Latino workers are overrepresented among the long-term unemployed.ⁱⁱ

You may be aware that the human relations office regularly sends out job announcements and provides information about how to conduct a successful job search.

Why do we do that?

Recently, Police Chief Gary Tyson in Siler City wrote and said, “Esther, thanks for passing on the jobs updates. I have folks all the time calling me to ask about job openings in Chatham County.”

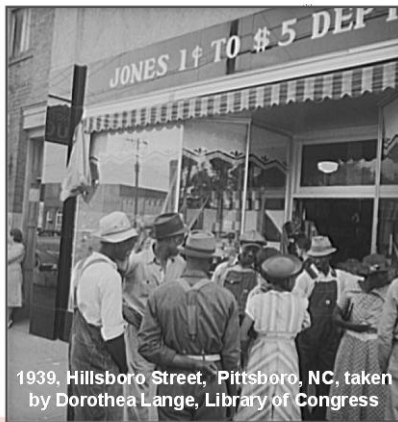
But how does job promotion to individuals translate to the overall prosperity of the county? The answer is simple – buying power. And that includes the buying power of people of color. Buy why does that matter?

The Selig Center for Economic Growth at the University of Georgia estimates that “minorities wield formidable economic clout.” In 2009, both the African-American market, which was \$910 billion, and the Hispanic market, which was \$978 billion, were larger than the entire economies of all but fourteen countries in the world. ⁱⁱⁱ

Also in 2009, while North Carolina ranked among the top ten states with the largest African-American markets, we were not in the top ten states for minority buying power. Are we failing to tap an important fiscal resource? Are we failing to empower people of color fiscally through jobs, which leads to income and wealth and buying power and an expanded tax base? ^{iv}

Think back to prosperous Hillsboro Street. The Selig Center reported that one of the most important factors in black and Hispanic buying power gains has been the increasing number of minorities who are starting their own businesses. ^v Is that happening on Hillsboro Street?

*From Economic Stress
to Economic Prosperity*



1939, Hillsboro Street, Pittsboro, NC, taken by Dorothea Lange, Library of Congress

Are North Carolina and Chatham County missing a hidden fiscal resource that could help make us more prosperous?

The Selig Center also reported that minorities are becoming increasingly younger. Young people who work contribute to our fiscal base. But that reminds me of another story I heard from a black Chatham resident. She told me how the numbers of black youth in her community have been declining year after year. Just think about the implications of losing their buying power and investments in Chatham. All of this is why we believe job promotion to individuals leads to overall economic prosperity. ^{vi}

**Indicator 2 is Employment Discrimination and Labor
Violations**

From Economic Stress to Economic Prosperity

2. Employment Discrimination and Labor Violations:

- ▶ During FY 2009, workplace discrimination nationally reached the second highest level ever, and monetary relief obtained for victims totaled over \$376 million.

- ▶ 2009 regional data from the NC EEOC:
 - Most prevalent charges were based on Race – 37.1%; National Origin – 22.8%; Retaliation – 28.5%; and Sex – 31.4%



The direction we have been pursuing in the past year with our Cultural Competence Committee comprised of Chatham County employees has focused on cultural competence as a business imperative, which in turn leads to economic prosperity. Why?

With a culturally competent workforce, we will improve our capacity to compete with other counties in the region by increasing our chances of recruiting, retaining, and developing diverse employees. That will also enable us to attract tourism, future residents, and new businesses -- all of which look for diversity in communities -- and will have the added advantage of improving employee morale and preventing those potential costly grievances.

Furthermore, cultural insensitivity can lead to disengaged employees, which according to a Gallup study, can cost an organization as much as 34¢ out of every dollar.^{vii} Simply put, it's like 1/3 of our public budget is "flying out of the window" when employee morale is low and employees are disengaged. Disengaged employees can also become high users of health insurance.^{viii} That's more money flying out the window.

If an organization is serious about wanting to cut costs, then it should work to improve employee morale and to re-engage all of its diverse employees. One way to do that is through cultural competence. Cultural competence is not, "Can't we just all get along." Cultural competence is grounded in core values. Cultural competence re-engages employees with diverse backgrounds. And we know that cultural competence is fiscally sound practice.

As for providing effective service to the public, cultural competence results in a high-performing workforce with diverse perspectives on finding innovative, cost-reducing solutions to community problems, thus reducing the fiscal tax and fee burdens of individuals and families. That's more money saved!

And remember the alarming 376 million dollar figure? I'm also confident that the human relations help and counseling provided to people who think they have been discriminated against has reduced the chances of employers in Chatham of contributing to that figure.

Health Disparities comprise Indicator 3

From Economic Stress to Economic Prosperity

3. Chatham County Health Disparities:

- Minority males topped the list for deaths due to heart disease, cancer, cerebrovascular disease, diabetes, and kidney disease
- Minority females topped the list for deaths due to cerebrovascular disease and diabetes
- Minority males also topped the list for deaths due to car accidents and other unintentional causes
- Minority infant mortality rates were double those of white infants

*The North Carolina Behavior Risk Factor Surveillance System 2009

This is recent data available for Chatham County.

But how can eliminating health disparities move us to economic prosperity?

According to a cost of health disparities study, we all bear these costs through the taxes that we pay for public health care and through the cost shifting of care for the uninsured. The researchers estimated that federal, state, and local governments pay 85% of the total costs of uncompensated care. They showed how reducing health disparities leads to better allocation of public resources – such Chatham County government resources.^{vix}

Indicator 4 is Hate Bias and Hate Crimes

From Economic Stress to Economic Prosperity

4. Hate Bias and Hate Crimes:

- ▶ Since 2008 –
 - According to the FBI, 56% of all hate crimes reported were against blacks and members of religious groups
 - There has a been a significant rise in extremist group activities of about 244%
 - The NCHRC currently reports high participation in extremist activities in and around Chatham County

But wait. The federal hate crimes bill passed last year included millions of dollars for hate crimes prosecutions.^x This could be a new revenue source for us.

Indicator 5 is Fair Housing

From Economic Stress to Economic Prosperity

5. Fair Housing:

- ▶ The NC Dept of Commerce reported a number of fair housing impediments including –
 - A lack of understanding of fair housing laws
 - Failure to make reasonable accommodations in rental markets
 - Higher rates of mortgage denials for minorities, even for minorities making more than \$75,000 a year
 - Discriminatory terms and conditions in rental contracts for minorities
- ▶ In 2010, the National Urban League reports that less than half of black and Latino families own a home –
 - 47.4% and 49.1% respectively – as compared to 75% of white families

The federal Fair Housing Act of 1968 prohibits discrimination in the sale, rental, financing, and in other housing related transactions based on race, religion, color, national origin, sex, disability, and familial status. North Carolina state fair housing law also includes these protections as they relate to land-use decisions and the permitting of development.

The next category is Indicator 6: Education

From Economic Stress to Economic Prosperity

6. Education:

- ▶ 3rd through 8th grades in Chatham County, there is a 31 percentage points reading performance gap between white students and black students
- ▶ There is a 36 percentage points gap between white students and Latino students
- ▶ Black and Latino students are more frequently disciplined with suspensions and expulsions, are placed with greater frequency in Alternative Learning Programs, and drop out more in NC

The fact is that a good education for everyone – including people of color – contributes to the economic prosperity and the overall well-being of the entire community.

The American Human Development Project's *Common Good Forecaster* for North Carolina demonstrates how infants born to less-educated mothers have lower birth weights (which can increase health care and educational costs) and how the more educated and affluent are less likely to be overweight (which can decrease health care costs).^{xi}

The authors of *Education Pays* from the College Board tell us that higher levels of education correspond to lower levels of unemployment and poverty. And listen to this. You can make almost twice as much money a week if you have a bachelor's degree versus a high school diploma.^{xii}

And when we think about overall Chatham prosperity, consider that adults with higher levels of education are less likely to depend on social service programs that generate increased demands on our public budget.

But there is also a circular correlation (not a scientific term – just a mental image, or a way of seeing it) between income and education. That's because family income is one of the most powerful predictors of student performance on standardized tests. And as you will see when you read Indicator 10, Income, in the full report, there is a \$22,000 difference in real median income between blacks and whites and a \$16,000 gap between Latinos and whites. Logically, if we increase the family incomes of people of color, we will improve their children's test scores.

And even a one standard deviation increase in test scores is associated with an increase in annual growth in income per capita.^{xiii} More evidence of my so-called "circular correlation". Here's the point, if you want to reduce socio-economic stress, increase education levels. Now, I provided the discipline data that is in the report because it leads to the next quality of life indicator, and that is...

Indicator 7 the Justice System

From Economic Stress to Economic Prosperity

7. Justice System:

- ▶ For a male born in 2001 (now 9 years old) – the chances of going to jail are as follows –
 - Black males – 32% (1 in every 3)
 - Latino males – 17%
 - White males – 6%
 - Therefore, black boys are more than 5 times and Latino boys nearly 3 times more likely than white boys to go to jail
- ▶ For a male born in 2001 (now 9 years old) – the chances of going to jail are as follows –
 - On any given day, close to 18,000 Latino youth are incarcerated in America – the majority are incarcerated for non-violent offenses



Some experts contend that what's known as the school-to-prison pipeline leads blacks and Latinos into the justice system with greater frequency. Whether this is true or not, there are definitely justice system disparities.

This past June, the Center for Economic and Policy Research issued a paper, *The High Budgetary Cost of Incarceration*. The researchers reported that a reduction by one-half of the incarceration rate of non-violent offenders would lower correctional expenditures by \$16.9 billion per year. As a group, state governments could save \$7.6 billion, while local governments could save \$7.2 billion.^{xiv}

*From Economic Stress
to Economic Prosperity*

► **Recommendation:**

"Name the Office of Human Relations as the entity for planning for and monitoring fair housing for the County."



In our *Issues* report, there are three more indicators, poverty, hunger, and income. I leave it to you to think about them as you read the full report, because all three are interrelated with the previous indicators.

The full report includes 19 recommendations that are tied to the indicators and are suggested as solutions.

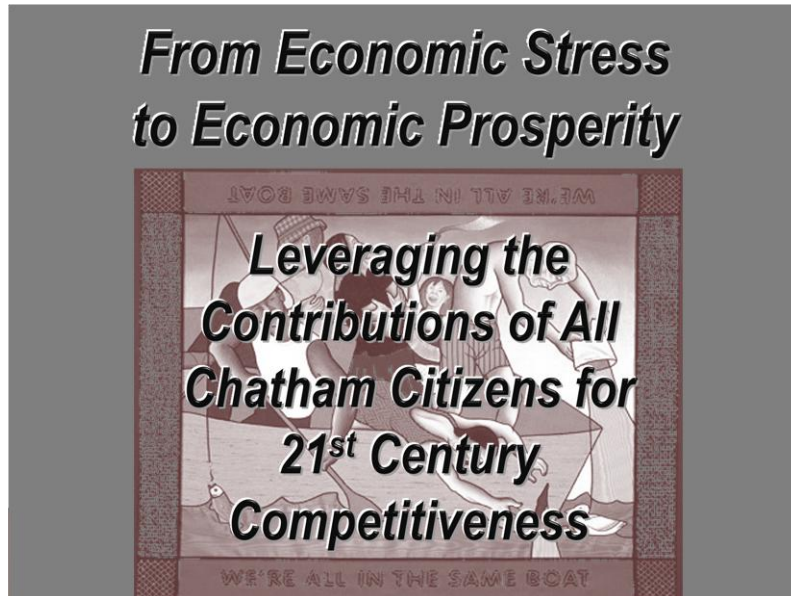
I'm going to mention just one of the strategies. This strategy could have profound fiscal implications. Here's why.

The Department of Housing and Urban Development, also known as HUD, requires recipients of Community Development Block Grants (CDBGs), which Chatham County is one, to "affirmatively further fair housing."

But there have been recent court decisions around the country in which it was determined that some localities were not doing enough to affirmatively further fair housing.^{xv} In response to these decisions, HUD officials have very recently announced that they are in the process of rewriting their rules around affirmatively furthering fair housing to make them more stringent.

As recently as last week, North Carolina officials confirmed to me that localities here will need a comprehensive plan to affirmatively further fair housing including extensive community outreach, proper documentation of complaints, and more.

There also may be other sources of federal funding that can be jeopardized if we do not comply with anti-discrimination laws. For example, in North Carolina, all localities are sub-grantees of federal funds through the State. There is an emphasis coming down from the State Division of Community Assistance for federal financial assistance recipients to provide written plans highlighting how they will comply with Title VI specific to Limited English Proficient populations. That is a role that human relations departments assume because this goes beyond language assistance to the full range of compliance and monitoring.^{xvi}



Dr. King said a long time ago, “We may have come here on different ships, but we’re all in the same boat now.”

From Economic Stress to Economic Prosperity



The question then is how do we in Chatham – as the title of this presentation suggests –leverage the contributions of everyone in the boat – including people of color?

Here’s how. We reduce socio-economic stress for all including people of color. By doing this, we will reduce social and fiscal costs borne by all people regardless of their color.

And as with buying power and education, we also enable people of color to invest in and contribute to the fiscal viability of the whole community. All of this expands our capacity to achieve economic prosperity.

Economic prosperity not only on Hillsboro Street in Pittsboro as there was for people of color back in the 20s and 30s, but for all people on every street, highway, and byway in Chatham County now in the 21st Century.

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- Chicago Urban League, **The State of Black America 2010 – Jobs: Responding to the Crisis with the 2010 Equality Index™, EXECUTIVE SUMMARY**, 2010.
- **Huffington Post, Fourteen Examples of Racism in Criminal Justice System** by Bill Quigley, Legal Director for the Center for Constitutional Rights; Professor, Loyola New Orleans, July 26, 2010. Reprinted with Permission of the Author.

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END NOTES

¹ Ms. Barbara Perry, Chatham County Resident, 2010.

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³ **Executive Summary, The Multicultural Economy 2009** by Jeffrey M. Humphreys, Selig Center for Economic Growth, Terry College of Business
The University of Georgia, 2009.

⁴ IBID.

⁵ IBID.

⁶ IBID.

⁷ **MENTORING & ENGAGEMENT: Sustaining Organizational Success**, Triple Creek Associates, Inc., using data from **Follow this Path: How the World's Greatest Organizations Drive Growth by Unleashing Human Potential**, authors Curt Coffman and Gabriel Gonzalez-Molina, 2002.

⁸ The High Cost of Disengaged Employees by Ray Halagera, **Texas Banking**, 2007.

⁹ The Cost of Health Disparities in Colorado, Colorado Department of Public Health and Environment.

¹⁰ Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.

¹¹ **Common Good Forecaster**, *American Human Development Project of the Social Science Research Council*, 2010.

¹² **Education Pays 2010: The Benefits of Higher Education for Individuals and Society** by Sandy Baum, Jennifer Ma, and Kathleen Payea, College Board Advocacy & Policy Center, 2010.

¹³ **How Much Does Income Affect Test Results?** by Scott Elliott, **Dayton Daily News**, 2006.

¹⁴ **Education and Economic Growth** by Eric A. Hanushek, Hoover Institution, Stanford University, 2008.

¹⁵ **The High Budgetary Cost of Incarceration** by John Schmitt, Kris Warner, and Sarika Gupta Center for Economic and Policy Research, 2010.

¹⁶ **Westchester County Legislators Approve Landmark Fair Housing Settlement Agreement**, Westchester County Board of Legislators, 2009.

¹⁷ Dr. Anthony Wade, Executive Director, Greensboro Human Relations and President, National Association of Human Rights Workers, 2010.”

Norman Clark, Vice-Chair of Human Relations Commission, thanked the commissioners for seeing the need to create an office, a director and commission for human relations. He stated that the report is for information; it is the framework in which the human relations will base their future work. By improving the situations mentioned in the report, the economy is improved. The Economic Development Corporation (EDC) can benefit from this improvement because, as Ms. Coleman stated, most corporations will seek a diverse community with a good educational system in which to invest. Some may wonder what they would get in exchange for spending money in solving the issues mentioned in the report, Mr. Clark responded, “You get me.” He stated that his family was among the working poor in Chatham County, but because of the county’s commitment to non-profit agencies such as Joint Orange Chatham Community Action (JOCCA) he was able to participate in summer programs. He was able to go to work at JOCCA as a teenager, which kept him off the streets. He learned to work and make money to become a productive contributing citizen; pursue an education and return to Chatham County. He stated that he is the youngest of five. Three of his siblings live in Chatham and are all tax-paying homeowners. He asks the Board to accept the report and approve the recommendations.

Chair Kost thanked the commission for the report and stated that it was an eye opener. She asked the members of the commission to stand and thanked them for the work they have done.

Commissioner Thompson thanked Ms. Coleman and the Human Relations Commission for the hard work that they put into doing the report. He also thanked Ms. Rodin for her outstanding leadership and Mr. Clark. He stated that in 2006 he consulted with members of the Human Relations Commission members who let him know that they had ideas for projects, but they did not have a director or staff liaison. He stated that he is very excited and happy that Ms. Coleman has been brought on board. He stated that she has done an outstanding job as director. He added that he has been very happy to have been the liaison commissioner to this board. He applauded the commission for training human rights activists in Chatham, something that was not available before. He stated that he attended the last few celebrations from this commission where they honored people who have made contributions to the county, and they have been very positive. A report of this magnitude is unprecedented in this county. It is understood that by solving these issues, economic development will be improve and morally, it is just the right thing to do.

Commissioner Thompson moved, seconded by Commissioner Lucier, to accept the report and recommendations from the Human Relations Commission. The motion carried five (5) to zero (0).

Commissioner Lucier stated that he appreciates receiving a report that has facts, information and presents a roadmap on how to proceed to address some of the issues. He believes it will help people take advantage of the wonderful diversity in the future. He hopes that the incoming commissioners will take these recommendations into consideration in the future.

Larry Ballas, citizen, requested that the report be available on the Chatham County homepage for those people who were not able to attend the meeting.

COURTHOUSE UPDATE

Mr. Horne stated that they are still working on trying to dry out the inside walls of the courthouse and get rid of the humidity. The design work for the interior is also in the process. Staff is still working with the insurance companies to try to settle.

Chair Kost asked if the Board can still expect to have a report back in February or March on the design.

Mr. Horne responded that work is on track and a design should be completed by then.

PUBLIC HEARINGS

Session Law 2010-177: Public hearing to receive public comments on the opt-out provision of the Act to Amend the Permit Extension Act of 2009 (Session Law 2010-177)

Cynthia Van Der Wiele, Sustainable Communities Director, presented the following power point presentation:



Background on SL 2010-177

- Applies to any development approval that is current and valid at any point from January 1, 2008 to December 31, 2010, the running of the period of the development approval (and any associated vested right under G.S. 153A-344.1 or G.S. 160A-385.1) is suspended from January 1, 2008, to December 31, 2010.
- A 1-year extension was added to extend suspension of approval until December 31, 2011.

Background on SL 2010-177

- **§4.1. Allows a local government to opt out of the provisions of this act by resolution.**

A development approval issued by a unit of local government would expire as it was scheduled to expire prior to the enactment of SL 2010-177.

Local Permits Affected

- There are 5 classes of locally-approved permits that are affected by S.L. 2010-177:
 - **Septic System Improvement Permits** issued by the Environmental Health Department
 - **Building Permits** issued by the Central Permitting Division
 - **Stormwater Plan** approvals issued by the Environmental Resources Division
 - **Sedimentation and Erosion Control Plan** approvals issued by the Sedimentation and Erosion Control Division
 - **Subdivision and Zoning Permits** and Approvals issued by the Planning Division

Board of Health Recommendations

- Opt out of the extension based on:
 - Technology / Rule changes
 - Change in property ownership
 - Staff turnover

Building Permits

- §153A-358 A permit expires 6 months, or any lesser time fixed by ordinance of the county, after the date of issuance if the work authorized by the permit has not commenced. If after commencement the work is discontinued for a period of 12 months, the permit immediately expires. No work authorized by a permit that has expired may thereafter be performed until a new permit has been secured.

Building Permits

- **Residential**

- 401 residential permits would have to pay fees to renew with potential fees being \$37,248.03.
- These permits include: additions, alterations, mobile homes, modulares, moving permits, swimming pools, mechanical, plumbing, electrical and single family dwellings

Building Permits

- **Commercial**

- 21 commercial permits would have to pay fees to renew with potential fees being \$100,261.50.
- \$82,505.70 would be for Galloway Ridge alone.

Environmental Resources

- **Stormwater Management Ordinance:**

- No expiry from date of approval.
- If a subdivision or zoning permit expired, the effective stormwater ordinance for re-applications would apply.

- **Watershed Protection Ordinance:**

- No expiry from date of plat approval.
- If a subdivision or zoning permit expired, effective buffer rules would apply at the time of re-application.

Soil Erosion & Sedimentation Control

Permit Status

- Chatham County SESC permits are valid for 2 years
- 94 permits affected from 2006-2010(1,400 dist. acres).
- 78 of these are under old SESC rules (1,300 dist. acres).
- *Six permits were issued by NCDENR and delegated to Chatham SESC in 2006. These permits were valid for 3 years.

- Examples: Permits for Westfall, Parks @ Meadowview, The Retreat on the Haw River, The Legacy were issued in 2006/2007 and are now valid until 2011/2012.

Soil Erosion & Sedimentation Control

Issues to consider

- **New vs. Old rules:** Regulating sites using old rules (prior to 12/08) through the year 2012 or beyond is complex for staff and presents a range of complications.
- **Small staff:** 1 FTE (down from 2.5 FTE) to administer and enforce two SESC ordinances.
- **Additional extension= additional delay** in collection of fees by the county
- **Fees** owed between \$20,000-\$100,000 or higher

Soil Erosion & Sedimentation Control

- Projects that choose not to renew permits/pay fees can reapply in the future at half original cost.
- These projects would be permitted under new rules.
- If no action taken to opt out:
 - regulatory process becomes **more complex**
 - further delay in fee collection for the county
 - longer wait for developments to get started/finish.

- SESC Division recommends action to opt out.

Planning

Permit Status

- 25 Subdivisions Affected by 2009 Permit Extension Act
 - 3,789 Lots Remaining to Be Platted Affected by 2009 Act
 - **2009 Permit Extension Act Extended Preliminary or Final Plat Deadlines out to 2012 through 2023**
- 11 Conditional Use Permits Affected by 2009 Permit Extension Act
 - 8 of these CUPS are located on Major Highways – US 64, US 15-501 and NC 87)
 - **2009 Permit Extension Act Extended Deadlines out to 2012 through 2023**

Planning

Issues to consider

- Subdivision Regulations were amended in December 2008 – New process and requirements
- Only 1 Subdivision affected by 2009 Act is under the amended Subdivision Regulations
- Zoning Ordinance was amended in December 2008 as well – Some new requirements added
- Only 1 Conditional Use Permit affected by 2009 Act is under the amended Zoning Ordinance

County Advisory Board Recommendations

- **Planning Board**
 - Recommended Opting Out of Extension for Subdivision and Conditional Use Permit Approvals
 - Recommendation based on Ordinance amendments adopted in December 2008
- **Environmental Review Board**
 - Recommended Opting Out of Extension for All Locally-Approved Permits
 - Recommendation based on amended and new Ordinances adopted in December 2008 to include better environmental protections
- **Board of Health**
 - Recommended Opting out of Extension for Local Septic System Improvement Permit Approvals
 - Recommendation based on Technology/Rule changes, changes in property ownership and staff turnover

Chair Kost asked what has to be achieved before the deadlines for the conditional use permits.

Jason Sullivan, Planning Director, responded that it depends on the type of permit. Each of the conditional use permits has a list of conditions that goes along with each of the approved projects. Typically for a condition, it will be the start of construction or when the building permit is obtained.

Commissioner Lucier asked Andy Siegner, Environmental Health Director, about the changes that have occurred in the septic permits since 2006 that were mentioned in the recommendation.

Mr. Siegner responded that in the last ten years, the number of septic systems has increased from 3 to 30-35 different systems. Major changes include the soil depths which are now deeper than before; 12 inches to 15 inches. Draft rules have been released with changes that will benefit the client such as hybrid wastewater systems designed based on water flows.

Chair Kost opened the floor for public comments.

Loyse Hurley provided written comments and are included in their entirety for the record as follows:

“Commissioners:

Good evening. I am Loyse Hurley, President of Chatham Citizens for Effective Communities, Inc (CCEC). I live at 16 Matchwood in Pittsboro. Thank you for providing this opportunity for public comment on this issue. CCEC is recommending that you “opt out” of this blanket extension period with one exception.

As you are aware in 2009, the state automatically extended all permits for 3 years. Many of these affected valid permits were originally approved prior to December 2006, some even go back to 2004, and the automatic extension period provides for deadlines ranging from 2012 to 2020. We all know things change over the course of time. For example: the state has implemented the Jordan Lake nutrient rules. Compliance with these rules is expensive for the County and additional harm is being done to the impaired lake because of silt and run off. Our streams and rivers are increasingly becoming impaired. We all know it costs us more to treat our drinking water when the lake and streams are nutrient loaded. These permit extensions contribute to these problems and costs.

Extending the time for on site improvements to our septic systems can pose a public health problem. Soil and erosion control devices are designed for a 2-3 years period before degrading. Extending these permits beyond that time, for a total of 5 years or longer, without being able to require new erosion control devices is a further danger to our waterways and our environment.

This issue is complicated because you have the option to specify which permits might be excluded. There are several developments that voluntarily recognized the need for additional environmental protections and added those protections into their applications. These developments are just initiating construction. It would be unfair to require new building permits for these forward thinking developments. So, you may want to consider excluding building permits from any “opt out” decision.

It is difficult because in reality there is no “one size fits all” situation. Opting out of this one year additional extension does not prevent a specific developer from making an extension request for an individual development. In the past, these extension requests have been granted.

Thank you,

Loyse Hurley – President”

Gretchen Smith provided written comments and are included in their entirety for the record as follows:

“My name is Gretchen Smith and I have lived in Chatham County for 25 years. I am speaking tonight in favor of Chatham County opting out of the Session Law 2010-177 permit extension.

What are the reasons for putting time limits on development plans? When a development plan is approved, you want the developer to be in good financial shape and confident about their project. If the project is not moving forward in a reasonable amount of time, it means that something has gone wrong. What could have gone wrong? The two most likely things are:

1. The developer is no longer in good financial shape and cannot proceed with

the development as planned, or

2. The developer has realized on their own that the plans are no longer economically viable.

In either case, it is not in the best interests of the county to have the development project move forward. Case in point: the Westfall development on Lystra Road near where I live. This development was approved, the developer moved forward and cleared the land, and then the developer went bankrupt. The project created serious erosion problems and has created no economic benefit for the County.

The building industry would like to have you believe that within the next 12 months their approved but dormant development projects will become economically viable. I see no reason to believe that is going to be the case. I strongly suspect that after 12 months they will be back asking for another 12-month extension.

It's time to let these approvals expire. I urge our Board of Commissioners to approve opting out of the Session law 2010-177 permit extension. Thank you for this opportunity to speak tonight."

Vincent Michael Hutchinson, 3006 River Forks Road, Sanford, NC, asked the Board to opt out of the extension period and use their authority to grant extensions for worthy permits. He added that as a resident of Chatham, he appreciated the clean and beautiful environment that it offers. He encouraged the Board to implement its new environmental ordinances to keep it clean and beautiful. By opting out of this extension period, Chatham can take a big step in this direction and continue as the clean and beautiful County that it is.

Sonny Keisler, 3006 River Forks Road, Sanford, NC, stated that he urges the Board to opt out of the permit extension act for several reasons. One of the reasons is that Chatham has spent the better part of the last four years upgrading their environmental ordinances and it is now time to start implementing them. The second reason is that opting out will be beneficial to the real estate development business in Chatham County. As a former real estate developer who spent much of the past 25 years developing residential properties in Wake and Chatham counties, he can confidently say that people with higher incomes expect high environmental standards and will pay a premium price to have them. He added that 20% of people in this country hold 93% of the financial wealth and they prefer to live in beautiful clean environments. By implementing higher environmental standards, Chatham County can better position itself to be a beacon for this 20% of American households. This will be the core of the real estate business in the future. The fourth reason concerns the future of people who now live in Chatham County. Populations of several species are crashing all around the planet. According to scientific reports, if the worse is allowed to happen, the average global temperatures will increase by 10 to 12 degrees Fahrenheit in the next few decades. People in Chatham need to anticipate the future and one step that can take them in that direction is to opt out.

Patrick Bradshaw, 128 Hillsboro Street, Pittsboro, NC, stated that in his law firm they represent Lee Moore Capital Property. They have a preliminary subdivision plat in which a portion was approved by the Board in March of 2009. On behalf of Lee Moore, he requested that Chatham County not opt out on the extra year that the General Assembly has offered on the permit extension act. The economy has been in a state of crisis and it has been especially difficult on real estate. Financing for building and opening business has been nearly impossible to obtain. Retailers and office builders, which are the most likely users of the Lee Moore property, have not been engaged in acquiring and developing new locations in a very long time. Even though the subdivision of Lee Moore's property was straightforward, it was time consuming and expensive. If Chatham opts out of the extra year and the economy does not rebound in time for Lee Moore to pursue development of its property before the preliminary plat expires, Lee Moore and county will be forced to go through the procedures again. This process will likely shed no new light on whether Lee Moore is entitled to have its property subdivided, but will cost them and the county as much or more than the original review process. Allowing the preliminary subdivision plat to remain in effect under the extension of the permit extension act, increases the likelihood that Lee Moore will be able to continue with the development of the property under the existing

approval and may prevent the waste of both public and private resources. This Board has frequently emphasized economic development and when the economy rebounds, Lee Moore's property is one of the most desirable locations for new business development in the county.

Elaine Chiosso, 1076 Rock Rest Road, Pittsboro, NC, stated that she was present to speak on behalf of the Haw River Assembly. She encouraged the Board to opt out on the permit extensions. When Chatham was experiencing its greatest growth between the years 2004-2007, there were tremendous violations especially of the sedimentation and erosion control act. Chatham also lacked many of the environmental protections that could have helped during that time. The current Board implemented these new ordinances to protect Chatham County. In many cases, it meant revising the existing ordinances to bring them up to the level of the surrounding counties. Chatham now has some of the best ordinances in the state. If developments are not surviving, she would not like for them to cut back and build under the old rules, but rather have Chatham use the new ordinances that protect the environment. She reminded those present of pictures taken in 2004-2007 showing mud running into creeks, rivers and Jordan Lake itself. She added that legislation is very wise in letting local governments make their own decision and urges Chatham to opt out.

Kathleen Hundley, 136 Rocky Falls, Sanford, NC, stated that Chatham County adopted a new set of regulations and ordinances prior to the North Carolina automatic extension for all development permits for an additional three years in 2009. Chatham's regulations take into account preserving its natural resources as well as population distribution, transportation needs and the careful appraisal of infrastructure needed should the county open development as it was in the past few years. She asked what increase in infrastructure would be required to satisfy the needs of the people and business coming into the county if development is allowed at the rate that it was a few years ago. With the current economic slump that will probably extend for some time, she asked where the funding would come from for building that extended infrastructure. It would mean extension of services to the incoming new residents of Chatham as well. She asked where Chatham would get the water needed to support this. She stated that these two issues need to be studied carefully before the county commits itself to providing additional infrastructure and ample water to new development. She urged the Board to seriously consider opting out of the additional one year extension.

Joanna Burger, Vice President of Contentnea Creek Development, stated that she would like to see the Board allow the extension. She stated that those that are trying to benefit from the extension are no better off now than they were when it happened in 2008-2009 when it was passed. She added that she has a subdivision that is under the new regulations and also has a subdivision that is under the older regulations. She would like for the subdivisions to continue. She wants to build in Chatham, but states she will put infrastructure dollars into land and there will be no builder to build subdivisions. The majority of builders cannot get loans or funding. She understands the concerns of the residents in Chatham. If developers using the extension are forced to hang on and then go bankrupt, they will do nothing to the subdivisions. If the infrastructure is built and there is not one to build, it will start to break down. In two of her subdivisions in Raleigh, she had 13 well-established builders who had been in the business for many years and there is only one left. She asked that options be looked at other options other than opting in or out. She asked the Board to consider all the sides of the question before deciding to opt out.

Karl Ernst, Planning Board member, stated that this law was poorly written. He stated that it makes no sense to him that a legislative body would enact a law that gives the option of opting out when it comes to obeying it. He reminded everyone about how the oil embargo in October of 1973 sank every type of industry in the country. The preamble to this law gives compelling reasons for enactment of the extension. It is not common sense to opt out.

Randy Voller, 81 Randolph Court, Pittsboro, NC, stated that the Town of Pittsboro will also be considering this matter as well as the Town of Siler City. He stated that he was not sure what the Town of Pittsboro will decide, but would like to take guidance from the decision of the Board to be in line with the county. He disagreed with Mr. Ernst stating that the reason why the opt-out language was made was because it was very contentious at the legislature when the bill was passed. This was kind of a compromise. He agrees with Mr.

Ernst that it is a poorly written bill because the compromise does not provide clear guidance by allowing some counties and towns to opt in and others to opt out. He added that considering the economy, he is not sure that deciding either way will persuade developers to come to Chatham. This decision from the developers is dependent on being able to get a loan. The real issue is that unless money flows, nothing will be built in Chatham County or North Carolina.

Jim Elza, Chair of Planning Board, stated that he was under the impression that the opting out clause is for the second law, which is for one year. The first law that the legislature passed is for three years and there is no option to opt out on this one. When a builder is granted a permit, he or she has two years to complete his work and the County could not change the rules during that time. Now with this legislative act builders have 5 years and the possibility of adding a 6th one. This has become about the market and not the regulation. He is hoping that with five years to develop, the market will be better.

Chair Kost stated she had a question about the county line subdivision. She stated that on the county line B-1 commercial project there is no expiration and wants to know how the two work hand in hand.

Mr. Sullivan responded that the County line subdivision request was a straightforward request and the property is zoned B-1. There are 28 acres that has been zoned B-1 since the 70's. This property does not show up on the conditional use spreadsheet, but it does appear on the subdivision spreadsheet. The final plat deadline is July 16, 2012.

Chair Kost stated that some dates are spread out with some permits expiring in 2017 and 2020. She stated that she feels a little uncomfortable granting an extension for another year because she does not see how an extra year will make a difference in some of these subdivisions. She added that she was on the Planning Board when some of these subdivisions were approved and that some have voluntarily done additional stream buffering and have done environmental assessments. For these, she would like to see an extension given since they went beyond the requirements that were asked. She asked the County attorney if builders can come back to the Board and ask for an extension.

Jep Rose, County Attorney, responded that she was correct.

Commissioner Lucier stated that he appreciated all the comments made and also the clarification provided by Mr. Elza. He believes that opting out simply means that subdivisions requiring an extension will be dealt with on an individual basis, which is appropriate for local control. He added that all of the advisory boards recommended opting out and he believes their decisions are sound. The purpose of upgrading the ordinances was to protect Jordan Lake and also to ensure that when growth comes to Chatham County, that it benefits the citizens. There is a strong argument and he feels that Chatham should opt out of the subdivision approval, conditional use permits, soil erosion and sedimentation control, storm water and environmental health. He is not so sure about opting out on building permits since they fall under state law.

Commissioner Vanderbeck agrees with Commissioner Lucier and is supportive knowing that developers could apply for extensions on an individual basis.

Chair Kost stated that the county attorney prepared resolutions, one of which was consistent with the recommendations of the advisory boards.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to approve Resolution of the Chatham County Board of Commissioners Opting Out of the Fourth Year of the Permit Extension Act for subdivision approvals, zoning conditional use permits, soil erosion and sedimentation control approvals, stormwater and environmental health permits and approvals. The motion carried five (5) to zero (0).

Watershed Protection Ordinance:

Public hearing to receive public comments on the draft Watershed Protection Ordinance: Amendments to meet the Jordan Lake Buffer Rules and approval of a request to adopt said ordinance along with watershed areas map

Fred Royal, Environmental Resources Director, explained that Chatham County has had comprehensive watershed protection ordinance since 1994 and it was amended in 2008. It is before the Board again due to revisions in the Jordan Lake buffer rules. He added that Jordan Lake rules aim to restore, protect and maintain the water quality of the lake. The rules became effective by the state legislature on August 11th in 2009 through session laws 2009-216 and 2009-484. The rules include riparian buffers, agriculture, nutrient management, stormwater and wastewater. The Board has the opportunity to approve the buffer rules which have been reviewed by peers, Division of Water Quality (DWQ), North Carolina Environment Commission, Environmental Review Board and the Board of Commissioners. The Watershed Review Board has provided recommendations due to draft changes. Staff recommends the approval of the amendments.

The Chair opened the floor for public comments.

Elaine Chiosso stated that the Haw River Assembly approves of the changes.

The Chair closed the floor for public comments.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to approve the amended Watershed Protection Ordinance and the associated map. The motion carried five (5) to zero (0).

PLANNING AND ZONING

Subdivision Preliminary Plat Approval of “Briar Chapel- Phase 5 North”: Request by Bill Mumford, Assistant Vice President, on behalf of NNP Briar Chapel, LLC for subdivision preliminary plat approval of “Briar Chapel – Phase 5 North”, consisting of 174 lots on 45.92 acres located off Andrews Store Road, S. R. 1528 and Parker Herndon, S. R. 1526, Baldwin Township

Mr. Sullivan explained the specifics of the request. He stated that roadway design and lot layout for this particular request has been modified from the approved master plan in 2005. This phase will bring the total number of lots up to 627. There will be six affordable housing units on this lot, for a total of 19. There are two streams as part of this phase, but no stream crossings. The Technical Review Committee met on September 15th to discuss several items concerning transportation, and environmental resources, which have been satisfied. The committee also discussed issues dealing with fire codes, which took more time to resolve. There were issues with the road width and turning radius for lots 507 and 504. Lots 507 through 510 only have road access from an alley and there is no frontage to an existing or proposed road. The proposed alley travel way was 15 feet wide, but the fire code requires a width of 20 feet. The turning radius was not big enough for the larger fire trucks to get through the alley. A resolution was worked out stating that a revised layout was approved where there is an overall roadway width of 20-22 feet and a turning radius that was improved to accommodate a ladder truck. Mr. Sullivan stated that Chief John Strowd, North Chatham Fire Department, sent an e-mail where he asks that this type of situation not occur again. Briar Chapel indicated that in their restrictive covenants, they have prohibitions on street parking in the alley ways and will be enforced by the Homeowners Association. Lee Bowman e-mailed a portion of these covenants to staff. The Planning Board recommended the approval of the preliminary plat with 6 conditions. Staff recommends approval with one additional condition, which is based on comments from the fire department.

Lee Bowman, Briar Chapel, stated that he appreciates the fire department’s concerns and thanked them for working together to come up with a layout that is co-compliant. The property manager makes daily inspections of the entire site to ensure that all covenants of Briar Chapel are met, including the covenant making it illegal to park in the alleys.

Chair Kost stated that the major concern with approving this request is the fire safety aspect.

Commissioner Vanderbeck asked Mr. Rose if he was comfortable with the changes that were made to the section regarding the County’s liability in the event of a fire.

Mr. Rose stated that there would not be a problem. He asked that Briar Chapel and the fire department work together and he is glad to see that they have.

Chief Strowd stated that he has to make sure that there is accessibility for their larger trucks, especially in the narrow roadways or alleys where there is no road frontage. He appreciated working with staff and Briar Chapel on these issues and hopes that this was a one-time incident. He asked that the county look at alley accessibility for future growth.

Chair Kost asked staff to look the regulations to see if any amendments need to be made to prevent this from happening again.

Mr. Sullivan stated that this has been a bigger issue that is being addressed by different divisions of the Sustainable Communities Development section. Staff is meeting to discuss the issue and will bring back information to the Board early next year.

Chair Kost asked that the fire departments have an opportunity to provide feedback on this as well. She added that she appreciates everyone working together.

Commissioner Lucier asked if the school buses will be able to access the area in question or would they just stop at the corners.

Mr. Bowman responded that the school buses will probably go to the fronts of the intersections. They have not met with the schools to discuss this.

Commissioner Lucier asked how often staff check to ensure that no one is parking illegally.

Mr. Bowman responded that there is a property manager on site Monday through Friday that checks the area for infractions.

Commissioner Lucier asked that the area be checked at least twice a day to discourage people from parking in there and signage needs to be visible for visitors as well.

Mr. Bowman stated that they can definitely work with the property manager on this and will come up with a set of standards to address it. He stated that he is working with the fire department to stripe the road to designate as a no parking area.

Thomas Bender, Fire Marshal, asked if the road clearance would be enforced only on weekdays. He wanted to make sure that there was enforcement on the weekends as well since there will be more traffic then.

Chair Kost stated that it will be helpful to have well-informed citizens that can help alert the police.

Mr. Bowman stated that they can add a rule in the covenant that would allow towing on the weekend by resident enforcement.

Commissioner Lucier asked Mr. Rose if monitoring of the area seven days a week can be added as a condition for approval of the request.

Mr. Rose responded that this can be done based on the fire safety standard.

Patrick Bradshaw, Briar Chapel, asked if there was a provision in the fire code that the proposal does not already satisfy.

Mr. Bender explained that there is no time limit on the enforcement of the fire road lane clearance. The regulations do not state that enforcement is only done 24 hours a day Monday through Friday.

Mr. Bradshaw stated that the area will be marked as a no-parking zone 24 hours a day and seven days a week. He asked if there was a provision in the code that states that a person

needs to check the area. He asked for an opportunity to review the verbiage that will be added for the enforcement of this area.

Mr. Rose clarified that enforcement entails having someone there to check.

Commissioner Vanderbeck asked Mr. Rose what the Board can do regarding the motion given that there is an added condition.

Mr. Rose responded that given the disagreement, approval may need to be delayed.

Mr. Bradshaw suggested that the Board delegate the authority to Mr. Rose to make a decision, as long as Mr. Rose was comfortable with this or else bring the item before Board at a later date.

Mr. Rose stated that while this is a possibility, he would rather have the fire marshal review this.

Chair Kost stated that she is not comfortable with voting on this item given the situation. She asked the Board if they agree to postpone the decision to allow the attorneys and fire marshal to work together to come up with the appropriate language dealing with the enforcement of the parking seven days a week.

Commissioner Cross asked if this can be done and brought back to the Board by December 13th.

Chair Kost agreed that this needs to come back to the Board on December 13th and avoid postponing the item any further.

WESTERN WAKE PARTNERS

Chair Kost that this has been an item that the Board has discussed over a year. At the October 18th meeting, the Board requested that a list of discussion points be created. The list was included in the packets in the agenda abstract. The attempts to schedule meetings with the Mayors of the towns have not been successful.

Commissioner Lucier stated that he has been involved in this issue for over a year and feels that this is a decision for the new Board to make. He stated that he would like for the new Board to take into the account the various meetings with the Town of Cary and the recommendations of the current Board members. He read a statement he created with recommendations on this issues follows:

“Chatham County Board of Commissioners Recommendations on the Request by the Western Wake Partners to Run a Treated Wastewater Pipeline Through 8.1 Miles of Chatham County

November 15, 2010

The Western Wake Partners have formally requested that we allow them to acquire easements in Chatham County for an effluent pipeline. We have considered this issue on numerous occasions at our Commissioner meetings both before and after the formal request. We have also discussed this issue at numerous public meetings between Cary and Chatham County concerning the Cary/Chatham Joint Land Use Plan. Moreover, we held a public input session in Moncure in September 2010 and we have held numerous public input sessions on the Cary/Chatham Joint Land Use Plan over the last four years. We have clearly articulated on multiple occasions that Chatham County has not granted permission to acquire easements and these communications are a matter of public record.

While we believe that the new Board of Commissioners should make the final decision, it is important that we make the following recommendations which are based on several years of work on our part and the citizens of Chatham County. Current information indicates that the effluent pipeline poses significant risks to Chatham County with little or no discernible benefits.

1. We recommend that the request by the Western Wake Partners be denied and not be reconsidered until Cary agrees that they will not annex into Chatham County without approval by Chatham County and that this language be embodied in a local bill approved by the State Legislature.
2. If a local bill is place then the Chatham County BOC should not agree to any annexation by Cary without holding a public hearing.
3. If the Chatham County BOC agrees to the effluent pipeline, the agreements should require that the Western Wake Partners negotiate with property owners without the power of eminent domain.
4. We recommend that the BOC hold a public hearing on the effluent pipeline before a final decision is made on the request by the Western Wake Partners.
5. We recommend that Chatham County continue to work with Cary on a Joint Land Use Plan and other issues of mutual interests.”

Chair Kost stated she strongly supports the statement and agrees that this is a decision that should be made by the new Board.

Commissioner Vanderbeck thanked Commissioner Lucier for preparing the statement.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to approve the statement prepared by Commissioner Lucier and to have staff send it to the Board, incoming Commissioners, the Town of Cary and Western Wake Partners. The motion carried five (5) to zero (0).

Chair Kost asked that the Mr. Horne prepare a letter to go along with the statement.

COMMISSIONERS' REPORTS

Chair Kost stated that it was a privilege to serve the Board as Chair. It has been a challenge and a learning experience. She thanked everyone for their confidence and the Board's ability to work together collectively.

Commissioner Lucier thanked Chair Kost for her leadership and added that it has been an interesting and difficult year to Chair the Board because of the nature of the issues that were discussed.

Commissioner Thompson stated that Chair Kost did an outstanding job as Chair of the Board as did Commissioner Lucier. He stated that she will be a hard act to follow.

ADJOURNMENT

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 9:28 PM.

Sally Kost, Chair

ATTEST:

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