

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
JANUARY 18, 2011

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Horton Middle School, Multipurpose Room, 79 Horton Road, located in Pittsboro, North Carolina, at 6:00 PM on January 18, 2011.

Present: Chairman Brian Bock; Vice Chair Walter Petty;
Commissioner Pamela Stewart

Absent: Commissioners Mike Cross and Sally Kost

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

Chairman Bock announced that Commissioner Kost is not well and that Commissioner Cross had a medical emergency so both will be unable to attend the night’s Board of Commissioners’ meeting. He apologized for having to move the meeting to another location.

PLEDGE OF ALLEGIANCE AND INVOCATION

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

CALL TO ORDER

The Chairman called the meeting to order at 6:04 PM.

APPROVAL OF CONSENT AGENDA AND REGULAR AGENDA

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

Chairman Bock asked that Item #12, Public hearing to receive public comments on a request by Rocky McCampbell for a conditional use permit for a personal service shop specifically for a dog grooming business, on approximately one acre, located at 1115 Mt. Carmel Church Road, Parcel #64812 be removed from the Agenda for consideration at a later date.

Commissioner Petty moved, seconded by Commissioner Stewart, to approve the Regular Agenda with the noted request. The motion carried three (3) to zero (0).

Commissioner Stewart moved, seconded by Commissioner Petty, to approve the Consent Agenda as follows:

1. **Minutes:** Approval of Board Minutes for Regular Meeting held November 15, 2010 and Work Session January 03, 2011

The motion carried three (3) to zero (0).

2. **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 three (3) zero (0).

3. **Resolution of Support for Town of Pittsboro Application for a National Pollutant Discharge Elimination System:** Approval of a request to adopt **Resolution #2011-4 of Support for Approval of the Application of the Town of Pittsboro for a National Pollutant Discharge Elimination System (NPDES) Permit to Build a New 32.2 Million Gallon Per Day (MGD) Wastewater Treatment Plant in Pittsboro, North Carolina**, attached hereto and by reference made a part hereof.

The motion carried three (3) to zero (0).

4. **Conditional Use Permit Void Request from Linda Murray:** Request by Linda Murray to void the conditional use permit on Parcel #18823 located at 70 Southern Greenway for a landscape design business and adopt **Resolution #2011-04A Rescinding Conditional Use Permit Issued for Parcel Number 18823 (70 Southern Greenway)**, attached hereto and by reference made a part hereof.

The motion carried three (3) to zero (0).

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Due to the number of people signed up to speak during the Public Input Session, Chairman Bock extended the length from twenty to thirty minutes. He stated that there would probably be insufficient time for everyone signed up to speak so after thirty minutes, the Public Input Session would be continued at the end of the meeting. He stated that the three-minute time limit would be strictly enforced.

He also stated that if there was anyone signed up to speak on the landfill, the Board voted in the afternoon Work Session to stop the process of landfill siting. He also stated that all of the public meetings scheduled to be held around the County within the next two weeks have also been cancelled.

Jeffrey Johnson, 624 Pleasant Hill Church Road, Siler City, NC, stated that the landfill has taken the better part of the last five months and many hours of time; that he and his wife are very happy about the landfill decision; that he talked with a lot of Hickory Mountain residents about the siting of their area for the landfill; that he opposed that siting of the landfill; that he just moved to the area and loves the beauty of the area; that eventually he knows that they have to face up to what they're going to do with their trash and figure a way that works where the trash is taken care of responsibly; and that they will find a way for everyone, including their children, to be proud and make the County thrive as a green county with more industry coming.

Nellie Walden, 858 Bucknel-Clark Road, Sanford, NC, stated that the County doesn't need a dump site and no one is coming to Chatham County for a dump site; that the County needs more jobs; and that she hopes that the Bucknel-Clark site nor the County will never consider another landfill.

Chairman Bock stated that at this point, there are no sites being considered.

Candace Steele, 145 Julia Lane, Pittsboro, NC, voiced concern with regard to the public library meeting rooms. She stated that she was the secretary of the Chatham County GOP; that they were very excited during the building of the library thinking that they were going to have a new meeting space for citizens of the County to use; that they were allowed to have a meeting there; that the last time she went to apply, she read the application where it states that the meeting rooms of the Chatham Community Library are available free of charge to groups and individuals for public programs or meetings of a nonprofit, educational, cultural, or civic nature; that it also stated that the meeting rooms are available on equal terms for the lawful activities of all groups regardless of their beliefs or affiliations; that they are not-for-profit, educating the citizens, not necessarily cultural, definitely civic nature, not unlawful, and they are all groups; and that she doesn't understand the response. She stated that she turned in her application and received a quick response stating that the room was completely booked for the day requested; that she went on to say that due to the extreme shortage of meeting space in Chatham County, Chatham County Public Libraries have not

been able to provide meeting space for political, religious, or commercial groups; that she doesn't understand that because since the library was built, they now have additional meeting space; that her meetings are for public meetings so anyone in the County can come; that it is not closed to anyone; that it is educational for voters and citizens of the County; that they are allowed to have meetings at the college and even in the courtroom but they now cannot use the library; that her request is that the Board of Commissioners try to do something about it to allow political groups and anyone who is not disturbing anything, tearing up the library or causing trouble to use the tax-funded building; that if that is not possible, that the guidelines and regulations are updated to state exactly who can and cannot use it and why.

Cathy Wright, 51315 Eastchurch, Chapel Hill, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“My name is Cathy Wright and I have lived at 51315 Eastchurch, Chapel Hill in Chatham County for 8 years. Thank you for this opportunity to present my comments this evening.

In my former life, I was a lobbyist and represented not-for-profit health advocacy groups (ACS, School Nurses, etc) and I worked closely with their volunteers teaching them how to advocate with policy makers. I feel very strongly that it is important for citizens to get to know and to develop a relationship with their elected officials, no matter what party he or she is affiliated with. By getting to know your legislators/commissioners, you will better understand their positions on specific issues. Also, developing a relationship with your legislator will produce “trust” and a partnership.

Our newly elected county commissioners ran on a platform of fiscal restraint and so their recent actions should be of no surprise to anyone in this room. They said that unsustainable budget growth, mounting debt and a lack of spending priorities could not continue. The candidates also said that newly created departments and positions increased bureaucracy and expanded the role of the government, something they opposed. They believe that any new programs, positions, regulations, or spending has to be justified.

I've had the privilege to get to know Brian Bock, Pam Stewart and Walter Petty well and can say that they are honest, faithful, trustworthy, patient and kind. They are good listeners and want to learn. I would suggest that all of you in this room get to know your county commissioners, all five of them, and it is incumbent upon me to get to know Ms. Kost and Mr. Cross. You will better understand their actions while at the same time you'll develop a relationship that will allow for more open communication and dialogue.

I for one, salute this new board for its efforts to limit the role of government and to prioritize and control spending of our hard-earned money. Thank you.”

Nora Brooks, 774 Hillside Dairy Road, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“First of all, I would like to thank you for the opportunity to speak at this meeting. I would also like to offer congratulations to Commissioners Bock, Stewart and Petty on their election to the board. I am confident that this election will help reverse course in Chatham County away from one of regulation, increased spending and increases in our taxes. I am hopeful our county can become an example of how smaller more efficient government can work for its citizens.

I'm speaking today because I believe it is important for citizens to address their elected leaders. It is the way we get our voices heard and it is also encouraging for you in the leadership position to know that people are engaged and are paying attention to the decisions you are making on our behalf.

I want to thank you for the decisions you have already made. Some of them have been hard to make. I am certain there are more to come. I would like to encourage you to continue to look at the items that come before you with scrutiny. We are looking for smart and efficient government. Less is more. The smaller the government the better it is for the citizens. I know you CAN do it. I am counting on you TO do it.”

Peter Theye, 1065 Boothe Hill Road, Chapel Hill, NC, stated that he had been a Chatham County resident since 1976. He congratulated the Board on their election. He stated that a story he has heard since he lived in the County is about past sitting Commissioners and has bothered him; that the story tells of a Board that was offered one penny per gallon for every gallon of water pumped out of Jordan lake which would go into the coffers of Chatham County; that he always thought that they had Commissioners who thought that they were not in the water-pumping business and they shouldn't have to worry about that kind of stuff; that if they had that kind of revenue coming into the County today, they could see that the Commissioners had foresight and could see into the future; that the citizenry may not always have the big picture, and the reason they vote everyone into office, is for them to be looking at the big picture and looking at all sides of it; that years ago, he was very active in schools and he was all for raising property taxes so that they would have more money for their schools; that Margaret Pollard would say, "Peter that's great, but what about the people on fixed incomes that don't have disposable incomes?" He stated that he thought about it and concurred that you can't just raise property taxes, there have to be other ways to do it; that he is asking the Board to be thinking about more than just an individual in the County, but think about the County's future as a whole; that it is a huge responsibility; that it's not like running an election anymore; that it's a huge, bigger picture and he is hoping that the Board Members can see some of the aspects of other people in the County. He thanked the Board for the opportunity to speak.

Heather Johnson, 449 Foster Lane, Pittsboro, NC, thanked the Board of Commissioners for their recent actions to take steps toward a more open government. She stated that over the last month and a half, the Chatham Conservative Voice, proposed some ideas for the new Board to bring open government to Chatham County. The Board listened. Within a week of taking the oath of office, they saw a Board of Commissioners' meeting on a cable news channel that has been in Chatham County for years that used to show only the traffic going around the courthouse; that citizens now know what it means to attend a Commissioners' meeting; it is not something to be afraid of; that it is something important to be a part of and she thanked the Board for taking that step so quickly. She also thanked the Board for not only making the commitment to post resolutions on the County web site three days prior to voting on them, they did it. She stated that was open government, telling the citizens what the Board is considering doing, letting them know they are asking for their input, and that she is thrilled that they are being done so quickly. She stated that she could see by looking at the Agenda, that the Board is actively working on getting videos of the Commissioners' meetings to be live-streamed on the County web site stating this was all happening very quickly. She further stated that this is a Board of Commissioners that wants the citizens to know what is happening in County government. She asked that the County checkbook be posted on the web site stating other municipalities have done it.

Don Lein, 13 Crosswinds Estates, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

"I just wanted to take this opportunity to have you hear a voice from the silent majority.

When I looked at the problem of getting your fiscal house in order and asked myself if you were alone in facing this daunting task, and the answer was obviously, NO!!!

In Europe after decades of the welfare state and governmental excess, the bill for all this spending has come due. As Lady Thatcher has pointed out, "The only problem with Socialism is that ultimately you run out of other people's money."

Throughout the U. S. the same problem is apparent. In New York last week newly elected Governor Cuomo indicated he was going to implement an "emergency" agenda because "the State of New York spends too much money." In California they are looking at a budget deficit of \$20 billion with pensions underfunded by more than \$500 billion. Similarly in Illinois they are looking at a deficit of \$15 billion with a pension underfunding of \$208 billion. Similar stories are true of New York and New Jersey.

With the apotheosis of the presidency it would seem prudent to listen to some of his words as he commented upon a 21st century regulatory system. "For two centuries,

America's free market has not only been the source of dazzling ideas and path-breaking products, it also has been the greatest force for prosperity the world has ever known. That vibrant entrepreneurialism is the key to our continued global leadership and success of our people." "Small firms drive growth and create most new jobs in this country. We need to make sure nothing stands in their way" "Our economy is not a zero-sum game. Regulations do have costs; often as a country, we have to make tough decisions about whether those costs are necessary."

Finally some thoughts from the Governor of the state who has the lowest property taxes in the US. Mitch Daniels, Governor of Indiana indicates they match spending to income by eliminating "nice to do" programs, focusing instead on "must do" ones. Daniels indicated they have the fewest state employees per capita and added that during the recession 49 states added to their debt, while Indiana reduced theirs by 40%. He concluded by saying "whatever course others may choose, here in Indiana we live within our means, we put private sector ahead of government, the taxpayer ahead of everyone, and we will stay in the black, whatever it takes."

In conclusion, you are doing what any responsible government would do, what you were elected to do and executing faithfully your fiduciary duty to the taxpayers of Chatham County. Godspeed."

Randy Dye, 173 Olde Farm Road, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

"In order to obtain a Concealed Carry permit in Chatham County, citizens are required to pay an extra \$25 fee for a Chatham County Background check. This is on top of the FBI/SBI Background check that is required. Surrounding counties do not have to pay this extra fee and it is not a State requirement so it seems like it is just another way for Chatham County to unrightfully take money away from citizens. I respectfully request that the Commissioners research this practice and do what they can to remove it from the process.

My other inquiry is the request I put forth a few weeks back to have the ICE Resolution repealed by vote of this Board of Commissioners and placed on the future agenda for a vote to reverse the public perception that we are a safe haven for illegal immigration."

COMMISSIONERS' PRIORITIES

Public Hearings:

Grant Award to the Chatham County Council on Aging: Public hearing to receive public comments regarding a grant award by the NC Department of Transportation to the Chatham County Council on Aging in the amount of \$270,000 at the request of the Department of Transportation

Angel Dennison, Executive Director of the Chatham County Council on Aging, explained that Project Health Rides is a joint initiative of the Chatham County Council on Aging and Chatham Transit Network providing medical transportation to County residents. Two \$60,000 grants have been utilized with local match provided through the Council on Aging. The project is in its third grant cycle, funded by federal, state, and local grants. Due to the size of the current grant, \$270,000, the NC Department of Transportation/Public Transit has requested a public hearing on the grant.

Project Health Rides offers individual medical transportation for County residents who are aged 60 and older or adults who have a disability that prevents them from driving. Trips are made to providers and facilities in surrounding areas. The average trip distance one way is 40 miles. As a voucher program, all rides are arranged through agencies, such as the Council on Aging. This is an up-duplicated service with more than one hundred regular participants. A "typical" rider is someone receiving a course of cancer treatments or physical therapy, or a rider making follow-up medical appointments.

She stated that the purpose of the public hearing is to give anyone who wishes to speak an opportunity to do so and the public hearing is required by the NCDOT.

The Chairman opened the floor for public comments.

Amber Wagner, Chatham Transit, stated that Chatham Transit was a nonprofit organization that provides public transportation in Chatham County. She stated that they are the provider through a partnership with the Council on Aging for Project Health Rides; that they provide 300-400 trips per month for this service for elderly and individuals with disabilities; that the nature of the transportation is curb-to-curb; that anyone in the County is eligible if they meet the criteria; that it is a referral program with the Council on Aging; that it comes to their office where they have vehicles that go out-of-county with approximately thirteen to fifteen trips per day; a majority of those are out-of-county; that they have a small amount of vehicles, so sometimes they have issues with capacity; that they are very excited about this program; that with the limited resources of their agency, they would not be able to do it without this funding; that it is a wonderful partnership with the Council on Aging and Chatham Transit.

Brenda Marsh Headen, 2302 NC Highway #902, Pittsboro, NC, stated that she is one of the individuals about whom they were speaking that is using the transportation service as she desperately needs it. She explained that she is disabled; that she has therapy treatment as well as many doctors appointments each week, sometimes two to three per day; that some are at different locations with some out of the County; that she cannot drive to get to the appointments that she desperately needs; that she has MS, has had a stroke, and Bells Palsy; that it is a great service; and that as a 62 year old lifetime resident of Chatham County, she desperately needs this service.

The Chairman closed the public hearing.

Recommended 2012-2016 Capital Improvements Plan: Public hearing to receive public comments on the Recommended 2012-2016 Capital Improvements Plan (CIP)

Renee Paschal, Assistant County Manager, presented a PowerPoint presentation of the "Recommended 2012-2016 Capital Improvements Plan (CIP). She reviewed a recommendation from the County Manager explaining that the CIP will have significant budgetary impact. She explained the difference in the Capital Plans from last year and this year. The PowerPoint follows:

[To view the power point presentation, please click here.](#)

The Chairman opened the floor for public comments.

Judi Anderson, Governors Club, Chapel Hill, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

"Good Evening. My name is Judi Anderson. I represent the nearly 2000 residents of Governors Club. Thank you for giving me time to speak this evening on a matter of continuing concern.—Planning for a high school in the Northeastern Portion of Chatham County.

Those of us who have spent time developing long range plans recognize and appreciate that this is not an exact science. Believe me when we say that we feel your pain as you moved through this process. Perhaps creating a longer range plan would be advisable— We suggest you consider using a six to eight year window, rather than a five year horizon that might give you the range and flexibility that works to everyone's advantage.

More to the point of my remarks, we are aware that County Staff has questions as to the advisability of continuing the northeastern high school on this year's improvement plan. We encourage you to leave this school on the plan for three reasons:

FIRST, while an elementary school will probably be needed sooner and more urgently than a new high school, the new high school should remain on the plan. This facility *will* be needed. Removing it from the plan will further delay its construction, which will dramatically affect Northwood High School with overcrowding. According to education

experts, expanding Northwood again should not be an option, because education achievement will be compromised.

So, we respectfully request that you plan for the northeastern high school and delay construction until demographic justification warrants it. So, please don't drop it from the 2011 Plan.

SECONDLY, we agree with the Chatham County Economic Development Corporation's statements on the value of having the high school on the Capital Improvement Plan. Companies considering Chatham County for their "new home" will applaud the County for its forward thinking.

This gives us an additional advantage in attracting more companies to be domiciled here. We all recognize that business development is critical to solving our tax base ratio imbalance. We need new, energetic, growing companies to help keep our taxes reasonable and to employ our residents.

Without the new high school or at least a plan for it, we are at a distinct disadvantage as we compete against other regions of the state and other parts of the southeast for corporate growth and investment. This will have economic repercussions will into the future.

THIRDLY, leaving the school on the 2011 Plan costs nothing...while its presence on the plan will speak volumes to both residents and companies considering moving here.

Do we need a new high school? The answer is yes—someday. Most parents and the Board of Education agree that an elementary school in the northeast must be a priority as the housing permits that have already been approved are exercised. Shortly afterwards, however, a new high school will be needed as populations of older students increase.

We respectfully request that you plan now...plan ahead...and position construction of new educational facilities high on the priority list for Chatham County. There is a direct correlation between the academic success of our educational system and the future economic vitality of our county. In this era of tough economic times, with draconian dilemmas, we urge you not to lose sight of the value that both an elementary school *and* a high school will bring to Chatham County.

Thank you."

Susan Patrao, 600 Albion Place, Cary, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

"My name is Sue Patrao and although I am one person, I am helping to represent more than 750 people who have signed a petition urging you to keep the Northeast high school in the Capital Improvement Plan.

From what I understand, one of the reasons you are not ready to build the school as planned is you don't think you have the numbers to support a new school. The reality is we may already have the numbers but too many people choose to send their children to private or charter schools either because of distance or (albeit I think a bit misguided) they don't think Northwood is a good enough school.

For example, I live in the Peninsula at Amberly and as of December we had 13 students attending North Chatham and 13 students attending other schools outside of Chatham. This number is staggering to me. I'm a big proponent of public schools, but when 50% of my own neighbors trust Chatham County to educate their children; this clearly illustrates a gap between the education services provided and the expectations of the citizens in our part of the county. I recognize that there will always be people who choose to educate their children in alternate ways, but 50% seems way too high!

I recognize that you are working from the latest school attendance and growth numbers and that the recession has slowed things down. You have an amazing tool coming out with the 2010 Census numbers. You would be remiss to not take this new information

into consideration before removing the school from the CIP. This information will give you a much better indicator of the actual number of school aged children there are in the northeast and how well the county is servicing its people.

If we had a school that was closer for the families in the Northeast, many would decide to send their children there instead of alternate schools. The reason that our elementary is growing so fast is because families with high school age students won't move here! In fact, many realtors actually tell people with high school age students not to move here!

I recently spoke to the agent from Orleans at Welden Ridge. He said they were most likely not going to build on the land they had bought in Chatham County. His reasoning was that the distance to the school and the long bus rides don't sell houses. They can sell 26 houses in Wake in one year but don't want to build across the street in Chatham County.

Bus rides are another issue. Suffice it to say, what was a 22 minute bus ride from North Chatham Elementary to our bus stop is now an hour with the opening of the new middle school. I know many families who face this same issue who live closer than we do. What is going to happen when they go to Northwood? How long will the ride be then? Some current bus routes are over 2 hours long!

Of the people who signed the petition, some already have children in the schools and want to ensure that our children are provided with the best educational opportunities. Others are realtors who know a new school will sell houses and keep a community vibrant and growing. Others are older and don't have children in the school system but know new schools will improve their property values. And still others signed whose children will soon enter the school system and are now concerned if they made the right choice moving to Chatham County for the future of their children. These people all believed that a Northeast High School was going to be built when they moved here. We need to make education a priority.

In conclusion, we respectively ask that you not remove the High School from the CIP at this time. As Chatham County slowly moves out of this recession, the NE part of the county will continue to languish in terms of residential growth, because the services do not exist to attract the people who would like to move into the area. Also, please consider the information available to you in the 2010 census to help you better understand the NE part of YOUR county."

Larry Switzer, 53 Davis Love Drive, Chapel Hill, NC, stated that he thinks that the priorities of the Commissioners are going after education, jobs, as well as personal safety, are the right ones; that he thinks the projected costs of the schools need to be rethought, as well as the courthouse and the jail; that per square foot, these things costs more than a luxury home; that we have some good resources in the County and adjacent counties; that people like Robert Luddy who has challenged the norm of how the public schools are being built and what they cost; that he built Bailey's Academy; that everyone should just walk in and look at its beauty; that these schools are built in half the time at half the cost at what we are now building schools; that he thinks a better approach needs to be taken; that we should not have elementary children on two-hour bus rides; that he grew up in western Pennsylvania, attended a public school, was able to get to the Naval Academy, and he feels it is their responsibility to try and find ways to use his training and the things he knows and his success to try to give back to the community; that he thinks we need to rethink some of the basic assumptions that we have in the capital budget; that is no reason that we cannot build schools and do the things that need to be done.

Jeffrey Starkweather, 590 Old Goldston Road, Pittsboro, NC, stated that he is speaking on behalf of his daughter who graduated in 1996 from Northwood High School and resides in northeast Chatham with her family. He stated that they are requesting that the Board keep the proposed northeast high school in the CIP and consider adding an elementary school. They strongly oppose the alternative proposals that this new high school be delayed as much as five years to 2020 when his oldest granddaughter, who is not yet in school, will be a freshman. He stated that he didn't need to tell the Board the critical importance of high-quality community schools, particularly high schools, for promoting economic development.

Quality public schools have positive impacts on wages, productivity, property values, community cohesion, and social and human capital. This is the first aspect of a community that a company CEO and his spouse look to when determining where to locate a business. Your own supporters attest to attracting jobs with their highest priority as each of the Board members have. The school investment should rank near the top of the CIP. The evidence overwhelmingly supports smaller schools in the 600-1,000 student range as providing better student performance, lower dropout rates, higher percentage of student extracurricular participation, greater teacher satisfaction performance, more community support, and lower cost per pupil. Northwood student population is already at the upper end of that range. Increasing that school past what was promised citizens, which was that it would stay at 1,000, would have negative impact as stated on northeast property values and housing sales. It could also decrease student satisfaction and performance from long-range driving. He also added that it is unfair to the northeast as it has been often said that they were somehow receiving more benefits than other places. They actually receive less and they pay the highest percentage of property taxes in the County. He stated that they are asking that the 1.2% tax not be seen as being caused by this capital item as opposed to any other. Previous Boards have approved similar tax increases for other schools in other parts of the County. He asked that this be taken off the CIP to look at other things that could be cut and consider delaying the jail.

He distributed documents to the Board and Clerk and asked that they be made part of the official record.

Donna Kelly, 553 Holly Glenn Road, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“Having followed county government in detail now for a couple years, I have to admit that looking at this CIP I wish I could go back to blissful ignorance.

For years this county relied on General Obligation bonds that had to be approved by voter referendum to finance debt. The voters were an effective brake on spending and we had little debt. Within the last 10 years there’s been a shift in NC to using Certificates of Participation and Installment agreements for financing which do not need voter approval. According to the 2007 CIP spending prior to FY 2005-06 was less than \$1 million. All of the General Fund spending in this CIP adds up to just over \$200 million of which almost \$165 million is funded through non-voter approved loans. Staff does a remarkable job tracking and balancing the debt payments on these various projects to keep our debt at recommended levels, but at this point we have little room for error. Over the last few years we’ve also spent down the extra savings we had in our General Fund. There will always be times when other finance methods make sense, but something is wrong when we no longer ask for voter approval on anything.

In 2006, we had one of the lowest ratios of debt per capita and debt as a percentage of assessed property value in the state. By 2013 our debt per capita is projected to increase about 10 fold and be significantly higher than any other county our size in the state. It’s no comfort to know that many other counties as well as the state have followed this same pattern of recent, explosive borrowing.

All of this new construction increases operating costs dramatically. Last year we had an increase in operating expenses of \$420,000 and this year we’re expecting over a \$1 million increase in operating expenses. By 2016 the projected increased operating expenses are over \$7 million. We are going to have to free up funds somewhere within the budget or raise taxes to pay for these expected increases unless we see some significant economic growth.

Unfortunately, there’s not much that can be done with this CIP to reduce costs since most of the funds have already been committed. Foregoing LEED Certification will help reduce the cost of a few of these projects. We can still have well designed building without spending extra for a plaque. But the bottom line is we will either have to postpone projects or raise taxes.

I expect there will be calls tonight to keep the high school in the CIP, despite current models that predict the high school will not be needed as soon as originally thought and the fact that we will probably need an elementary school before we need a new high school and that isn't even on the CIP. The judicial center and jail have been desperately needed for years yet have been pushed back again and again in favor of more schools, parks and county office buildings, some of which were purchased without previously being on the CIP.

Looked at individually any of these projects can easily be justified. However, when we look at the big picture of overall county finances it becomes clear that we simply can't afford everything we clearly need let alone all the things we'd like to have. We can all hope that the economy turns around and we get some much-needed economic development, but until that happens we're going to struggle. Unfortunately the individual citizens of this county are struggling as well and can't afford more tax and fee increases. Instead of government that acts like the proverbial nanny state to take care of us and provide everything we want, we need government that administers some tough love and knows when to say no."

Nick Meyer, 988 Boothe Hill Road, Chapel Hill, NC, stated that he has lived in northeast Chatham for thirty years. When he first came to Chatham County, he looked at the document for the plans for northeast Chatham and it was stated in the plans for 1980-1990 that the population would decrease in that area and they have been planning just as well ever since. He stated that they have needed the school for over a dozen years in northeast Chatham; that if you ask the people who have kids in Northwood, it is a real problem; that he went through the fire district taxation records which is the only way to accurately figure out where taxes are paid in Chatham County, and the area that would be served by that school pays somewhere between 45-50% of the taxes in the County and has over 37-40% of the population; that it is not served by a high school; that he also resents the way the CIP document separates out the school and treats it differently in the capital budget; that the whole budget for the County could have been figured out, the shortfall determined, and attributed to the entire capital budget; that instead, the shortfall solely to that school and said if we have a tax increase, it's going to be solely on the basis of that school; that he finds that dishonest in its intent as it enables you to politicize that this is a question where the northeast wants its school and they're going to cause us to raise our taxes. He stated that they pay for things all around the County; that he thinks that is fine, but they should not be treated differently and put the tax increase on their school; and that they need a school in the next few years, not ten years in the future.

Heather Johnson, 449 Foster Lane, Pittsboro, NC, stated that when we are talking about savings or improving the reductions that we would want to see on this list, one of the biggest things that strikes her is LEED certification. The Chatham Conservative Voice did submit Donna Kelly's amazing research that is well-documented all over the internet and among other environmental active groups seeking ways that you could still achieve an environmental benefit without paying for the certification of LEED, as that is all it is, is paying for plaques. She noticed that when the middle school opened, one of the first comments that was made on WRAL was that Chatham County is now the home of the first LEED goal certified middle school in the State. She stated that she agrees with Jeffrey Starkweather that we need to have smaller and more efficient schools, but we can't get those schools if we are focused on paying for certification that we think edifies us throughout the whole state instead of taking care of our kids. She stated that she would hope, now that we are looking at a similar edification in LEED Silver certified high school, that we look at this issue. She asked if this issue was being addressed in the County Manager's Office. The County Manager replied, yes and that the citizens would be updated.

Flint O'Brien, 30125 Porter, Chapel Hill, NC, Chatham County Board of Education Member, stated that his comments were personal and not for the Board of Education. He stated that there is a need for a high school and an elementary school; that the question is "when" we need it, not "if" we need it; that the best answer they have now is that they do not know; that the reason they do not know is that they are still in recession and they don't know what the progress of housing will be as we come out of the recession; that the question is what to do with planning when you don't know when you're going to need it; and the conservative thing to do, because you know you will need it, is to keep it on the CIP; that the current CIP is a five-year CIP; that he encourages the Board of Commissioners to look at having a ten-year CIP to help with better planning; that the Margaret Pollard Middle School

was just opened; that they took the entire middle school out of north Chatham and Perry Harrison School; that they are currently at Margaret Pollard Middle School; that North Chatham is still overcrowded; that the question is what happened with their planning that North Chatham was critically over crowded for years and somehow they could not get a school built to alleviate the critical overcrowding. He stated that that was an example of why they do need to keep these schools on the CIP.

The Chairman closed the public hearing.

PLANNING AND ZONING

Action Items:

Polk's Village Revision to Existing Conditional Use Permit: A determination by the Board of Commissioners on a request by Polk's Village for a revision to the existing conditional use permit for additional uses

Jason Sullivan, Chatham County Planning Director, explained the specifics of the request and the findings of fact as follows:

A public hearing was held on this request on September 20, 2010, which was continued to October 18, 2010 at the request of the Commissioners. Mr. Jack Smyre of The Design Response presented at both hearings on behalf of Mr. Brantley Powell, owner. Mr. Powell also presented additional information as requested. Also present were Richard Adams with Kimley-Horn & Associates for traffic information and Karen Kemerait representing Williams Corner.

On December 7, 2010 the Planning Board met to discuss the request. Attorney Leanne Brown and Mr. Jack Smyre were present to speak on behalf of the owner, Mr. Powell. The Planning Board's comments and/or discussions are noted after each finding of fact.

This conditional use permit, previously called Polk's Centre, now referred to as Polk's Village, was approved on October 16, 2006. There was a list of specific uses approved as part of the conditional use permit and as stated in their application. The attached spreadsheet (attachment #3) outlines those approved uses. On July 21, 2008, an extension of the conditional use permit was granted for one year (October 17, 2009) before the permit would expire. In the interim, the Permit Extension Act was passed by the Legislature and further amended in 2010, which allows the conditional use permit to remain valid until October 16, 2013 before the permit will expire, unless the first building permit has been secured.

Prior to this project getting approval, Williams Corner was approved across US 15-501 N on January 17, 2006. During the review of any conditional use permit submittal one of the findings that must be met is "need and desirability". A concern was raised for the Polk's Village project on duplicate uses approved for Williams Corner. An addendum was prepared by the applicant, Travis Blake, addressing those concerns (see attachment #4). Numerous times, the applicant stated the uses in Polk's Village would be unique and diversified providing for ample client mix and would have no direct competition with other projects due to the "unique and eclectic mix of businesses". During the discussion on this request, this issue was raised again by Karen Kemerait on behalf of Williams Corner. As a result, the applicant agreed to remove and/or modify some of the uses asked for on the original submittal of August 18, 2010.

Staff was requested to meet with representatives for UNC Hospital who are looking to bring a medical office into Chatham County earlier this year. UNC's representatives stated they were looking at two project sites; one in Williams Corner and one in Polk's Village. Staff pulled approvals and site plans from both projects to confirm with the representatives exactly what uses were permitted, building size restrictions, layout of the projects, and access. In reviewing these records, it was discovered that Polk's Village was not approved for medical offices; therefore, they could not be considered without applying for and being approved for a revision to the conditional use permit. It is staff's opinion, based on information provided as part of the original conditional use permit approval, the reason it was

not part of the original list of uses was for diversity between the two developments, as understood during the approval process of this development. The five findings required to be met for a conditional use permit approval are:

Finding #1 - "The use/s requested are among those listed as an eligible conditional use in the district in which the subject property is located or is to be located". It is staff's opinion this finding is met. The uses described in the revised list under the October 18, 2010 materials (see attachment #8) are all listed as permitted uses with the conditional use district approved for the development. It is staff's opinion this finding has been met. Planning Board discussion supported this finding. It was stated because a use is listed as a permitted use in a particular district doesn't necessarily mean you are entitled to utilize them when you're under a conditional use permit. The purpose of the conditional use permit to allow select uses that is appropriate for that area. Mr. Hinkley asked if this project would resemble a neighborhood, community, or regional zoning area. Mr. Jack Smyre stated he thought it would be a mix of neighborhood and community with 50% office and 50% retail.

Finding #2 - "The requested conditional use permit is either essential or desirable for the public convenience or welfare". The Board of Commissioners agreed this finding was being met based on the approval given October 16, 2006. Therefore, it is staff's opinion this finding continues to be met as approved. Ms. Brown stated her client never thought that a doctor's office wouldn't be an allowed use under the general office category. It was explained even though the Zoning Ordinance listed a category for office (business, professional, and governmental), medical uses were set apart. Mr. Elza had a concern about the request for a veterinarian with dog runs. He stated that two other facilities had been approved on this corridor within the last 2-3 years and he had a concern about noise. Mr. Jack Smyre stated if noise was a concern, they could locate this facility in the northwest corner away from other businesses and residential areas. The applicant submitted a spreadsheet that showed the additional uses being sought, the ones staff did not recommend and the ones they were willing to remove from their list. Ms. Karen Kermerit, attorney for William's Corner, stated that the "core elements" of these two approvals must be maintained. She stated the two developments had worked very closely together when they were being proposed so that they could support each other and not cancel the other out. She stated the developments had set these core elements being the medical/residential component for William's Corner and the retail and general office for Polk's Village for that very reason. Ms. Brown stated because Polk's Village was smaller, they had a better chance in getting something up and running with today's economy. She stated there is a need for market flexibility with economic flexibility most important. She stated if approved, they are requesting those uses listed in the "black and blue" areas of their spreadsheet added to Condition No. 2.

Finding #3 - "The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community". It is staff's opinion this finding has not been met. Staff understands that competition between businesses is part of business; however, this development went through months of debate on how it would be unique from the approximately 2 million square feet of commercial space already approved along the US 15-501 corridor. This development was approved for 125,000 square feet of commercial space and approximately 400,000 square feet are planned for the development named Williams Corner across US 15-501 from this site. The representative for Mr. Powell, at that time, stated at the October 3, 2006 Planning Board meeting there would be no duplication of services unless the two services think they are compatible (see attachment #6). At the time of the approval, it was also stated there were letters of interest for the development that included an office supply business, flex space, and large market restaurants. It was mentioned by Planning Board members the developer may need to allow the conditional use permit to expire and have him come back with a new proposal, site plan, etc. Staff advised the board if the conditional use permit expired, the conditional use zoning district would remain in effect.

During the approval process for this development, the site plan depicted the uses being sought, as did Williams Corner. From the beginning, the Williams Corner site plan showed medical facilities and offices along with a residential component and daycare center while Polk's Village did not. The reasons for that were stated previously. It is staff's opinion

this finding has not been met. The Planning Board agreed this finding had not been met as well.

Finding #4 - "The requested permit will be consistent with the objectives of the Land Use Plan". It is staff's opinion this finding was previously met but has not been met in this revision request. Page 1 of the Plan states "Land developments and conservation will reflect balanced growth". This is done by having benefits and burdens of growth shared, growth consisting of a mix of different types of development, and development is guided to suitable locations and designed appropriately. It is staff's opinion, if uses are added to more closely resemble the development across the street; this objective will not be met. Therefore, it is staff opinion this finding has not been met. Mr. Glick stated based on the records, a lot of thought and planning went into designing these two developments, specifically, the way they are to balance growth and a mix of uses. He found no reason to change what had been so carefully planned out. The Planning Board agreed this finding had not been met as well.

Finding #5 - "Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the county's plans, policies and regulations". After two years from the date of approval a request for an extension of the conditional use permit was filed due to approaching expiration dates on the approval, which was granted. During this time, extensive review from the NCDOT District Engineer's Office and Congestion Management group was conducted. The specific layout of access roads, signalization, and traffic counts was approved. The two developments were reviewed at the same time because the intersections and signalization would be required to be coordinated. The NCDOT commercial driveway permits for both developments listed specific uses that were used in the consideration of their decision. Mr. Adams with Kimley-Horn stated to the board at the public hearing that he was comfortable that the additional uses, including the medical office, would not increase overall traffic generation, but would reduce the am and pm peak hour trips because trip generation for medical facilities is spread throughout the day. Also noted within the report were "fast-food" restaurants. The original approval was based on large market restaurants because that was also a concern of the adjacent property owners when the proposal first came to the board. A fast-food restaurant would have a continuing change in traffic generation, which could be good, versus a sit down restaurant with surges of traffic. The daycare center was also removed from the list of proposed uses in order to reduce traffic generation. There were also limits put onto the size of certain uses, such as the food store, and moving some square footage of the retail and office space to the medical use category.

Wastewater usage was reviewed by Agri-Waste Technology (see attachment #8). The letter refers to the original review of the uses and type of system allowed on the property, along with the construction authorization from Chatham County Environmental Health Department dated August 2009. However, the letter also states that there are several uses that would require specific restrictions in order for them to be conducted on the site due to the types of waste they have the potential to generate, including medical clinics. It is staff opinion this finding has not been met but could be met through conditions.

The Planning Board stated these types of issues could be resolved by permitting and approvals as stated. There was a concern regarding the use of septic systems now instead of the way it was shown with the original submittal, which stated they would be utilizing the wastewater treatment plant for William's Corner. Mr. Ernst stated that the economy has caused many developers to seek other means to attract tenants and to not allow competition is extraordinary.

The Planning Board voted to deny the request by vote of 6-3 based on Findings 2, 3, 4, and 5 not being met.

Chairman Bock asked about the conditions of the request. He stated that because this was a quasi-judicial matter, Board members are required to disclose if they have had any ex parte communication with anyone regarding the topic. He stated that he did receive a telephone call from an optometrist in the area speaking on behalf of its approval. He stated that he had also sent an email which had been forwarded to the staff for the record and stated that it has no bearing on the decision tonight other than to let folks know that he did receive some communication on this.

Leann Brown, Attorney representing HBP Properties, LLC, presented a PowerPoint presentation on. She reviewed the record with regard to the request to modify the conditional use permit for the development known as Polks Village. She provided a summary of the evidence that has been received in the public hearing and stated that she hoped that it would be beneficial to the new Commissioners. She reviewed the vicinity map, area map, and Polks Village and Williams Corner developments.

Ms. Brown stated that the modification that is before the Board does not change the approved site plan in any way. The site plan as proposed remains the same. The request that has been made is to include uses to be inside the site that's developed. The property was zoned B-1 Conditional Use and Conditional Use Permit was approved on October 16, 2006. It is 125,000 square feet of floor area, on 40 acres with only 10 disturbed. It is completely permitted and shovel ready. Williams Corner is the development across Highway #15-501 from Polks Village. It was approved in 2005. It is 400,000 square feet of floor area. It has not yet been built. Its wastewater permit is currently rescinded by the State. Polks Village and Williams Corner were originally presented by the same individual who is no longer involved with either project. After Polks Village public hearing, he shared with the Planning Board his view of a possible tenant mix based on 2005 and 2006 letter of interest.

Jep Rose, County Attorney, interrupted and asked that Ms. Brown review what is in the record and not what is outside of the record.

Ms. Brown stated that the reason she mentioned it, is that it had been included in the staff report that is before the Board.

Mr. Rose asked if it was in the staff report. Angela Birchett, Land Use Administrator II, stated that they did not mention the letters of interest from the original application in 2005-2006.

Ms. Brown stated that they would skip that; that the proposed tenants have been discussed at length by staff which is why they were mentioning that actually outside the public hearing; and that she agrees that his conversation about that should not have ever been considered.

Ms. Brown continued by stating that Polks Village contains 22 uses requested and granted in the Conditional Use Permit. Williams Corner contains 25 uses requested and granted in the Conditional Use Permit. They share 17 uses. The uses that are not shared fall into two categories: medical uses and specialized food uses. On August 28, 2010, Polks Village applied for modification of the Conditional Use Permit to add 28 additional uses. There were 22 previously approved uses and 28 proposed uses for a total of 50 uses. We offered to reduce some of those uses with staff. There are 79 uses included in the general B-1 zoning district. There were no changes in approved site plan proposed. In broad categories, they include: medical, dental, optical, veterinary, specialty food and drink, and miscellaneous retail. There were two public hearings held on September 20, 2010 and October 18, 2010 at which evidence was presented and received. The evidence from the public hearings, relevant to the findings follows:

Traffic Impact of Additional Uses

- An updated Traffic Impact Analysis was performed by Kimley-Horn & Associates
- Total # of daily trips would remain the same
- AM peak (-10%) and the PM peak (-17%) volumes would decrease

Traffic Impact

- NCDOT has also reviewed the proposed modifications and responded:

“the newly proposed land uses do not negatively change the approved projected traffic generation for Polks Landing. As such, the driveway permit approved on April 28, 2009 and extended on March 30, 2010 remains valid”

Wastewater

- Wastewater permit (and all other necessary permits) for Polks Village are current and valid
- A concerned citizen provided evidence that the wastewater permit for Williams Corner has been rescinded

Economic Development

- Dianne Reid, President of the Chatham County Economic Development Corporation, submitted a letter supporting the expansion of uses
- “Recession has severely curtailed all development in Chatham County, but particularly commercial development”
- “In such a constrained economic climate, maximum flexibility in terms of uses can help Polks Village get underway”
- “In my view, the application to approve additional land uses for Polks Village helps support competition in the local commercial real estate sector”

Ms. Brown stated that there are five required findings that the Board has to make anytime they grant or deny a conditional use permit or a modification for a conditional use permit.

Finding #1 – “The uses requested are among those listed as an eligible condition in the district in which the subject property is located or is to be located.”

Staff responded that this finding has been met. The applicant agrees.

Finding #2 - “The requested conditional use permit is either essential or desirable for the public convenience or welfare.”

Staff responded that this finding continues to be met. The applicant agrees.

Finding #3 – The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety, or welfare of the community.”

It is staff’s opinion that this finding has not been met. The applicant disagrees.

Ms. Brown stated that Finding #3 refers to the original discussion about the project (in 2006) included “how it would be unique” from the other uses already approved along US Highway #15-501 corridor. She stated that this uniqueness goes to the material that was not in evidence that she mentioned before. There is no ordinance standard in Chatham County that requires uniqueness and in zoning, what you are trying to find is having compatible uses in the same general area. The staff is not allowed to create ad hoc standards that are not in the ordinance. The uniqueness standard is not the question when Finding #3 is reviewed. The question is “How does this project fit in with the finding needed to be made?” The project as approved shares 17 of Williams Corner’s 25 uses. The idea that it was ever particularly unique is not supported by that fact. The original discussion addressed only duplication of incompatible services. There is no evidence in the record that medical uses or food service uses are incompatible from one another if they happen to be on two different sides of the street. There is no evidence that medical uses at Polks Village would impair the integrity or character of the surrounding or adjoining zoning district. There is no evidence Polks Village’s proposed uses would be detrimental to the public health, safety, and welfare of the community. They believe that required finding has been met.

Finding #4 – “The requested permit will be consistent with the objectives of the Land Use Plan.”

Ms. Brown stated that it was staff’s opinion that this finding was previously met but has not been met in this revision request. They disagree with that. If Polks Village more closely resembles Williams Corner, the staff says that it does not “reflect balanced growth”.

Do not think that staff's interpretation of balanced growth in the staff report is really consistent with what the Land Use Development Plan says that "balanced growth" means:

- Benefits and burdens of growth are shared
- Growth consists of a mix of different types of development
- Development is directed to suitable locations and is designed appropriately

She stated that there is nothing about adding these uses that are consistent in a B-1 environment to one development over the other. As far as different types of a development are concerned, Polks Village currently shares 17 of its 22 approved uses with Williams Corner. If Polks Village's modification is approved and the requested additional uses are added, the project will actually become more diverse and unique in comparison to Williams Corner. Other elements of the Land Conservation and Development Plan with which the requested modification is consistent is:

- Encourage development that contains a mix of uses rather than a separation of uses
- Site commercial uses along major highways in clusters
- Integrate uses with other nearby development

The modification requested, Ms. Brown stated, is consistent with the objectives of the Land Use Plan.

Finding #5 – "Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies and regulations."

Staff's opinion is that this finding has not been met, but could be met through conditions. The rationale is that several of the proposed uses require specific treatment of some types of waste produced. They believe that this finding has been met, but are willing to have a condition added to the permit to acknowledge that they will comply with applicable State law and regulations regarding wastewater because of the kind of specialty waste that they are referring to: medical waste and kitchen waste in the food service industries are the kinds of wastes that are dealt with by regulation all the time. To their knowledge, Chatham County has not denied development permits because activities would take place on the site which creates waste that cannot go into wastewater systems designed for human waste. It happens all the time. Standard lease provisions typically address waste that must be handled in a special fashion. There are approved developments throughout the County that allow activity that requires special waste procedures.

Williams Corner Opposition

Ms. Brown stated that Williams Corner is across the street. They are competing for the same tenant (UNC Hospitals – Medical Office). Without modification, Williams Corner would have no competition in the area for this medical office tenant. Private parties are entitled to use their rights of free speech to try to influence elected officials regardless of their motives. However, State and Federal Constitutions prevent governments from favoring one property owner over another. Williams Corner is opposed to the modification but has offered no evidence to support denial. Zoning decisions must be made based on statutory grants of power and ordinance provisions, with the goal of encouraging appropriate land uses in the county. Chatham County should not base zoning decisions on protecting competitors when no public health, safety, or welfare issues are present. Placing businesses is market driven. Businesses are best at choosing their locations. Businesses need opportunities to expand, locate, and relocate as they evolve and grow over time. Providing more than one location for compatible land uses:

- Allows the marketplace to function
- Balances the rental market
- Expands the tax base
- Offers the opportunity for compatible and competing businesses and services to locate and co-exist in the community

Concluding, Ms. Brown stated based upon the evidence in the record, they ask that the Board to decide what is best for Chatham County, not what is best for one particular property owner. She stated that Polks Village is one-fourth the size of Williams Corner. Being smaller, Polks Village is the more nimble project. It does not need many tenants to be viable, it can get out of the ground faster, and it is ready to go. They anticipate that only one-fourth of Polks Village's floor area would be medical uses and ultimately, medical uses will expand to also occupy Williams Corner. Polks Village can serve as a catalyst to initiate economic recovery and ultimately help Chatham County and the property owner across the street. Polks Village requests that the Board adopt the site-specific conditions identified by staff with the addition of the uses requested by Polks Village to the limited uses already identified by staff in Condition #2. She stated that they asked the Board with regard to Condition #2, is to add back to Condition #2 the uses that were not included by the staff that they requested. She referred to the uses accepted by staff, those uses not accepted by staff and proposed to be handled by additional condition of approval, uses not accepted by staff due to duplication of existing/approved land use, and uses no longer being pursued in the Board's packets. She asked that they be added to condition #2 and approve the modification with the site-specific conditions that were requested.

She introduced Jack Smyre, land planner, and Brantley Powell, land owner, and asked the Board if they had any questions about the project consistent with the public hearing information.

Karen Kemerait, Attorney on behalf of Williams Corner, stated that she spoke at the public hearing and also before the Planning Board hearing about Williams Corner's concerns regarding Polks Village's application for an amendment to its Conditional Use Permit (CUP). She stated that as mentioned at the public hearing, one of Williams Corner's concerns is that Polks Village is requesting that uses be added to its CUP that will be in direct competition to planned and approved uses for Williams Corner and other nearby developments and that it could undo years of careful planning that has gone in to ensuring that Williams Corner and Polks Village could both be thriving developments within Chatham County. Therefore, they believe that Polk's current request is contrary to representations (i.e. that Polks Centre's would not be competing uses to Williams Corner's uses) that is made during the approval process for its CUP in 2006. Williams Corner and Polks Village have had a very good relationship, have been good neighbors, and have worked together very well during the planning stage for the projects, after the approvals in 2006, and in going forward with both of the developments. Because of the good working relationship and because they are neighbors and are located in very close proximity to each other, they regret that they feel it is necessary to come and express their concerns about the request to amend the conditional use permit. They wish they could be present instead, in support of Polk Village's application and any of their requests. She stated that she thinks it is in everyone's interest, Williams Corner, Polks Village, and the County that both developments have an opportunity to succeed and thrive in the County; that they want to ensure that the Commissioners and the County pay very close attention to make sure that both of the projects are able to succeed and that weight be given to the careful planning that has gone into both of the projects that began back in 2005 or earlier and certainly in 2006 when both projects were approved by the County; that the different parties that were involved in the careful planning were the owners of both of the projects, the developers, the Planning Board and staff, and the Commissioners in 2006; that she thinks that it is important for the Board to understand that the issue they are present for is not about limiting competition for Polks Village; that their concern is that the request has the potential to undo the careful planning and that they want to make sure that the careful planning that was put into place to ensure both developments could thrive and succeed when they are located in such close proximity to each other; that the careful planning would not be discarded; that both projects, including Williams Corner, would also be able to succeed. She stated that she doesn't think that the County wants to see is that one development or project is in a position to be able to cancel the other project out by competition or uses for which there is no demand on both sides of Highway #15-501 in the County. She stated that she feels it is going to be beneficial to both developments that the planning that has already gone into place be carefully considered by this Board of Commissioners who is coming in after 2006, after the public hearings, and after the Planning Board has had an opportunity to weigh-in on the issue. In 2005 and 2006, she feels it is important to realize that much time, expense, and thought went into the planning for both of the projects and into their approval; that both projects were planned so that they each could succeed; that the application materials

by Polks Village described the two projects as both “sister” developments and projects and also as complimentary developments; that by being the two complimentary developments, very specifically they determined to have different uses for each of the developments; that Williams Corner was determined to have their core uses to be a medical facility, some retail, a daycare, and some residential; that Polks Village was going to have a different set of core uses; that some of the uses are overlapping but are minor; that Polks Village’s core uses were to be commercial, an office space, and unique retail; that it was stated during the approval process by Polks Village in 2006 that they did not plan to have direct competition businesses due to the unique and eclectic mix of businesses; that it was also stated that Polks Village is unique in the businesses it will offer in comparison to the other projects to which it has been compared; that no other project is planned to make use of its space to include an office supply business, available flex space, and large market restaurants; that recently with this request to amend Polks Village conditional use permit, the Planning Board and staff has again carefully considered what is best for Chatham County and whether the request meets the requirements of the ordinance; that she feels it is important about what makes sense for the County; that what makes sense for the County is to have two projects and developments where both can succeed and that have been carefully considered and thought out as had been planned since 2005/2006. The Planning staff has determined that Findings #3-5 have not been met. She also believes that Finding #2 has not been met which is that the requested conditional use permit or revision thereto is either essential or desirable for the public welfare or convenience. She stated that she believes it is not essential or desirable for the public welfare or convenience to have two competing uses directly across the street from each other when there is not a demand for both of the uses. For Finding #3, the Planning staff determined that the requested permit had not been met and will not impair the integrity or character of the surrounding or adjoining districts and will not be detrimental to the health, safety or welfare of the community. She stated that staff went on to say that staff understands that competition between businesses is part of business. However, this development went through months of debate on how it would be unique from the approximately two million square feet of commercial space already approved along the US 15-501 corridor. At the time of approval, the representative for Mr. Powell at that time stated that there would be no duplication of services unless the two services think that they are compatible. Finding #4 had not been met, but the requested permit will be consistent with the objectives of the Land Use Plan. It is the staff’s opinion that this finding has not been met in the revision request. The Land Use Plan states that land developments in conservation will represent balanced growth. This is done by having benefits and burdens of growth shared, growth consisting of a mix of different types of development, and development is guided to suitable locations and designed appropriately. Again development needs to be guided to suitable locations designed appropriately so that developments that are approved can all succeed and thrive within the County. There was some mention about what this is really about is the UNC Healthcare System. She pointed out that Williams Corner does have a letter of interest from UNC and that lease negotiations are going on. This is not about trying to prevent that competition. It is about preserving the ability for Williams Corner also to be able to thrive along with Polks Village across the street. This is not about the Commissioners being asked to favor one citizen over another. It is asking the Commissioners to look to be able to provide authority for two complimentary projects that both can succeed in near proximity to each other. She stated that that is what she believes is best for Chatham County having two developments for Chatham County that are carefully thought out that both can succeed and thrive within Chatham County. She stated that they are asking the Commissioners to affirm the Planning Board and Planning staff’s recommendation and do what they believe is best for Chatham County.

Chairman Bock asked if anyone else wished to speak on this matter.

Karl Ernst, Planning Board Member, presented written comments to the Clerk to the Board for distribution to the Board of Commissioners. He stated that the representative for Polks Village was very complete. He reviewed the Land Use Plan Findings reported by staff, current events, and statements made by the minority in the Planning Board Meeting on December 7, 2010 as follows:

Review of LUP Findings Reported by Staff (summary):

- Findings 1 and 2 were held by staff to be met in Planning Board Agenda Notes for the meeting on 11/01/2010
- Finding 1 was previously met in this process as indicated in Planning Board Agenda Notes for the meeting on 10/03/2006
- Finding 2 was deemed as not met at that same time
- The reversal of position on Finding 2 is apparently based on the 10/16/2006 approval by the Board of Commissioners for Polks Village initial CUP request
- Findings 3-5 were, and continue to be, considered as not met

Review of Current Events (summary):

- Request for proposal received by HBP Properties from UNC Healthcare System representatives (exact date unknown)
- Letter of intent issued by UNC Healthcare System to HBP Properties in April, 2010
- Letter sent to Planning Officials on 9/20/2010 by Styers & Kemerait, on behalf of Williams Corners, stating their clients' concerns
- Last public hearing held on 10/18/2010
- Planning Board recommends denial of HBP Properties request at the meeting on 12/7/2010

Review of statements made by the Minority in the Planning Board Meeting on 12/7/2010:

Finding 2, as it applies to the decision process, lends itself to very arbitrary and subjective analysis. If finding 2 is met, then Finding 4 should also be met. Though the concerns of Williams Corners are appreciated, it is in the interest of fair competition that this request be granted.

Closing:

The findings are a large concern. The need for clarity in application could not be better defined as it is in this discussion. The issue is further compounded by the fact that both developments are intensely pursuing a very large and attractive customer. As stated above, it is the minority opinion that denial would be an unwarranted restriction on fair competition in business and, in these times of economic distress, puts government in the precarious position of being viewed as 'business unfriendly', a mind-set we have labored under for too long. The Board should justly consider all the information before it and, in doing so, the fair and just decision would be to approve this request.

Mr. Ernst stated that if the Board chooses to deny Polks Village request, it sends a message that may or may not be appropriate. He stated in fair disclosure, he did have an email conversation with Mr. Powell; that it was after the Planning Board meeting; that they discussed comments and thoughts that were expressed at the Planning Board meeting and he would be glad to forward the email chain if desired.

The County Attorney stated that that was necessary from Mr. Ernst's position, but it was from theirs.

Commissioner Stewart asked if Williams Corner was ready to move forward and start building.

Luis Rios stated that he, as the local developer working with the owner, is ready to move forward; that they are finalizing the contract with UNC; and that they will be ready to go within twelve months.

Commissioner Petty asked about the wastewater issue. Mr. Rios stated that the issue is basically that the original permit was so old, that in the interim, the needs of UNC have changed dramatically; that they have been talking about 80,000 square feet which was

reduced to 20,000 square foot, Phase I building and thus the phasing for the sewer plant changed; that the old permit that they had had lapsed because it was easier to let it lapse and get a new permit issued.

Commissioner Petty asked if he had a timeline for the permit. Mr. Rios stated that he would share it with the Board.

Chairman Bock asked if the Board was to look at the findings and decide that all of the findings had been met, would it then put them into the site specific conditions. He stated that it sounds as though Polks Village is asking that condition #2 have several items placed back in. He asked if there was anything in the ordinance or regulation that would prevent it.

Mr. Sullivan explained that there was nothing in the regulations that would prevent the Board from adding the additional uses back on; that if the Board is inclined to approve it, he does need to go through the specific list as Ms. Brown had pointed out, there was one table that was not included in the Board's packet; and that there was another table that was included as attachment #11 which need to be reviewed on a one-by-one basis.

By consensus, the Board wanted to hear the uses.

Mr. Sullivan reviewed the additional uses allowed to be added to the original list of uses as follows:

ABC Stores	Appliance Sales & Service
Cabinet Shops (excluding manufacture)	Catering Establishments
Dairy Bars and Ice Cream Shops	Specialty Food Store limited to 12,000 square feet maximum and no outside storage or displays
Music Stores	Photographic Studio, camera shops
Post Office internal to primary use structure only (no stand alone facilities)	Repair shops for jewelry, shoes, radios, televisions and other small office or household appliances with no outside storage or displays
Secretarial & Job Service Agency	Sporting Good Sales with no outside storage or displays
Bake Shops & similar food preparation	Laboratory dental, medical, optical
Bicycle sales & repair	Hardware, appliances, electrical and similar items retail sales
Lawn & Garden shops (under roof)	Medical Clinics
Opticians and optical sales and service	Paint Retail shops
Veterinary clinics and hospitals with dog runs or equivalent facilities	Laundries Laundromats and Dry Cleaning establishments

He explained that the applicant is not agreeing to remove the "Veterinary clinics and hospitals with dog runs or equivalent facilities" from the list.

Chairman Bock stated that it seems to him that the County Land Use Plan and Economic Development intention would be to make doing business in the County easier; that if all the conditions are met for the B-1 zoning, it appears that the findings have been met; that he thinks he would be in the minority if he was on the Planning Board; that he sees the need for some flexibility if the original planning was done in 2004, 2005, 2006; that a lot has changed; that he would think that they would want to keep some flexibility to keep up with market conditions; that it doesn't seem to modify the site plan which would be his main concern; that it seems as though all the environmental issues have been met; and that he would be inclined to approve the conditional use permit according to what he has heard.

Commissioner Petty stated that he is having trouble understanding how, when we are currently allowing 17 or the 22 uses to be the same, how allowing additional uses would be detrimental to what was proposed as careful planning since its inception; that if there is a reason why that would have a negative impact, he would like to know what it is; that what he sees about it at this point, it looks like it would actually kick-start the need for getting something going with the economy; that it has been determined that there is no negative impact on traffic; that if he correctly heard all of the comments, any of areas in the conditions that are not met, Polk has agreed to meet. Polks Village concurred.

Commissioner Petty stated that as far as a timeline is concerned, it appears that they are closer to being ready to go than Williams Corner. Ms. Brown stated that they think that is correct.

Commissioner Petty stated that in light of the report from the Economic Development Corporation letter, and in light of the fact that we are struggling to get businesses and employment in Chatham County and wanting to be friendly to these businesses, they have seen different departments and government on all levels, try some things that are a little more risky than what they are trying to do here without any results; that he has not been convinced of the negative impact of allowing this to happen; that provided that all of the conditions are met; and that he feels the only ones in question are #3, #4, and #5, and #5 could be met with some modifications.

Commissioner Stewart stated that based on what Commissioners Bock and Petty have already said about the circumstances, that it sounds like Polks Village is ready to go, the commitments that have been made by multiple residents who will occupy these businesses, in view of what they have heard earlier with regard to the discussion of the Capital Improvements Plan and the need for schools and other things in this area, and looking for the funding and resources and in light of the Economic Development support, she sees no reason why they should deny the increase of uses. She stated that she appreciates the careful planning that went into the whole project in 2005-2006; that unfortunately, a lot has changed dramatically since then; that they are looking at a totally different economy and situation of growth since then; that it sounds to her, if you look at the footprint, the larger development area (Williams Corner) was probably anticipating that the growth pattern that they were seeing at that time was going to continue; that it makes her wonder if at some point that it may need to be reduced based on where we are today; that she doesn't have a problem with this and nothing jumps out at her; that we need the business in the County and make the process as simple as possible.

Chairman Bock stated that he hopes if Polks Village is approved, that it does not kill the Williams Corner development, as both are needed; that if they see changes that they need to make, they are receptive to being flexible with Williams Corner as well; and that they encourage them to do what needs to be done in order to get as much development going in the approved places, assuming all the regulations are met.

Commissioner Stewart stated that it seems that in the medical area, that is the one area in which there had been continued growth; that it is her hope that that will be the case and that it will work in everyone's favor; that they are by no means voting for one against the other; that they are present to help both as they want to see the growth, no matter who it is.

Mr. Sullivan stated that they had addressed Findings #1 and #2 on staff notes and #5 was met through conditions which current conditions will cover.

The County Attorney stated that he felt there was enough evidence in the record to support the Findings #3 and #4.

Chairman Bock stated that the one thing he needed clarification on is Condition #2.

Mr. Sullivan read a list of the twelve current uses in Condition #2 as follows:

ABC Store, Appliance Sales and Service, Cabinet Shops (excluding manufacture), Catering Establishments, Dairy Bars and Ice Cream Shops, Food Stores, Specialty Retail limited to a maximum of 12,000 square feet

Also included in the notes were: no outside storage or displays

Music Stores, Photographic Studio and Camera Shops, Post Office internal to the primary structure only, no stand-alone facilities, Repair Shops for jewelry, shoes, radio, televisions and other small office or household appliances with no outside storage or display, Secretarial and Job Service Agency, Sporting Good Sales with no outside storage or display

Mr. Sullivan stated that the additional uses that were included in the notes that were requested with the original application are:

Bake Shops and Similar Food Preparation, Laboratory, Dental, Medical, Optical, Laundries (Laundry Mats and Dry Cleaning Establishments), Bicycle Sales and Repair, Hardware, Appliances, Electrical and Similar Item Retail Sales, Lawn and Garden Shops under Roof, Medical Clinics, Opticians and Optical Sales and Service, Paint Retail Shops, Veterinary Clinics and Hospitals with no dog runs or Equivalent Facilities

He explained that the above are part of Polks Village's original request; that there are six items from the original 28 that were requested from their application that they have agreed that they are ok with them not being included.

Chairman Bock asked if all of them fell under the B-1 zoning, and if so, why would they not want to add them back in.

Mr. Sullivan directed the Board to the notes detailing staff's rationale and general concerns for not including them.

Chairman Bock asked if he was correct in stating that they were possible uses; that the developer or someone at some point will have to determine if they want to put them in; that looking at hardware, appliance, and electrical, the reason they said "no" was because there was to be one located across the street; that that doesn't seem like it would be a decision for the Board of Commissioners but would be for someone who wants to invest their money in hardware store with one across the street; and that would be their decision to make and he thinks that the Board would agree. He stated that his concern would be the wastewater issues.

Mr. Sullivan stated that on the wastewater issue, that Condition #11 states, "All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Stormwater Management, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the issuance of the first building permit." He stated that they felt Condition #5 could be met with conditions in that they have to obtain their environmental health permit which is a wastewater permit for any of the uses that will go into the shopping center. He stated that with allowing those uses in the approval, if they cannot get the Environmental Health Department sign-off, the use could not move forward.

Chairman Bock moved, seconded by Commissioner Petty, to adopt **Resolution #2011-5 Approving an Application for a Revision to an Existing Conditional Use Permit by HBP, LLC**, attached hereto and by reference made a part hereof. The motion carried three (3) to zero (0).

Public Hearings:

Text Amendment to Chatham County Zoning Ordinance by Lauren Thomas: Public hearing to receive public comments on a request for a text amendment to the Chatham County Zoning Ordinance by Lauren Thomas to reduce the minimum acreage requirement for daycare centers in the principle residence

Jason Sullivan explained the specifics of the request.

Lauren Thomas, 91 Lonna Court, Pittsboro, NC, stated that she is requesting a text amendment concerning Section 10.13. Her request, she stated, for the language here is to simply state that the three acres be changed to one acre. There stated that she has 1.4 acres and have been able to meet all other requirements set by the Health Department, Fire Marshal, Building Inspections, Division of Child Development and her own neighborhood ordinances. Not only has she met the distance requirement of the two times the minimum yard requirement set by Planning and Zoning, she has also been able to meet the requirement of having the extra land needed to add more sewage line as required by the Health Department. She has both the indoor and outdoor space requirement for space required by the Division of Child Development with enhanced standards which means that she has more than necessary to get better than average scores. She has been able to do many other things including the installation of a ramp that must be a certain distance from her sewage as

required by Building Inspections and the Fire Marshal. With her existing 1.4 acres, she has much more than enough acreage than necessary to meet every agency's requirement and still be able to put in extra parking. She has found that this was put in place before the State had so many rules and regulations on space through the Division of Child Development which each year has tighter and tighter rules on everything from indoor space to potty management, etc. Her lead consultant who oversees approximately seven or eight counties in central North Carolina, has never heard of another county or city requiring so much land for a home center which is what she is trying to be. At present, she has five children in her home and she is requesting a maximum of twelve children. The consultant is the person who comes into your home for the final assessment from the Division of Child Development and makes sure all approvals are in place. Her hope is with the change in text, more people in the County that are passionate about children might be able to do what she dreams of doing in her own home and have the ability to stay home with their own children. She asked that this text be amended from three acres to one acre. She thanked the Board for their time.

There was no one else present who wished to make public comments.

The Chairman closed the public hearing.

Revision to Existing Conditional Use Permit by McGill Environmental: Public hearing to receive public comments on a request for a revision to an existing conditional use permit by McGill Environmental located at 634 Christian Chapel Church Road, Parcel #5596, to add a modular office building to the site

The Chairman administered the oath to those present who wished to make public comments.

Jason Sullivan, Chatham County Planning Director, explained the specifics of the request.

The Chairman opened the floor for public comments.

Cindy Perry, Attorney representing McGill Environmental Systems of North Carolina, stated that she had practiced in Chatham County for over twenty years and is pleased to represent her client which is a recycling industry located in southern Chatham County in the Town of New Hill. She stated that on October 16, 2000, the Chatham County Board of Commissioners approved by unanimous vote a Heavy Industrial Conditional Use District with a Conditional Use Permit for a recycling plant with limited retail sales of product, on 48.5 acres off SR #1912, Christian Chapel Road, in Cape Fear Township. This area is about the most ideal location for heavy industry as there are many surrounding companies, B&B Trucking, Triangle Brick, Sierra Pine (Uniboard), Honeywell, and several other small pulp mills. The tract is heavily wooded and buffers the plant from adjoining properties with the nearest residential use located over one thousand feet from the plant. McGill constructed this state-of-the-art plant in 2001 and began operations in 2002 and produces a high-quality compost product. The plant employs twenty-one people, with an annual payroll of approximately \$1,000,000.00, and annual sales in excess of \$3,000,000.00 and processed 75,000 tons of bio-solids, bio-products, and waste products and turned them into environmentally compost. She introduced Steve Cockman, a forty-year resident of Chatham County, Vice-President and Operations Manager of McGill.

Steve Cockman gave a brief overview of McGill Environmental Systems stating that they were formed in 1991 by Jim McGill in Sampson County. They will be celebrating their twentieth business anniversary this year. Currently McGill owns and operates two facilities in North Carolina, one facility in Virginia, and facilities in Ireland. McGill accepts and composts only preapproved feed stocks from customers and is permitted by the NC Division of Environmental and Natural Resources. They currently accept residuals from local companies such as Moncure Plywood, Performance Fibers, etc. As a subcontractor, they have composted residuals from the Town of Pittsboro and the Chatham County Water Plant. They also see an increasing amount of sheetrock and wood waste coming into their plants, particularly this plant and they feel like it will increase as building increases in the County. McGill compost products are marketed generally within a seventy-five mile radius of their plants and are used in a wide range of agricultural, horticultural, and erosion control projects.

Their compost products are sold wholesale to both end-users and retailers. Some within the County include B&L Landscape Supply located in Pittsboro, Plant Tenders Landscaping located in Moncure, Backwoods Landscaping located in Moncure, Lutterloh Farm Trucking located near Pittsboro, and in adjacent counties by the North Carolina Department of Administration Facilities that oversees the grounds of the Governor's Mansion. In addition, the NC Department of Transportation is a customer who uses their products for erosion control seeding. Another product in their product line that is increasing in sales is their McGill Ag Compost from local farmers as they become more aware of the benefits of compost as a soil amendment relating to long-term soil improvement. This awareness is being increased by the rising price of commercial fertilizers and the benefits derive from other products such as compost for nutrient sources. This request is for additional office space that will allow them to improve their facilities, locker room and break room for their employees. It will also have additional office space for a salesman that is yet to be hired for the facility.

Ms. Perry stated that their application includes the five findings that are required to be found and they believe it to be well-documented. A great deal of their application references to the work that was done in 2000 when the Board approved the original request. As Mr. Cockman stated, this simply adds an administrative building to the plan. The conditional use permit, when they first got it in 2000, did not anticipate the excellent growth in the recycling industries. The original plan did not provide for a sufficient amount of administrative space. This will allow them to provide that space and to hire additional staff. She stated that they believe McGill, over the last eight years, has proven to be an important corporate community member, an employer, and a conservation industry in Chatham County. This is the kind of growth that Chatham County needs and they commend the amendment to the Board as they go forward, both between the Board of Commissioners and the Planning Board.

Tom Glendenning, 160 Eddie Perry Road, Pittsboro, NC, stated that he was the first composter in the State in 1974, helped build the industry, founding the North Carolina Compost Council. He stated that Nowell's Company and his were in competition until the economic affect of the Gulf War had its final impact on his company; that he believes in composting; that they are an exemplary company and employer; that they are making a product available that affects the quality of the environment; that it is secondly, the only true recycling that is realized by local business; that we send off our aluminum, steel, etc.; that this is taking the waste, trucking it 30,40,50 miles and making a valuable product; that Nowell and Steve are friends of his and they could find no better person to run the company.

The Chairman closed the public hearing.

Revision to Existing Conditional Use Permit by Colvard Farms Homeowner's Association: Public hearing to receive public comments on a request for a revision to an existing conditional use permit by Colvard Farms Homeowner's Association, located at 9310 NC Highway #751, for multiple revisions

Jason Sullivan, Chatham County Planning Director, explained this was a request for an amendment to the Colvard Farms conditional use permit by the Colvard Farms Homeowners Association. The conditional use permit was originally approved in March 2001 and the specific amendment request is detailed on page 5 of their application. The first part of the request is to amend conditions 2 and 3 to replace the word "building" with "dwelling", which has cause problems for homeowners trying to obtain permits for roofed accessory structures within a 50 foot building setback on properties adjoining the 50 foot undisturbed buffer adjoining the Corps of Engineers property. The conditional use permit has a 50 foot undisturbed buffer adjoining the Corps property and an additional 50 foot building setback from the undisturbed buffer. The definition of building in the Zoning Ordinance is any structure having a roof supported by walls or columns. Staff has allowed swimming pools and unroofed structures, such as patios, in the 50 foot building setback; however, some residents would like to have roofed structures in the setback. The amendment request is also to amend the sketch design to create three non-residential lots for the water system, wastewater treatment plant, and reuse water storage pond. These systems have been constructed to serve the existing development and the HOA wants to transfer ownership to another party. The amendment also includes a request to reduce the minimum lot sizes for the

water and wastewater treatment plants, which is allowed under the existing conditional use permit.

The Chairman opened the floor for public comments.

There was no one present who wished to make public comments.

The Chairman closed the public comments

Conditional Use Permit by Rocky McCampbell: ~~Public hearing to receive public comments on a request by Rocky McCampbell for a conditional use permit for a personal service shop specifically for a dog grooming business, on approximately 1 ac, located at 1115 Mt. Carmel Church Road, Parcel #64812~~

This item was removed from the Agenda for consideration at a later date.

COMMISSIONERS' PRIORITIES

Other:

Economic Development Corporation Presentation: Presentation by Larry Hicks from the Economic Development Corporation

Chairman Bock explained that the Economic Development Corporation (EDC) is present at his request. He requested that the presentation be moved to another evening stating that the Economic Development Corporation is doing a tremendous amount of work in identifying ways in order to get economic development in the County. He stated that he wants citizens to hear what they have to say, rather than just a few people that attend the EDC meetings. He thanked Mr. Hicks for sitting through the entire meeting and stated that he thought it would be best to place the presentation at the front of another agenda so that people can hear what they are working on and also some of the struggles that folks in the County are facing when it comes to EDC.

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

Chatham County Human Relations Commission Proclamation: Request to adopt the **Chatham County Human Relations Commission (CCHRC) 2011 Margie E. Ellison Human Relations Month Proclamation**

Commissioner Stewart read the resolution in its entirety.

Chairman Bock moved, seconded by Commissioner Petty, to adopt **Chatham County Human Relations Commission (CCHRC) 2011 Margie E. Ellison Human Relations Month Proclamation 2011-06**, attached hereto and by reference made a part hereof. The motion carried three (3) to zero (0).

Chatham County Human Relations Commission Proclamation: Request to adopt the **Chatham County Human Relations Commission (CCHRC) 2011 African-American History Month Proclamation**

The Chairman read the resolution in its entirety.

Commissioner Petty moved, seconded by Commissioner Stewart, to adopt **Chatham County Human Relations Commission (CCHRC) 2011 African-American History Month Proclamation #2011-07**, attached hereto and by reference made a part hereof. The motion carried three (3) to zero (0).

Options for Videotaping and Posting Commissioner Meetings Online:

Debra Henzey, Director of Community Relations, gave an update on options for videotaping and posting Commissioner meetings online as follows:

“One of the priorities of the new Board is to provide videotapes of Board of Commissioner meetings to the public online within a day or two after the meetings are held. We also hope to be able to make at least some meeting video available on the County’s Government Access Channel on Time Warner Cable a day or two after the meeting as well. We have contacted other local governments who provide this service and also have had input from our MIS staff and Action Audits consultants (they work the County through a Triangle J Council of Governments agreement) to identify the best options to accomplish this goal. We need to get feedback from the Board before moving forward with any option. We would have to address County bandwidth issues to do livestreaming of the meetings, and it would not be available at all meeting locations. We also would need additional equipment to livestream than what we have specified below, especially if we wanted to broadcast live on the cable channel.

The County will need to buy equipment and make a commitment of staff time, especially in a two to three-month start-up period as we develop a process that works.

Equipment:

The County currently does not have any videotaping equipment or ability to edit and upload videos. We can use funds accumulated in a Video Programming account that holds funds remitted to us by the cable providers and the Department of Revenue to pay for equipment and related software. We estimate the cost of equipment and software to be \$4,600-\$5,000, based on two quotes received so far. This would include a basic professional digital video camera, tripod, sound kit, lighting, memory card, software and camera bag. At this time, we have about \$22,000 in this account, so we have ample funds to cover the cost. However, we will need to save about \$4000 to cover equipment needed to help Central Carolina Community College start its own cable TV channel in the next few months, which will require us to enhance our existing master control equipment in Pittsboro. However, one unknown is that I may need a faster computer than I currently have to edit and upload the large video files. I will try to make my existing laptop work but MIS and others who do this work expect me to need to upgrade to a PC with more RAM, which would be around \$2,500. We can also cover this out of the Video Programming account if needed.

Online Distribution of Video:

There are several free or low-cost websites, such as YouTube, that provide video hosting. However, many of these have limitations on length of videos, file sizes and/or number of videos you can upload over a set period of time. For example, YouTube does not accept any videos longer than 15 minutes. This would break a two-hour board meeting into eight parts. Most have a limit on file size and one 30-minute section compressed will be nearly 200 MB, so a three-hour meeting would be more than 1 GB compressed. YouTube also can be very slow for viewers to access. The low-cost options will only allow us to keep one or two months of meetings online, even less if we post events like community meetings on the landfill. The best option in the low-cost category with limited video storage is:

- **Vimeo Plus:** \$60 per year. Each file uploaded can’t exceed 1 GB, so longer meetings would be broken into multiple parts. It has a limit of 5 GB of uploads per week. At this time, they do not have a cap on total storage capacity over time, but are considering a 30 GB cap. If they do this, we would only be able to store about 3 to 4 months of videos without deleting older ones. Can livestream but a bit more complicated to do so.
- **Livestream:** Free, but supported by ads. Total storage capacity of 1 GB per file and 10 GB total, so could not store more than 1 to 2 months of meetings at a time. They do have a paid, ad-free service but is fairly expensive. Can livestream on this site.

The more affordable options available for a monthly fee that would allow us to keep six to eight months or more of video online are:

- **Brightcove:** \$199 per month. Provides up to 100 GB of storage and up to 200 videos. This would allow us to archive 8 to 12 months of Commissioner meetings plus a few other meetings before we had to delete files. They have a cheaper version at \$99 per month with a limit of 50 videos total and 50 GB of storage, or about 3 to 5 months of Commissioner meetings. Does allow livestreaming.
- **Livestream.com:** \$350 per month. Provides up to 1000 GB of storage and no limit on file size. This would allow extended archiving of meetings. But, this is a costly option.

Regardless of which option we choose, we can link to the video website from the county website in various locations.

Government Access Channel: At this time, we have a channel on Time Warner Cable's distribution area in the County, mostly in Pittsboro and parts of northeastern Chatham along Highway #15/501, serving about 5,500 customers. We are exploring options to send Chatham Government channel signal to Charter Cable in the Siler City area, which has about 1,500 customers, and will report back on that issue soon. The challenge is that the two are separate companies and we do not have the money to provide duplicate equipment and staff support in Siler City. But, we are working with Action Audits to explore cost effective innovative solutions to accomplish this task.

We do not currently have the needed modules to cablecast live from our Pittsboro master control facility. The additional modules would cost about \$40,000, which exceeds the funding in our Video Programming Account. Down the road, the upgrade would allow us to cablecast the meetings as well as other county programs (e.g., interviews) and place programs on a video-on-demand server so they could be viewed anytime by anyone over the internet, but we would need to wait until we have additional staff to produce such programming.

In the interim, we have been working with Action Audits in experimenting with uploading video recordings of the meetings to the channel and have succeeded in playing a 35-minute meeting highlights video. The Tightrope equipment we use was not intended for this purpose, but we have been successful in making it play longer video recordings. It appears we are limited by the storage capacity of the server and compressing the video file to a size small enough for the system to handle. But, we are hopeful that we can get this to work without a costly upgrade as long as we are not broadcasting live. Action Audits is exploring innovative solutions that might allow us to televise meetings live with small capital outlay.

Staff Support: This may be one of the bigger challenges at this time. We can contract with Action Audits to provide support for initial startup, including videotaping the first two meetings while training staff on how to do this. We would pay them for an estimated 30 to 40 hours of work. After that point, interviews of other localities who post meeting online indicate that staff will spend 1.5 times the length of the meeting doing post-meeting work to prepare and upload the videos. This means a work session plus regular session equal to 4 hours total will take 6 hours of work or 75% of a work day. It also will require an additional hour of staff setup and breakdown of equipment for each meeting and being onsite for the entire meeting.

Based on these estimates, two meetings a month will be equal to about **four workdays per month** to implement this work, not including additional meetings, such as special public hearings. The other challenge is that Debra also must follow the meeting proceedings to draft and edit news releases and usually spends the evening and/or morning after meetings preparing and getting out news releases and posting them on the website. We will have to rely on a fixed camera position if she does the taping. Her schedule also means that the earliest she could post the video online would be at least two days after the meeting. .

As suggested by Chairman Bock, one option is to consider getting volunteers to help tape the meetings, but the biggest time commitment is post-meeting. There could be security concerns in using non-staff volunteers to do the editing, formatting and uploading of the video, but these would not be serious issues if they are limited to doing the videotaping. We

need some input from the Board of Directors on how we might best use volunteers to help provide this service.

Audio Quality: Until we purchase and install new sound reinforcement equipment with a line out connector to feed the video camera, the audio recorded will be mediocre at best. As you all know, some speakers do not talk directly into the microphone or inadvertently speak into the Clerk's microphone; these conversations will not be audible. We can expect some complaints about audio quality based on previous efforts to post audio recordings of the meetings online a year ago. It may be best to postpone this work until the new sound equipment is in place.

Budgetary Impact:

- Video recording equipment & software = \$4,500 to \$5,000*
- Action Audits initial training, testing and setup = \$3,000 to \$4,000
- Possible new computer = \$2,500*
- Online storage of videos = \$60 per year (but may have to upgrade to pricier service)
- Staff time = \$8,000-\$11,400 in staff time depending on who does the work, use of volunteers and how many meetings beyond commissioner meetings are recorded and posted.

*These equipment items could be paid out of the county's Video Programming account using existing funds.

NOTE: Action Audits and local governments were successful in convincing the state legislature to increase video programming aid to local governments from \$18,000 annually to \$34,000 effective July 1, 2011, so we expect to get more funding in the next budget year to support these activities unless the state cuts this as part of the budget process.

Staff recommends moving forward with this project, but we suggest waiting until after the new meeting room sound equipment is purchased and installed. However, we do have significant concerns about staff resources. At this time, we only have one person to handle all communications duties, including webmaster duties, PEG channel operations, news releases, publications, surveys, etc.

We will have to rely on a fixed camera position for the meetings if Debra is operating the camera since she has other duties at the meeting. We also must consider how many other meetings we can record and post beyond the regular commissioner meetings without additional staff support. Volunteers can help with videotaping, but there are security considerations for volunteers to perform editing and uploading.

For online hosting, we suggest starting with Vimeo Plus as a low-cost option and, if that is not sufficient, that we try Brightcove for expanded archiving.

Chairman Bock thanked Ms. Henzey stated that she had done a great job on this. He stated that he feels that the more expensive options would probably be best long-term once we have a permanent place, but since we don't, that will take a lot of them off the table. He stated that the first priority is to fix the sound system, so whatever can be done to fix it, and the sooner the better, he would do that first which will then open up for some of the video options.

Ms. Henzey stated that she felt this supplies a good example of the problem we would have even if we had good equipment. We do not have a sound system we can plug into now. And as evident, this time of room echoes. Moncure School will be worse due to being in the gymnasium. She stated that she looks forward to a new sound system as she thinks it will make it much more user friendly for people to decent sound quality.

Resolution Approving Financing Contract and Deed of Trust: Request to adopt Resolution Approving a Contract and a Deed of Trust with Respect Thereto and Delivery Thereof and Providing for Certain Other Related Matters

Vicki McConnell, Finance Officer, explained the specifics of the request.

Commissioner Petty moved, seconded by Commissioner Stewart, to adopt **Resolution #2011-08 Approving a Contract and a Deed of Trust with Respect Thereto and Delivery Thereof and Providing for Certain Other Related Matters**, attached hereto and by reference made a part hereof. The motion carried three (3) to zero (0).

MANAGER' S REPORTS

The County Manager reported on the following:

Cooperative Extension Annual Report and Luncheon:

The Board of Commissioners' Annual Report and luncheon with the Chatham County Cooperative Extension will be held on February 07, 2011 from 12:00 to 2:00 PM in the Agricultural Building Auditorium.

COMMISSIONERS' REPORTS

There were no Commissioner's Reports.

ADJOURNMENT

Chairman Bock moved, seconded by Commissioner Stewart, to adjourn the meeting. The motion carried three (3) to zero (0), and the meeting was adjourned at 8:48 PM.

Brian Bock, Chairman

ATTEST:

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