

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

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Agricultural Building Auditorium, 45 South Street, in Pittsboro, North Carolina, at 6:00 PM on April 18, 2011.

Present: Brian Bock, Chairman; Walter Petty, Vice Chair;
Commissioners Mike Cross, Sally Kost, and Pamela Stewart

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

INVOCATION AND PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

Chairman Bock welcomed those in attendance and called the meeting to order at 6:02 PM.

AGENDA AND CONSENT AGENDA

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

Ms. Paschal asked that a presentation by Sheriff’s Office on the Detention Facility be added to the Agenda prior to LEED Certification Presentation.

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

1. **Minutes:** Approval of Board Minutes for the Regular Meeting held on April 4, 2011 and Work Session held on April 4, 2011

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

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

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

3. **Fiscal Year Budget Amendments:** Approval of a request to approve fiscal year 2010-2011 budget amendments, attached hereto and by reference made a part hereof.

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

4. **Resolution for Addition of Streets to NC System of Secondary Roads:** Approval of a request to adopt **Resolution #2011-22 for the Addition of Streets or Roads to the North Carolina System of Secondary Roads – Valley Meadow Subdivision**, attached hereto and by reference made a part hereof.

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

5. **Resolution for Addition of Streets to NC System of Secondary Roads:** Approval of a request to adopt **Resolution #2011-23 for the Addition of Streets or Roads to the North Carolina System of Secondary Roads – Governors Forest Subdivision**, attached hereto and by reference made a part hereof.

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

6. **Community Development Block Grant (CDBG) - Scattered Site Housing Award:** Approval of a request to accept \$400,000 awarded to Chatham County from the 2010 CDBG Scattered-Site Housing Program and adopt **2010 CDBG Scattered Site Project Budget Ordinance**, attached hereto and by reference made a part hereof.

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

7. **Community Development Block Grant (CDBG) - Economic Recovery Program Award:** Approval of a request to accept \$500,000 awarded to Chatham County from the Community Development Block Grant Economic Recovery Program for housing rehabilitation and adopt **2010 CDBG Economic Recovery Project Budget Ordinance**, attached hereto and by reference made a part hereof.

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

8. **Western Shore of Jordan Lake Watershed Protection Plan - Clean Water Management Trust Fund (CWMTF) Grant:**

(A) Approval of a request to accept CWMTF contract and addenda

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

(B) Approval of contract with CDM for this project

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

9. **Alcoholic Beverage Control (ABC) Board's Travel Policy:** Approval of ABC Board's use of Chatham County's travel policy as their official travel policy

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

10. **OPC Mental Health - 1915(b)(c) Medicaid Waiver Expansion:** Approval of a request by the OPC Mental Health Board to pursue a merger arrangement with Piedmont Behavioral Healthcare (PBH) who will be identified as the lead Local Management Entity and provide services for in Orange, Person, and Chatham through a 1915(b)(c) combo waiver

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Dan Sundberg, 295 Wildflower Lane, Siler City, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“To the Chatham County Commissioners Regarding: Chatham County School Budget Request:

There is the story of a minister who got up on Sunday and announced to his congregation ‘I have good news and bad news. The good news is, we have enough money to pay for our new building program. The bad news is, it's still out there in your pockets.’

Quote by Robert Logan for reference.

‘As far as central office is concerned, we are the typical size central office for a school system of our size. Central offices have two functions, 1) to serve the schools by helping to improve the learning environment, and 2) as a regulatory group, ensuring quality control, legal, and

financial efficacy. Many of the positions are necessary due to federal or state reporting/processing requirements. Can we operate with fewer people? To what end. As positions are cut some things will not get done. Federal and state mandates will receive priority due to funding. The schools and public would receive less service. During my almost three year tenure with Chatham County Schools, I have added one person to the central office (a compliance officer) and cut three (one in human resources, the Title I director, and one administrative assistant). Three central office cuts are in the budget proposals under development and over \$1.1 million in cuts from central services. I assume people in the community want the school district's budget to be balanced from cuts in the central office. If, the deficit remains as presently estimated, we cannot reduce the workforce enough from central office to balance the budget. He also is quoted as saying central office is not like a business. "We still have duties we need to perform. In business you can choose to drop obligations." This was in response to my comment that my wife's company has dramatically cut its number of employees in the last 2 years and the remaining people now have to work harder.

This is my argument to Mr. Logan's assertions: As you know, most central office positions are funded from multiple sources, but 24 positions, costing \$1.6M per year (excluding longevity) are completely locally funded. These include 6 Administrative Assistants, 2 Office Support, 4 directors, 2 Finance specialists, and 1 HR person. We could eliminate at least those 15 positions, costing \$871K per year (excluding longevity) without affecting the ability to comply with state and federal mandates. So, though we might not be able to completely balance the budget in Central Office, that \$871K would go a long way toward solving the problem.

Mr. Logan gave us this list of counties he considers comparable to Chatham: Carteret, Davie, Edgecombe, Haywood, Pender, Richmond, and Vance. I would add Franklin and Alamance-Burlington.

Haywood and Pender County have only one assistant/associate Superintendent. Carteret, Davie, Edgecombe, and Vance each have two. Only Richmond has three as we do. The average of all eight counties is two assistant/associate Superintendents. If we eliminated one of our three positions, that would save between \$158 thousand and \$167 thousand, including salary and benefits.

Directors: I believe that we frequently have a Director in positions the comparable counties have a manager.

Finance Department: Our Finance Department includes a Chief Operating Officer, an Administrative Assistant, and six other employees. (This does not include the Child Nutrition Director, Child Nutrition Administrative Assistant, and Child Nutrition Accounting Manager.)

Human Resources Department: Our HR Department includes an Assistant Superintendent, a Director, an Administrative Assistant, and five other employees.

Administrative Assistants: There are 16 employees with the title Administrative Assistant in our Central Office (according the district website). In business, it is rare to have an Administrative Assistant below the Vice President level; directors do not have their own administrative assistants, particularly not multiples in the same department. CCS has at least nine Administrative Assistants to Directors.

We should compare all of the staffing against the state staffing guidelines. Any non-classroom position in excess of the guidelines should be eliminated. Classroom positions in excess of the guidelines should be at the top of the list if classroom cuts are necessary.

The list of all 24 central office people funded exclusively from local funds is below. None of these are required by the state or the federal government. They exist based on the decisions of our local district.

DIR INDUCTION & SUCCESS
TECHNOLOGY
ADM ASST DIRECTOR/
ADM ASST TO DIRECTORS
ADM ASST TO C & I DEPT
EC OFFICE SUPPORT
CONSTRUCTION MGR

NC WISE FACILITATOR
ADM ASST TO SUPTA/HR
CUSTODIAN LEAD
DIR ACCOUNTABILITY/NCWISE
ACCOUNTABILITY SPECIALIST
ADM ASST FOR SUPTA
USER SYSTEMS ADM
DIR SECONDARY EDUCATION
TECHNOLOGY TECH II
PUBLIC INF OFFICER
DIR TECHNOLOGY
FINANCE SPECIALIST I
ADM ASST FOR SUPTA
FACILITATOR-IP
TECHNOLOGY WAN
HR OFFICE SUPPORT
FINANCE ACCT SPECIALIST I

At a BOE meeting Flint O'Brian asked for the central office staff records going back 10 years so he could see the comparison of the size of central office over time. I believe I heard Mr. Logan ask him if he meant positions or the cost. I swear I heard Mr. O'Brian say both. When only the history of positions was given I e-mailed Mr. Logan to request that the other part of the data Mr. Logan wrote back that he had listened to the tape and no such request was made. It is possible I was mistaken and as a citizen I cannot request a report that has not been prepared. However, you commissioners should be very interested in how the cost of central office has increased in the last 10 years and you will be allowed to get the report.

Just before the April 11th meeting I reviewed the new scenarios 9B and 9C. I was surprised that even though both Mr. O'Brian and Mr. Leonard had explicitly asked for additional cuts on April 4th to the central office "to see what it would look like", (I assume similar to scenario 9), both 9B and 9C have LESS cuts to Central office than 9 or 9A. It does not seem proper for the superintendent to not act on what was requested by the BOE members.

The before mentioned scenario 9 that would have cut 9 administrative staff and 2.58 central office administrators. It was to be "tweaked" by the BOE. The chosen version 9C only cut 7 administrative staff and 1.58 central office administrators. Flint O'Brian and Gary Leonard had asked that the "tweaked" scenario put back the cuts to central office of scenario 9. That 176K in savings would by itself put back over half of the 6 Spanish teachers now being cut in scenario 9C.

The BOE is asking for \$500K for "keeping the per pupil spending the same with the predicted 2011-2012 enrollment". Although I am for the need to keep the per student spending the same, I don't think they should be asking you for the money. Here is my reason why. Mr. Logan has step by step decreased the amount of cuts proposed for the central office. In scenario 9 the central office cuts were to be \$730,001.00, but the other scenarios that day were more favorable. Scenario 9A would have cut \$553,094, but another scenario 9C was more favorable due to the other proposed cuts. Scenario 9C became the recommended cuts at the school board meeting. The difference between 9 and 9C is \$260,573.00. I believe this methodology was planned to give the school board no choice but to vote for the scenario Robert Logan wants. That is the ones with the fewest central office cuts. The additional cuts to central office Flint O'Brian and Gary Leonard had asked for on April 4th for scenario 9A were completely ignored. Flint asked for them again April 11th but could not get a second.

I think you need to make sure all the cuts to central office available to the school are made before the county puts in more money. We are the 6th highest county in local spending at present. The problem is not a lack of money. It is how it is spent. On April 11th we were told that the good news for that night was that we could cut the amount of cuts needed because of the percentage of retirement benefits required by the state was reduced. This would save the County \$311,000.00. Instead of using this savings to put back the 4 Spanish teachers being cut and adding the 2 more needed to be effective. The first thing Mr. Logan did was add back one of his Central Office staff. This is a clear indication of his priorities and the disregard for the Mandate by the BOE and Commissioners to "make the cuts as far from the classroom as possible."

The \$2,768,359.00 proposed budget cut was reduced to \$2,431,173.00 from scenario 9 to scenario 9B and 9C. A difference of \$337,186.00. This is close to the amount that was the justification of reconfiguring our K-8 schools into K-5 schools and putting our kids into an inadequate middle school, (or spending 6-10 million to upgrade it), and disrupting 900 students. It is also arguably more than the actual operational budget savings would have been. Why did he put that that many parents and community members to that much effort to save our schools? Why did he use this justification of savings to the very end pitting the K-8 parents against the middle schools and K-5 schools? He used the justification that if we kept our K-8 schools the middle schools will be have no choice but to have no band, less PE, less or no art and many teachers would be cut. Mr. Logan did not come to you then to ask for the \$511,000.00 to avoid reconfiguration then and he should not be coming to you now. He is being pressured to cut central office and is asking for money to avoid that necessity.

If a critical goal and stated need is to keep class sizes as small as possible, why was the chart showing that between \$550,215.96 and \$739,164.46 is needed or class sizes would increase not shown until now? This is arguably the most important figure to date. It should have been included in the budget deficit and added to the amount of cuts needed on the scenarios. How can Mr. Logan wait until the last minute to spring this on the public and expect the Commissioners to fund this difference when he did not even think it was important enough to include in the amount of money sought from the beginning. We need to be shown how this will affect each school and classroom in classroom sizes ASAP.

I believe another \$270,000 in cuts should come from central office as shown in scenario 9 as 9 cuts to "classified staff from central office and 2.58 central office administrators. If you the county Commissioners do not give us additional money to fund this need that no one has known about until now it will not be your fault. This was a very dramatic omission by Mr. Logan and needs to have a very quick remedy at your insistence."

Larry Ballas, 139 Indian Creek Trail, Apex, NC, stated that he wanted to make the afternoon Work Session to speak about the bookmobile. He stated that he thinks it is important to maintain some type of reading capacity for people in Chatham County; that they have the opportunity to take advantage of some type of book utilization; that if they can't make it to the library, then we have to come up with some other way of doing things. He stated that technology has advanced so much over the last many years, places like Barnes and Noble offer a "nook" which is a book reader. They cost approximately \$150.00. Books can be downloaded which cost a maximum of \$10.00. A lot of books are free. Some books are \$2-3. If you put them throughout the County, at drug stores, ice cream shops, or someplace other than the library and let the people in Chatham County know that they are available as part of the library so they would have to check them out where ever they were placed, people would have the opportunity to use these nooks to read books. If there is not one on there that they want, they might be able to download it and be reimbursed or download it on their own financing and the problem would be solved. No one would have to drive a particular bus to a particular area, keep it there for five or six hours or however long and the next week go to a different area. You would have these consistently throughout the County that people can use who can't get to a particular place. They will be lent out for a few days, and like library books, if they are not returned by the due date, they are fined. He asked the Board to think about other opportunities to take advantage of the high-tech things that we have available to us to use. If for some reason we cannot get the downloading capability, let's hit hard the Economic Development Corporation in order to get WiFi's and things like that into the County so that the people who need these things will be able to get them at hardly any cost.

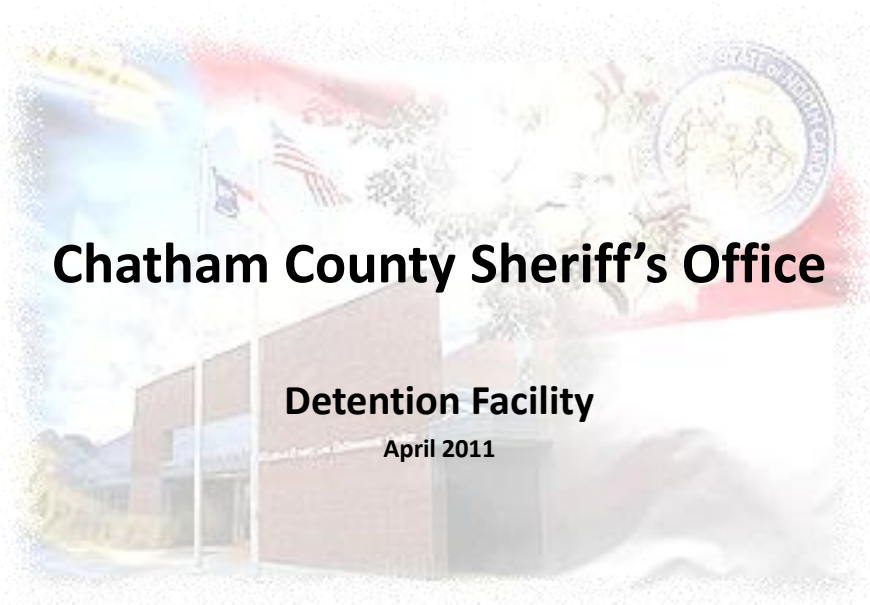
Randy Dye, asked to render his time to William Gheen. By consensus, the Board agreed.

William Gheen, President of Americans for Legal Immigration, stated that they had over 40,000 national supporters, supporters in every state, are a multiracial organization, 22.5% of their supporters are minorities, 7.5 % are Hispanic and their goal is to do their very best to represent the wishes of the vast majority of Americans on immigration and immigration enforcement related issues. He stated they encouraged people all across the country to speak out at boards such as this one, to take civic and proper action to try to limit the amount of negative impacts that are occurring for American workers, students, taxpayers, and voters who are suffering terrible consequences because of illegal immigration. We have American workers who cannot get jobs that were once accessible to them because of illegal immigration. In other cases, we have billions of dollars of wage depreciation that is happening. Now we have limited

seats in our colleges that are turning away Americans that need retraining and education. They are now being impacted as well as our health care facilities. Of course, the news is starting to stream in from the 2010 elections that tens upon tens of thousands of illegal immigrants have voted in American elections in which each one is a felony. Unfortunately, the federal government, in which it is their auspice under the United States Constitution to both establish and enforce the existing immigration laws in the United States while Congress has done its job, the Executive Branch seems to be under some other type of influence at this time. The reason he has come here, Chatham County has earned the distinction as becoming the first sanctuary county in the State of North Carolina. A resolution was passed by this Board two years ago that upset quite a few people declaring that the police and social service agencies and everyone would not cooperate with federal authorities or seek immigration status or anything like that. He stated that he had come today to ask, on behalf of what he is confident is a super majority of the Board's constituencies, to reverse the sanctuary resolution policy of this Board. Polls, such as the one in the spring 2006, 81% of Americans want local police enforcing immigration laws. Other polls show 77% do not want illegal immigrants receiving non-emergency taxpayer benefits. These readings are two polls of a list that goes on and on showing 70-80% want this. Of course you have a situation where some towns and counties do not check immigration status and then the local authorities end up in the position of explaining to grieving families why no one did anything about the criminal behavior of someone who wasn't supposed to be in the country in the first place before the criminality escalated to a death or maiming situation. He stated that he hope they would consider reversing the resolution and taking this Board in a different direction to increase cooperation between the local law enforcement and agencies with immigration enforcement. There is legislation that he believes is very likely to pass in the NC Legislature this year that its genesis probably came from the publicity surrounding the resolution passed two years ago. The State Legislature is about to consider legislation that would prohibit any local government or creature of the state, county, or city from passing such sanctuary resolutions. In some of the counties that have tried to become enforcement oriented against illegal immigration, such as Prince William County in Virginia have experienced significant decreases in crime since the majority of the smugglers that are bringing in a majority of cocaine, methamphetamine, and illegal immigrants into an area such as this and are impacted by such enforcement policies. Only the folks who live here and that have been here all of their lives could tell you why Chatham County wanted to become an outlier statistically as a first sanctuary county, but he hopes the Board will represent the majority of their constituents and consider reversing that policy and making it very clear that legal immigrants and American workers are favored in Chatham County.

COMMISSIONERS' PRIORITIES

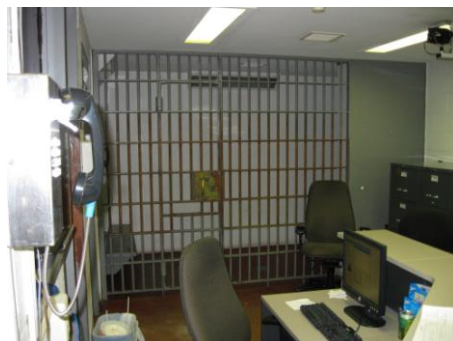
Captain Mike Roberson presented a PowerPoint of the Chatham County Sheriff's Office Detention Facility. He reviewed present jail accommodations, 2010 Average Inmate Status, Reducing Inmate Populations, Inmate Population by Incarceration, Primary Factors that Influence Population Levels, Admissions by Length and Type of Stay, Jail Crowding, Population Considerations, and Important Dates. PowerPoint follows:



INMATES					
MALES			SINGLE CELLS	MEDICAL INFORMATION	AWAY INMATES
CELL BLOCK 1	CELL BLOCK 2	CELL BLOCK 3			
A 10 Maria Ramirez 2 Donald McLean 3 Alvaro Torres 4 David Jack B 1 Reginald Doudy C 1 Kenneth D 1 E 1 2 3 4 F 1 G 1 H 1 1	A 1 2 3 4 B 1 C 1 2 3 4 D 1 E 1 2 3 4 F 1 G 1 H 1	A 1 Edwin Velez 2 Melvin Glover 3 4 B 1 C 1 2 3 4 D 1 E 1 2 3 4 F 1 G 1 H 1	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100	DONNA Wilson - EXTRA No Extra Beds SPECIAL DIETS NOTES SERVING TIME S.T. PUBLIC DRUNKS P.D. FEDERAL INMATES F.I.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

The jail can be full before reaching 51 beds. On a day with 48 inmates, all male beds and all medical beds are full. The only openings are 3 female beds. So even under 51, we have reached capacity in areas of the jail.

- The booking area and holding cell are small.
- The control room is about the same size as a one-person cell.



- There is only one holding cell.
- Dealing with multiple intakes is difficult.



The linear layout of the jail makes supervision difficult. All cellblock doors are 22" wide.



Most people entering the room must turn sideways. A stretcher or backboard will not fit through the door.



The electric controls for the cell doors must be operated at the cellblock door and cannot be used from the security of the control room.



The outer undersized window and a smaller one on the door are the only visual viewpoints into the cellblock.



A male cellblock is designed for a maximum of 14 inmates- 2 four-man cells and 6 one-man cells. We have had 20 inmates housed in here.



A 4-person cell room is 10' X 8', there is only 4' X 8' of open floor space.

To hold more than capacity we must double up in one-person cells.



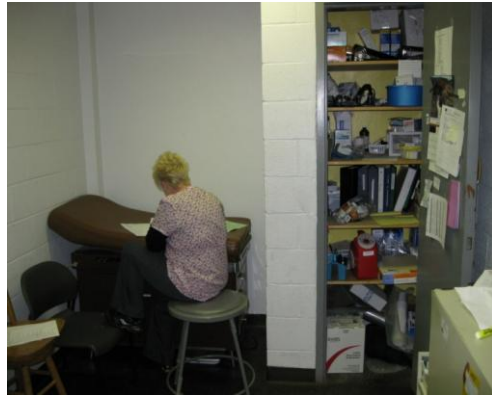
A one-person cell room is 5' X 8' and has only 33" X 8' of floor space.



With two people in a one-person cell there is almost no floor space.

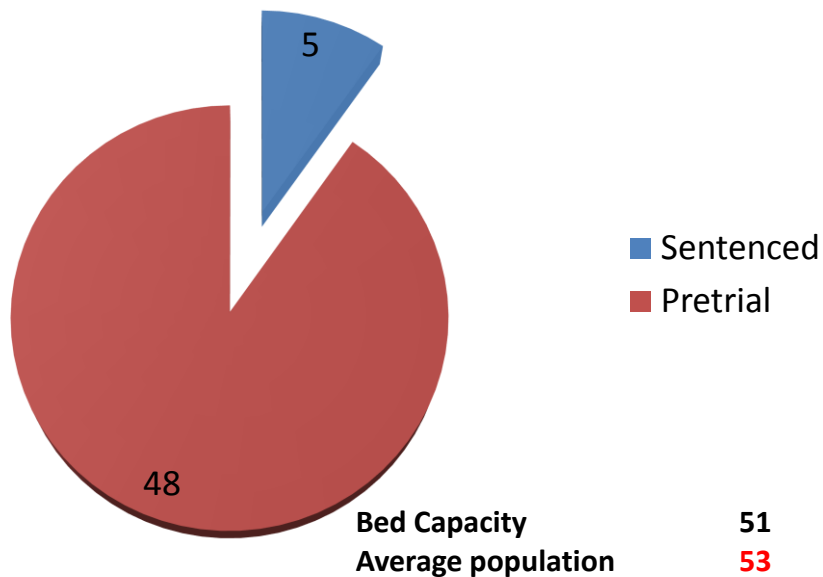


Storage of inmate clothing and property can also be cumbersome when overcrowded.



Our medical room has limited space for our medical staff.

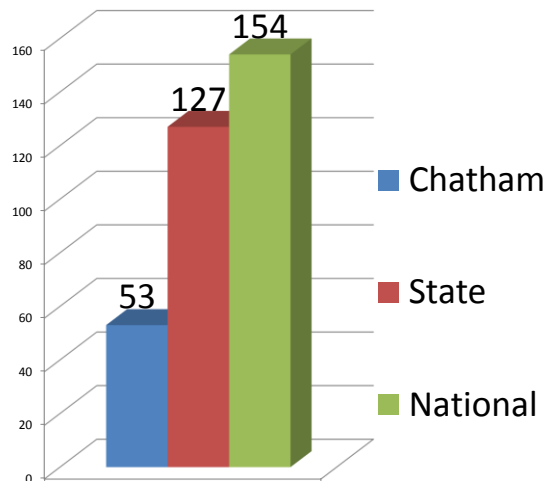
2010 Average Inmate Status



Reducing Inmate population

- Do not hold federal inmates
- Stopped accepting state inmates for court
- Expedite delivering sentenced state inmates to prison
- Moving 60-90 day sentenced county inmates to DOC
- Daily review of population for low bonds or misdemeanor cases
- Conferences with DA's office for bond hearings and to move court dates up on misdemeanor cases
- Open access to defense attorneys to expedite cases
- Strict scrutiny on civil public drunks
- Daily inmate population report to court staff for review
- Pretrial release program

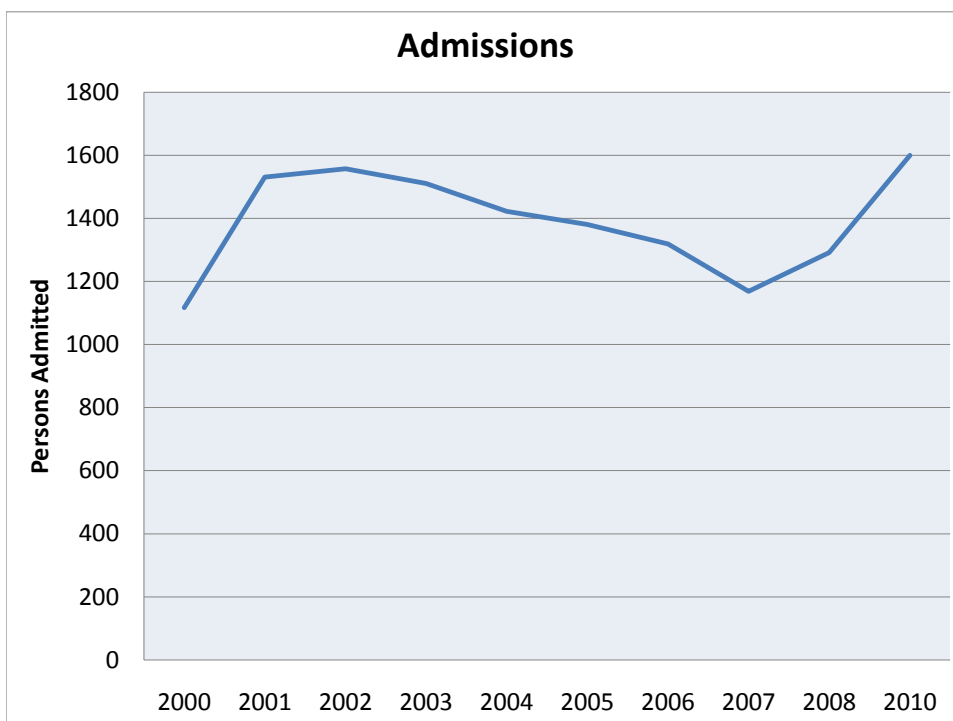
Population by Incarceration Rates



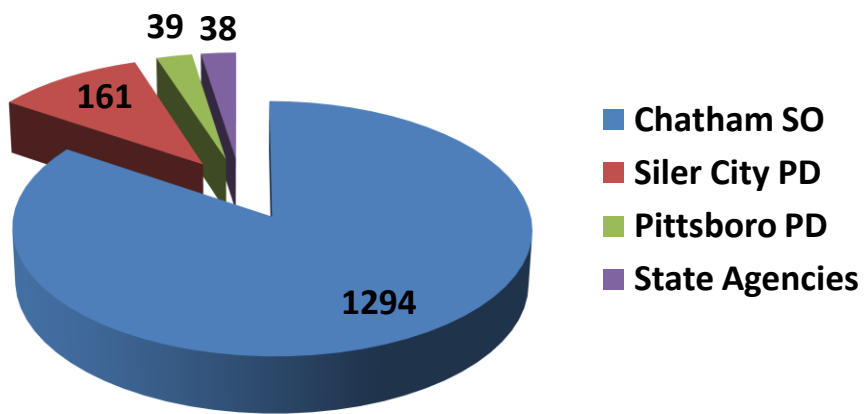
Chatham County has the lowest incarceration rate in the state.

Primary Factors that Influence Population Levels

1. Number of admissions
2. Length of stay

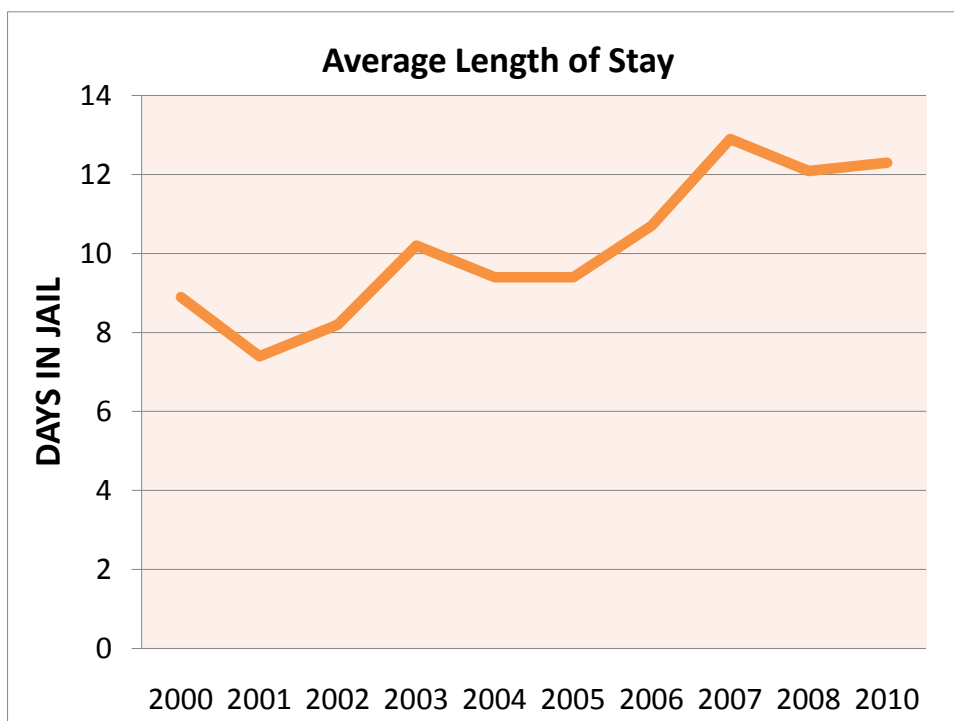
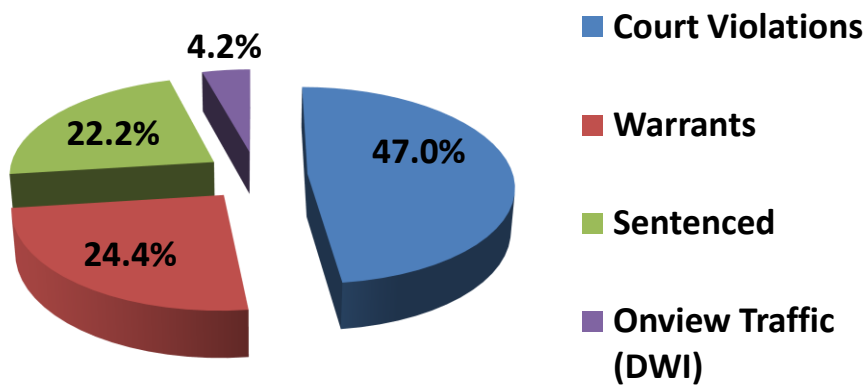


2010 Jail Admissions by Agency

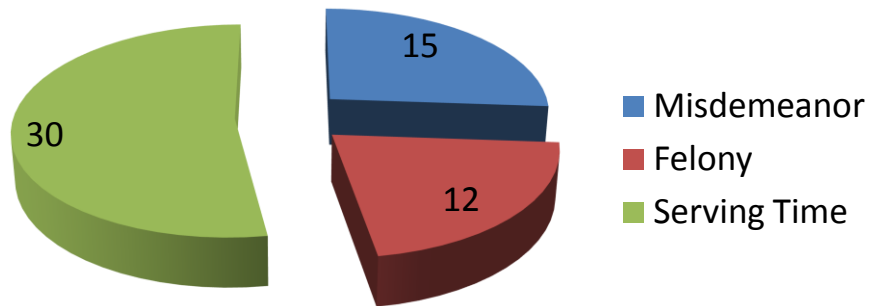


1532 Total Admissions

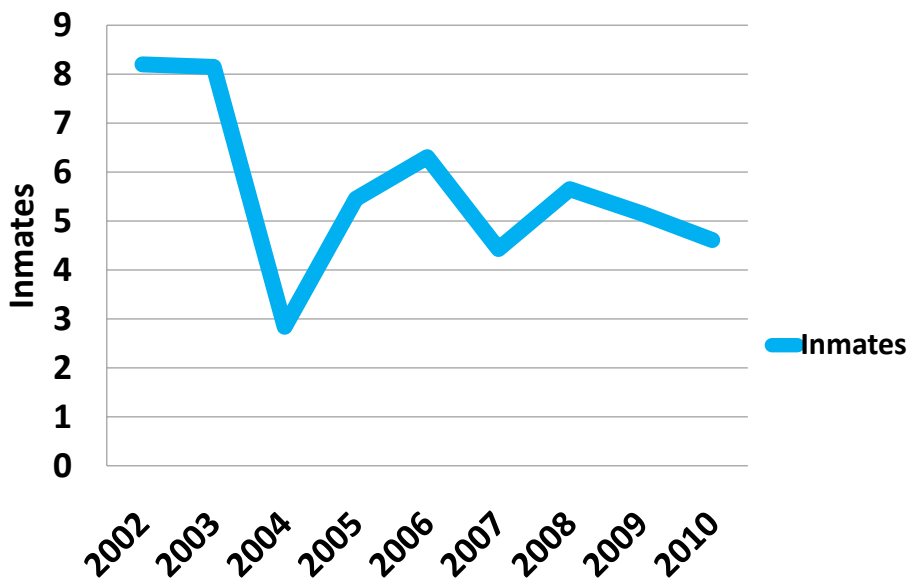
Chatham County Sheriff's Office Admissions



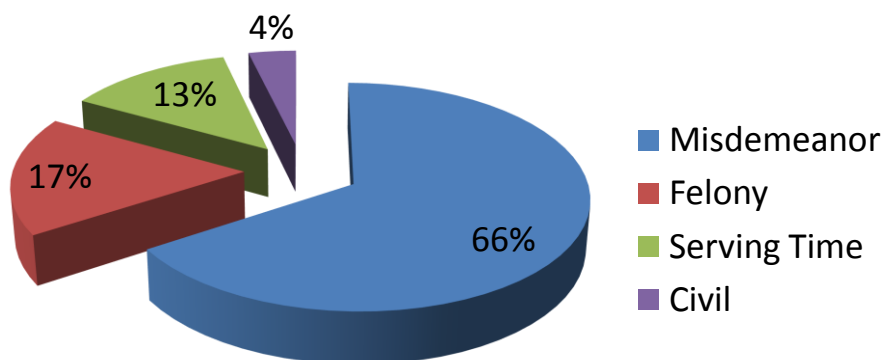
**Average Length of Stay by Type
 2010**

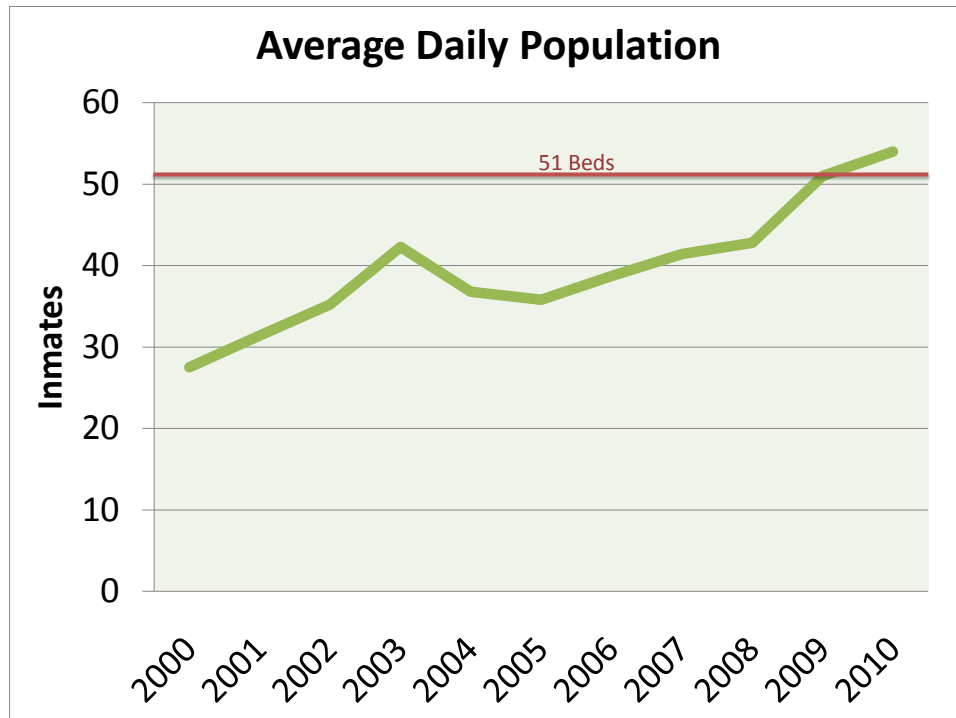


Average Daily Population of NC Department of Corrections Sentenced Inmates



**Beds Usage by Type
 2010**





Jail Crowding

- Increased prisoner and staff tensions
- Increased wear and tear of facility and equipment
- Budgetary increases from staffing to medical costs
- Inability to meet the state minimum detention standards.
 - Classification (The separation of inmates based on risks and needs.)

Population Considerations

- When the capacity is 85% or greater, management of the inmate population is more difficult.
- The need for more staff increases with overcrowding.
- Inmate medical complaints, grievances, arguments, and fights tend to increase.
- Overcrowding by itself is not a violation, but the operations are extremely more difficult and expensive, which increase the cost and the county's liability.

Important Dates



- March 2007, Presentation to County Commissioners of need for a new jail.
- August 2009, Commissioners approve contingency to house inmates in Harnett County.
- April 2011, Architect is presenting a proposal for a new jail.

2003 Daily Population

										Difficulty	Inadequacy	Danger
										45%	8%	1%
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	37	48	38	39	49	42	43	42	38	47	59	44
2	34	45	35	35	52	42	42	41	38	47	59	47
3	41	44	33	32	53	43	41	43	41	50	62	48
4	41	43	36	38	48	40	48	39	37	44	52	43
5	41	40	38	39	44	44	50	36	42	46	49	45
6	40	52	36	35	47	47	54	40	43	42	47	41
7	41	51	48	33	52	41	47	35	44	39	47	41
8	47	47	50	35	48	42	44	40	49	36	45	35
9	47	45	48	37	56	47	44	47	48	41	45	38
10	49	44	42	35	52	44	40	50	48	47	42	38
11	52	47	38	36	50	46	45	44	44	50	38	42
12	51	39	40	40	41	40	43	39	50	46	40	48
13	51	35	34	40	38	40	46	43	49	41	36	43
14	52	36	39	40	39	42	42	44	52	41	42	44
15	48	33	38	42	40	41	43	44	50	41	46	47
16	43	32	39	46	47	39	40	42	44	45	46	47
17	46	27	37	43	43	40	38	41	41	53	43	45
18	43	28	38	45	45	42	45	39	41	45	49	44
19	42	28	41	49	43	39	49	36	44	46	45	45
20	38	32	40	48	40	42	50	36	46	43	48	45
21	40	37	45	44	38	45	51	35	47	45	50	42
22	45	42	50	42	40	42	47	41	48	44	50	42
23	35	41	47	41	39	45	41	42	49	39	52	41
24	41	41	41	40	43	53	40	38	46	39	49	39
25	38	42	40	46	46	56	42	36	44	41	47	40
26	39	37	39	46	44	52	48	33	54	51	51	41
27	40	35	36	46	47	49	50	35	49	43	41	42
28	41	41	39	47	45	43	42	34	48	43	45	42
29	38		38	45	48	46	42	35	44	51	48	43
30	37		40	46	45	48	44	39	44	58	43	42
31	53		42		40		41	40		60		44

2004 Daily Population

										Difficulty	Inadequacy	Danger
										19%	4%	0%
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	45	54	36	34	43	39	27	39	34	35	37	32
2	45	53	32	35	48	35	29	39	29	34	39	36
3	45	51	34	35	42	29	26	34	27	36	37	35
4	45	54	32	38	40	33	27	36	29	35	36	34
5	48	47	37	38	37	30	26	36	30	36	38	34
6	48	53	40	40	33	30	31	38	32	42	28	35
7	48	52	39	42	39	37	30	37	29	41	29	39
8	45	56	36	38	35	31	30	37	30	42	30	46
9	45	62	27	38	33	33	29	40	30	39	30	35
10	43	59	29	38	34	31	27	37	33	43	29	36
11	45	57	27	39	33	32	25	36	32	45	27	34
12	48	48	30	42	36	34	29	35	30	48	33	37
13	47	51	31	34	33	33	24	37	30	46	32	37
14	48	50	32	35	39	34	39	39	30	48	33	41
15	43	50	34	33	33	31	34	35	36	51	31	47
16	41	45	36	34	36	32	42	37	36	47	30	45
17	40	46	36	33	32	30	35	39	40	50	34	48
18	41	43	32	37	35	34	32	36	38	47	36	42
19	38	46	38	40	36	30	33	36	35	43	42	42
20	38	52	32	38	34	29	34	39	32	48	35	42
21	35	46	36	39	38	34	35	32	34	47	36	34
22	37	45	35	40	32	29	30	32	41	49	33	35
23	41	45	34	41	33	31	31	35	47	47	35	32
24	45	41	37	41	36	27	33	32	48	49	34	35
25	45	41	30	42	34	22	36	34	43	53	27	36
26	41	32	31	45	33	20	38	38	41	45	31	35
27	42	36	31	46	33	22	42	34	42	47	35	34
28	45	38	35	45	32	30	44	34	38	44	35	35
29	48	40	32	40	31	27	43	32	38	41	40	32
30	54		35	47	35	25	45	33	37	39	43	31
31	55		31		37		43	33		37		33

CHATHAM COUNTY BOARD OF COMMISSIONERS
MINUTES OF APRIL 18, 2011, REGULAR MEETING
PAGE 15 OF 32 PAGES

2005 Daily Population

											Difficulty	Inadequacy	Danger
											11%	1%	0%
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
1	38	39	29	32	48	27	35	38	33	44	32	35	
2	39	44	28	32	52	25	30	41	32	42	30	40	
3	42	43	34	33	44	32	35	45	34	42	34	38	
4	38	41	41	32	39	33	29	38	33	47	42	38	
5	41	45	41	34	39	35	31	34	32	47	37	36	
6	38	43	37	30	44	31	33	34	36	44	40	34	
7	38	44	34	29	40	30	31	35	38	45	40	34	
8	32	44	34	36	43	38	35	35	31	45	41	32	
9	28	45	34	34	40	39	37	37	37	47	39	40	
10	30	34	32	37	35	37	42	47	38	45	34	40	
11	35	33	33	38	32	37	38	42	38	44	39	36	
12	32	38	38	36	39	37	32	45	36	43	40	35	
13	32	37	34	39	36	37	34	40	38	40	40	33	
14	37	37	36	39	37	35	31	41	36	38	35	34	
15	38	41	33	40	35	36	34	33	39	37	35	33	
16	35	41	34	38	30	40	36	32	44	36	46	38	
17	35	36	37	41	32	46	36	31	39	34	41	39	
18	36	39	40	40	34	41	36	29	43	34	44	38	
19	34	34	36	35	35	41	38	37	42	38	37	34	
20	35	34	38	37	37	33	37	37	37	42	36	34	
21	37	33	32	40	33	35	36	37	37	46	34	30	
22	39	29	32	45	34	34	37	36	37	47	28	30	
23	38	30	34	44	34	33	36	36	37	48	33	26	
24	38	34	31	48	34	38	39	37	37	42	28	25	
25	35	35	31	45	31	38	38	34	39	53	31	25	
26	38	33	33	44	26	38	37	36	39	51	31	25	
27	42	30	37	44	34	36	39	35	37	37	31	29	
28	39	29	33	40	32	37	35	39	37	36	30	23	
29	39			54	31	32	43	38	42	33	37	21	
30	41		29	53	24	32	44	37	46	33	38	27	
31	40		29		24		44	35	48	31		27	

2006 Daily Population

											Difficulty	Inadequacy	Danger
											26%	3%	0%
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
1	27	38	43	43	30	35	30	41	50	49	47	41	
2	25	35	35	40	33	37	32	42	49	52	48	39	
3	27	39	36	43	37	42	37	40	49	50	53	40	
4	25	39	36	39	40	41	31	41	42	53	53	45	
5	22	37	34	33	48	40	34	36	47	49	51	45	
6	29	36	34	32	44	39	28	37	40	52	44	41	
7	29	32	33	37	42	38	32	40	35	49	43	43	
8	28	36	36	33	42	38	28	38	36	50	40	41	
9	24	33	36	35	45	36	27	39	36	50	37	42	
10	28	37	34	33	44	37	24	37	37	49	45	43	
11	30	34	36	33	42	37	30	39	33	46	47	44	
12	27	34	33	34	46	36	30	44	36	44	47	44	
13	30	34	38	33	48	38	28	45	39	49	46	41	
14	28	36	44	33	45	38	33	42	35	47	47	44	
15	29	39	47	36	37	34	33	44	41	48	42	43	
16	30	35	47	36	38	40	33	44	40	46	44	42	
17	34	33	49	39	40	36	38	40	44	47	47	41	
18	31	30	42	40	36	39	36	48	44	49	45	43	
19	36	30	45	39	42	40	39	46	44	43	45	45	
20	47	31	44	41	33	38	41	48	45	44	42	42	
21	42	34	45	43	31	37	42	46	46	43	40	37	
22	42	37	42	41	33	36	41	47	50	42	39	36	
23	41	40	38	41	30	40	41	54	47	40	33	33	
24	38	41	38	38	38	37	42	54	49	39	34	36	
25	36	43	37	33	36	39	42	56	45	42	36	33	
26	36	43	36	35	36	36	43	50	47	42	36	36	
27	36	44	37	34	35	36	42	49	49	44	36	37	
28	38	47	40	44	39	36	42	42	47	41	35	36	
29	36		39	42	35	31	41	40	52	44	37	36	
30	38		38	36	34	29	48	40	48	43	38	37	
31	35		40		35		47	42		42		38	

2007 Daily Population

											Difficulty	Inadequacy	Danger
											46%	2%	0%
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
1	36	44	45	48	44	47	37	44	43	45	30	41	
2	38	44	48	46	47	43	41	41	41	42	36	41	
3	43	49	47	45	47	42	35	40	38	44	36	34	
4	43	46	43	47	49	39	30	41	39	42	38	34	
5	46	50	40	46	49	42	33	43	39	44	32	33	
6	47	48	39	49	51	43	40	44	38	44	36	31	
7	47	49	36	48	49	39	37	51	44	43	36	30	
8	47	49	39	46	46	43	38	47	42	42	36	32	
9	46	48	48	47	43	42	36	47	46	39	37	32	
10	50	46	48	47	45	42	41	49	46	35	37	30	
11	44	45	48	45	47	42	41	52	50	34	41	34	
12	43	46	43	44	49	43	42	51	44	40	36	37	
13	46	47	43	46	48	41	43	49	41	39	37	37	
14	43	47	41	43	42	41	44	42	41	41	42	39	
15	42	46	44	45	43	44	46	44	41	37	37	41	
16	48	48	47	45	43	39	50	42	43	40	38	46	
17	46	42	45	49	38	38	54	47	54	42	32	43	
18	42	43	48	48	45	38	51	50	53	44	33	43	
19	42	43	42	45	43	37	48	48	47	44	31	37	
20	42	43	41	48	43	40	56	46	47	42	29	40	
21	44	38	47	46	42	39	49	46	48	46	26	40	
22	47	38	42	49	41	44	50	50	41	41	26	35	
23	46	45	43	46	40	45	49	43	41	38	26	35	
24	43	40	47	44	38	43	50	40	46	35	29	33	
25	45	42	45	45	49	45	47	43	46	35	28	31	
26	49	43	46	43	46	38	38	47	48	31	28	28	
27	45	42	44	50	45	38	40	47	43	32	29	33	
28	49	43	44	49	49	37	41	46	47	30	35	38	
29	48		47	51	43	38	45	43	48	30	38	36	
30	47		48	50	41	37	44	40	50	27	41	38	
31	46		47		41		47	39		27		35	

2008 Daily Population

										Difficulty	Inadequacy	Danger
										50%	14%	1%
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	35	48	42	48	51	46	41	43	53	40	40	32
2	35	48	42	52	43	46	45	43	53	38	39	38
3	35	49	42	48	54	46	42	44	57	41	38	35
4	36	48	41	51	55	51	37	41	49	44	39	31
5	39	48	43	47	43	55	41	43	50	44	39	37
6	40	46	39	48	51	58	39	46	46	43	30	41
7	41	44	44	48	50	44	41	42	48	49	33	42
8	42	46	43	51	39	43	44	44	48	48	34	41
9	44	42	44	52	36	46	46	39	47	44	33	38
10	41	40	42	49	34	46	49	41	45	41	31	33
11	43	39	45	49	36	53	54	41	41	41	30	37
12	43	39	47	49	42	52	45	47	45	44	31	46
13	43	40	40	50	35	58	47	43	42	45	24	41
14	47	41	45	49	35	56	44	40	45	40	29	39
15	53	46	42	47	34	60	47	46	44	41	28	40
16	52	46	45	52	32	58	47	46	43	37	29	41
17	50	47	43	53	34	49	42	44	43	40	28	42
18	53	46	42	59	35	45	42	51	42	39	29	39
19	51	41	43	50	34	47	44	47	49	42	31	45
20	48	44	49	51	34	46	42	45	47	42	34	39
21	45	41	48	53	36	44	43	46	50	39	37	39
22	49	47	54	53	38	45	42	48	49	47	35	31
23	53	44	54	59	37	48	40	47	47	41	35	31
24	50	45	56	58	33	48	39	47	45	47	33	30
25	42	44	62	55	36	43	44	50	39	42	35	36
26	41	45	58	49	36	41	38	48	41	45	35	37
27	45	44	53	49	38	43	37	49	40	42	28	41
28	51	40	54	48	40	40	40	51	42	36	33	40
29	54	45	50	49	43	42	45	56	43	37	32	43
30	48		52	49	46	40	39	55	41	38	32	43
31	47		54		47		40	53		40		45

2009 Daily Population

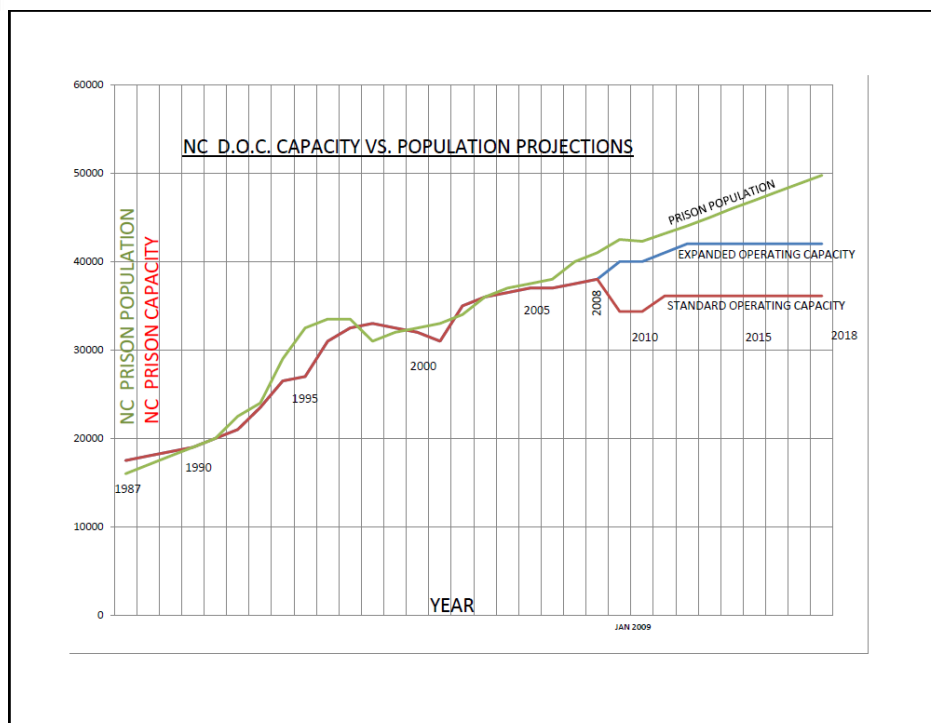
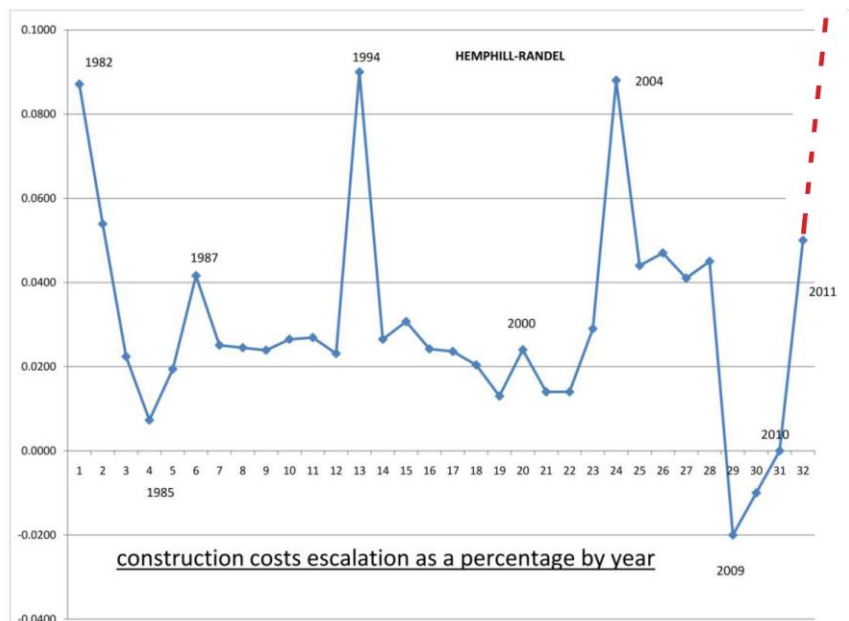
										Difficulty	Inadequacy	Danger
										87%	49%	11%
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
45	37	52	51	60	57	44	53	61	47	56	48	
42	42	50	51	57	59	40	55	60	53	59	46	
46	44	54	47	55	55	44	59	56	54	58	52	
47	46	57	43	49	57	48	57	51	52	58	50	
46	47	56	40	43	58	48	62	49	53	56	45	
42	42	55	37	50	57	44	59	51	49	64	42	
44	36	48	42	45	61	45	68	49	48	57	42	
36	38	46	46	55	56	46	65	49	56	55	44	
39	39	47	46	51	55	44	62	49	58	54	50	
38	39	48	52	48	56	46	62	42	61	46	52	
37	44	46	50	41	48	51	61	43	57	43	52	
37	43	42	50	41	63	50	62	41	57	46	48	
39	46	50	44	46	56	47	61	39	59	46	45	
40	46	51	47	42	60	48	67	44	57	45	53	
36	44	53	52	50	47	53	63	44	55	42	53	
45	48	54	47	53	46	55	64	47	53	46	57	
45	48	56	52	54	49	55	66	50	42	50	61	
53	55	51	46	48	50	56	65	54	40	54	57	
50	55	47	45	51	61	57	67	54	38	54	55	
50	55	55	48	53	47	55	61	50	42	57	54	
49	52	58	50	44	49	53	66	55	45	54	53	
51	54	59	50	56	46	55	67	60	42	58	48	
51	51	57	47	49	43	49	67	56	41	55	48	
49	51	55	47	50	46	52	64	61	44	56	51	
46	53	54	51	49	42	51	64	58	41	53	50	
46	50	50	54	50	48	53	66	54	46	47	49	
45	53	54	46	48	53	51	62	52	54	48	50	
45	53	52	46	47	48	59	64	48	51	49	51	
38		52	53	54	43	53	61	49	53	46	58	
49		51	47	60	46	53	60	49	54	47	61	
37		54		61		59	60		54		56	

2010 Daily Population

										Difficulty	Inadequacy	Danger
										94%	68%	10%
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	58	45	57	50	53	49	55	52	62	52	52	47
2	55	46	57	50	51	47	56	54	62	56	49	42
3	55	50	52	49	54	44	54	53	65	57	49	45
4	55	48	49	51	52	51	54	53	63	58	50	45
5	54	49	50	55	52	50	52	47	61	54	51	45
6	57	44	45	57	52	50	56	55	61	55	50	48
7	55	45	48	58	49	51	55	54	62	55	50	46
8	56	47	47	55	52	48	55	52	58	55	52	42
9	53	47	47	60	51	46	57	52	56	55	52	42
10	50	48	52	55	50	44	61	55	64	56	50	48
11	49	51	53	56	51	44	58	56	59	53	46	49
12	57	59	48	51	56	45	58	55	58	55	51	57
13	55	54	47	52	50	46	63	60	58	57	49	56
14	52	54	48	56	53	48	62	56	58	57	49	53
15	59	55	46	58	52	50	59	58	51	60	48	52
16	54	53	47	59	51	51	60	52	53	59	49	43
17	54	53	48	56	50	55	63	51	55	60	51	48
18	51	50	43	59	53	52	62	55	53	57	48	47
19	51	50	44	55	56	47	63	48	52	56	54	44
20	55	46	43	59	51	48	60	53	53	58	52	45
21	51	47	47	57	61	51	61	46	59	49	54	42
22	56	49	45	53	53	52	72	49	58	49	53	41
23	55	46	51	61	52	54	60	50	59	52	51	43
24	59	47	50	56	48	49	63	48	59	50	52	39
25	52	50	52	59	51	51	61	54	62	52	45	37
26	56	51	54	56	55	47	61	55	56	51	42	37
27	54	48	58	60	55	52	60	56	59	50	49	38
28	53	50	57	59	61	50	58	60	56	55	50	40
29	56		53	55	63	51	54	64	53	54	49	40
30	49		50	57	57	55	51	62	55	50	48	42
31	44		48		51		51	63		52		46

Conclusion

- We have reduced inmate population.
- Jail Admissions and Length of Stay are increasing.
- At present, the state legislature is considering several bills that may magnify our county inmate population.



The Sheriff distributed information on projections, stating that he received almost daily projections from the State Legislature and what they are considering.

LEED Certification for Jail: Presentation of a recommendation on LEED certification for the jail

Jack Hemphill, Architect for the jail, stated that he had been hired to help the County with the planning of future needs. He addressed data produced by the NC Department of Corrections which shows the North Carolina prison population from 1987 to present, operating capacity and overcrowding.

Mr. Hemphill presented charts showing the construction costs escalation as a percentage by year, North Carolina prison population and capacity, and North Carolina Department of Correction's capacity versus population projections.

Renee Paschal, Assistant County Manager, explained that on May 7, 2011, the BOC rescinded the policy that all County-funded buildings greater than 20,000 square feet in size must be at least LEED Silver certified. Instead, the Board decided that LEED certification would be examined on a case-by-case basis.

The architect for the jail was approved on February 21, 2011. Following the Board's decision on LEED, staff requested a recommendation on whether the new jail should be LEED certified. Based on an analysis of potential LEED points and the payback, the architect has determined that not pursuing LEED will save the County approximately \$769,460 in design and construction costs. Staff is requesting that the savings be used to increase the number of inmate housing cells constructed.

The architect still proposed to use many "green features", including:

- Materials obtained in North Carolina
- Measures to reduce heat loss and fuel consumption
- Natural lighting in dayrooms and inmate housing areas to reduce the need for artificial light
- Energy efficient lighting
- Energy efficient mechanical systems
- Native plants with low maintenance and water use
- Masonry products will be specified to contain recycled content
- Roofing material designed to reflect heat away from the building

- Low VOC emission products will be specified

Commissioner Kost asked the capacity now and the proposed capacity if the LEED Certification is not pursued.

Mr. Hemphill stated that they were looking at 116 as the base and they are looking at increasing that as much as they can. He stated that the thing that will cap it will be the funds and how much money will be available. They have identified within the funds available, they can accomplish the program as it is set up at 116 beds on this particular site and some other sites that may be considered. As to the cost of dollars per bed, the average bed (average space for an inmate) in North Carolina two years ago was approximately \$65-70,000 per bed for the construction. They have been able to build in the last year as low as \$50,000 per bed. The project that was bid in November was below that, closer to \$40,000 per bed. He stated that he anticipates being closer to \$50,000 per bed in Chatham County by the time it is back under construction. He stated that they firmly believe they can accomplish the minimum 116 beds and are looking for ways to accomplish more than that.

Chairman Bock asked with the \$769,000 in savings, how many beds would it add to the 116. Mr. Hemphill replied somewhere between 15 and 19 beds which is significant, but they would like to add more.

Commissioner Kost stated that the cost per bed includes all the other things that go along with the cost of the jail including the kitchen and other areas. She stated that she wouldn't think you could use just the cost per bed to do the calculations.

Mr. Hemphill stated that that had been taken into consideration. There are certain things that would remain the same, even if they increased the bed count. He stated that they took into consideration the program and the potential sites. LEED requires an integration of all the

different disciplines within architecture. They had each of their departments analyze what they knew as the program and the sites and come up with potential points that they could obtain for LEED Silver for this project. It takes a minimum of fifty points to obtain LEED Silver. During the analysis, they came up with sixty-three points. Many of the LEED items that are in the list that they can go after will obtain points toward LEED Silver but aren't necessarily the ones that will obtain substantial paybacks. There are certain elements within a jail design that they can go after for the points but there are certain elements in other types of projects that a higher payback in terms of costs over a number of years that aren't as available on a jail site/project. It is clear that the potential payback period would be beyond a reasonable payback time to recommend LEED as a method to save costs. The proposed design without LEED will still include many of the energy saving approaches that are normally found in LEED projects including the use of local materials, specifications to promote recycled materials, energy efficient plumbing fixtures in the office and public areas, energy efficient mechanical and electrical systems, reflective roof materials, and low-emitting interior materials. Many of the items required for the LEED Silver Certification yield substantial LEED points but do not yield substantial paybacks on the investments. This is particularly true for jail projects where many of the LEED items apply more to office and public areas than to secure jail areas.

Commissioner Petty asked what timeline was used to determine the payback. Mr. Hemphill stated that they identify what they think are the costs to do each particular item for LEED and then look at the savings. In many of the cases of those leftover after the ones they had to discard, it was determined that payback would be approximately twenty years.

Commissioner Kost referenced "water efficiency, credit type #2" used in capturing rain water for flushing at a cost of \$15,000 and the payback over twenty years, stating that it doesn't add up. She stated that it was contrary to a lot of things that she has heard.

Mr. Hemphill stated that the title of it is "Innovative Wastewater Techniques", and that is one of them. There is a potential of being able to capture what's called "grey water" and reuse it for flushing, etc. There was only a \$15,000 cost to do that, but you have to realize that this is a jail. Almost every occupant in there is not an officer or a civilian. All of the fixtures that they use, with which any of the inmates have anything to do with, are stainless steel. They are not using porcelain, etc. So many of the things available in other facilities, where you can have a larger payback in terms of savings, are not available in the jail.

Commissioner Kost stated that she reread through all of the LEED documentation. Some of these things are things that we should be doing, whether they are LEED or not. Some of the sites work. She stated that she is aware that they do not have the exact location where the facility is going to be located. But if it does go next to the justice center, it is going close to Robeson Creek. If it does go close to the creek, then some of these things that are under the sustainable site are things that we should be doing. Because of the stormwater concerns, one of the things was to use the 50% impervious surface paving, etc. She stated that she questioned some of these things and the payback. It is good sustainable building in many ways. She stated that if one reads through the standards, these are the ways we should be building buildings.

Mr. Hemphill reiterated that 66% of the square footage of this facility will be occupied by inmates and the things that you can do in those areas are quite different and limited in terms of the LEED. They cannot do the same type of creative natural lighting in the jail that can be done in other facilities. They cannot do the same type of individual controls for rooms for heat or light that they do in other facilities.

Commissioner Kost stated that some of the things that she read under "Energy & Atmosphere" and "Indoor Environmental Quality" are where most of the dollars are. Under "Energy" it's \$263,000 in savings and under "Indoor Environmental Quality" is \$247,000. It seems that there are some of these items that we should be doing for the building. Some of it was also monitoring and reporting out the savings and she is concerned, without LEED, that they are not going to be monitoring this facility and be able to prove to the citizens that we saved this money.

Mr. Hemphill pointed out that the recommendation also includes keeping the enhanced commissioning which is a significant savings shown in the list. Enhanced commissioning begins in the early stages of the design and it is a third party independent commissioner. They stay involved all the way through and will stay for a year after the construction is done. Not

only does it maintain a high level of performance in the design and specifications, it will insist on a high level of performance that it monitored and measured afterward.

Commissioner Kost asked how that was different than #3, under “Energy & Atmosphere”. Mr. Hemphill stated that it was identical. That is what it is going to cost to do that and the savings will be realized after that. Commissioner Kost questioned if we are going to do it and it is listed as a cost savings, is it really a cost savings as it is part of the \$703,000.

Mr. Hemphill stated that what is being transferred in the budget from one side to another is not the entire \$709,000 as listed. It is a reduced amount so that we can continue the enhanced commissioning as part of it.

Commissioner Kost asked if there were any other things like that in here. Mr. Hemphill stated that was the only thing. He stated that the \$703,000 is the cost of doing it, not the savings. The savings never come up to \$703,000. The savings you get over any number of years will never actually pay for what it costs to do the LEED in this.

Chairman Bock stated that he feels that the confusion is that we are hearing to build the jail to not LEED Certification will mean that we do not spend \$769,000 that we would spend if we were going to do LEED Certification. Commissioner Kost is saying that if we are spending that money, then we’re spending that money so it’s not \$769,000. The question is, “Are we spending the money and if we are, is it part of the \$769,000 that Ms. Paschal mentioned. We are talking about savings in construction, not savings of energy or time.

Commissioner Kost stated that we can’t say we are saving \$769,000 by doing LEED because there are some things in the project that we are going to do that perhaps cost something if we are going after LEED. She stated that, especially when the press picks this up in the newspaper, we are not saving \$769,000.

Mr. Hemphill stated that the cost for the LEED shows two things, the construction costs and all of the design and cost to do it. What is being recommended here is to maintain the enhanced commissioning which has a cost and there will be a cost savings as a result of the enhanced commissioning. There is no number for the cost savings on that piece of paper. We are taking out of the \$769,000 everything except for the enhanced commissioning.

Chairman Bock asked if \$695,000 instead of \$769,000 would be a more accurate number.

Commissioner Kost questioned how the costs were arrived at stating that some of them look “ballparky” to her.

Mr. Hemphill stated that they were all round numbers. Of course, they are doing the study with it before they have actually done a design. They are using case studies that they have done in the past and they are indeed “ballparky”. But they are based on some significant experience and their best judgment.

Chairman Bock asked Mr. Hemphill to go through the things that he wanted to include without the LEED Certification and then tell the Board the things he had to remove because the payback period was longer than the Board had given guidance to.

Mr. Hemphill presented a list of the following elements of green design as follows:

THE FOLLOWING ITEMS WILL BE ELEMENTS OF GREEN DESIGN THAT WE CONSIDER STANDARDS OF GOOD DESIGN AND WILL BE INCLUDED IN THE PROJECT REGARDLESS OF THE REQUIREMENT FOR LEED ACCREDITATION

- The project will specified with medium weight concrete masonry blocks. This helps with the cost of transportation of the products and saves fuel.
- Seventy –five percent of the products and materials specified will be obtained from North Carolina thereby saving energy in fuel consumption.

- The exterior walls will be designed in the jails with a fifteen inch thickness. This gives the ability to have a full two inch thickness of polystyrene insulation and still have a full 3 ¼" air cavity. The inside face of the cavities will be coated with a full asphalt emulsion damp proofing. This helps reduce heat loss and moisture gain and therefore reduces fuel consumption.
- All Dayrooms and Dorm Rooms will be equipped with skylights to let in natural light during the day thereby reducing the demand for artificial light during daylight hours.
- The jail buildings will be windowless with all cells containing internal windows that look into the dayrooms – the dayrooms will contain skylights which satisfies the requirement for natural light in the cells. This reduces heat loss and reduces fuel consumption.
- All Dayrooms will be sized large enough to fulfill the State requirement for exercise areas. This gives the ability to watch and manage the inmates at all times in the interior of the building. By doing this, the overall footprint will be smaller, less land will be needed to be disturbed, and less exterior lighting will be required thereby saving energy.
- All fluorescent fixtures will be specified to be energy efficient with high energy efficient ballasts. Electrical power transformers will be specified to be energy efficient transformers.
- The mechanical systems will be designed to maximize efficiency by providing individual package units at each dayroom cluster. The individual package units for each dayroom cluster will save energy costs and construction costs. In our last few jail projects, hot water for the inmates is obtained from terminal heat water heaters. This eliminates the necessity to heat large quantities of water at all times thereby saving a considerable amount of energy.
- The structural spacing is laid out to accommodate eight inch deep hollowcore roof structures which will provide a secure concrete barrier against escape as well as provide a finished exposed interior room surface. The 8 inch deep hollowcore structures take the place of the more traditional larger structural members such as steel or concrete beams that would be 18"-24" deep. By using the shallow hollowcore concrete member, the overall building envelope will contain less volume and require lower energy costs and construction costs.
- Specified native and low water use / low maintenance plants into the landscape.
- Require Masonry Manufacturers use recycled contents such as Fly Ash, Slag and Crushed masonry.
- In lieu of providing lay-in type ceilings in the Dayrooms for noise control, we provide sustainable Tectum Acoustical Panels around the top portions of the walls surrounding the dayrooms. Tectum Panels will be made from excelsior that comes only from companies that will be part of the Sustainable Forestry Industries (SFI) Program. The source of magnesium oxide used in the binder of Tectum Panels is from sea water and the silicate is sand thereby using all natural products.
- All roofing material will be hurricane proof un-ballasted white TPO roofing which will be designed to reflect heat away from the building, therefore reducing the heating load in summer.
- All items that have the potential of emitting VOC into the atmosphere will be specified to be low emissions products

Chairman Bock asked what we are not doing that lowers the price by roughly \$700,000 to build.

Mr. Hemphill stated that one of the points was alternative transportation which has to do with getting public to try to use public transportation. Chairman Bock stated that the Sheriff provides transportation to inmates.

Commissioner Kost stated that the standard is that the public transportation needs to be one quarter of a mile from the facility which we already have.

Mr. Hemphill stated that it would be part of what you would do to accommodate part of the project. Bicycle storage doesn't apply but is in there. Fuel efficient vehicles can have set-aside parking. One of the things that also points to the fact that jails don't lend themselves as well to cost-saving items, is for the entire facility according to local zoning, there are only about thirty spaces that will be required. There are a lot of things that have to do with heat-island effect and other things that have to do with vehicles that are relatively inefficient for the jail project.

Commissioner Kost stated that there was \$100,000 for the tree canopies, but there were other options other than just planting the trees that would be within five years providing the canopy. Mr. Hemphill stated that was the heat-island effect.

Commissioner Kost asked about a different type of pavement. She asked if there was a payback more for that. Mr. Hemphill stated that they could put in pavement. There is a charge to it and there will not be a lot of payback nor is there a lot of payback on the heat-island as the amount of parking that they are going to put in is relatively small.

Mr. Hemphill stated that in order to get the points, they would probably have to apply this to other parts of the site including the justice center site. He stated that he didn't think they could get all the points with just the amount of parking they are going to do for the jail. He stated that they talked about innovative wastewater techniques and there are many of them, but they don't apply to the jail as well as they do to other facilities. With regard to water use reduction, this is where they are required to use certain stainless steel penal-type facilities for everything that the inmates touch. They don't necessarily get water use reduction as they can in the office areas but not necessarily in the jail portion. Fundamental commissioning, which has to do with building energy, they will be doing those kinds of things anyway in terms of efficiency in what they are designing. There are certain very expensive things that they can do under fundamental commissioning they don't think is cost effective. Minimum energy performance has to do with different types of equipment throughout the facility. It has a long payback at a cost of \$50,000. In enhanced commissioning, they are saving. Measured verification is not there although they will get a lot of that under enhanced commissioning. Green power is a small amount of money and there is no appreciable payback. Construction waste management materials can be specified as a part of the general contractor's package.

Commissioner Kost stated that is being responsible, it will pay for itself because we will save the money in tip fees if it can be recycled. That is one, she stated, that goes under the "We will do" list.

Mr. Hemphill included recycled content, recycled materials, and certified wood have no appreciable payback on those things and they haven't been included. If the County wants to include them, they can do so. The other is indoor environmental. A lot of those things they will be doing naturally, but there are certain expenses to get the points that they are not going to incur. Chemical pollutants, the elimination of VOC from carpet and glues will be in the project but there is no financial payback from it.

Commissioner Kost stated that she still did not see where the \$700,000 in savings comes from. Mr. Hemphill stated that the baseline is based on facilities that they have been doing for a number of years. In the cost estimates that he has given the County, those things have already been included. The additional \$700,000 is on top of that for the most part.

Commissioner Kost stated that they could do LEED Silver for less than \$703,000. Mr. Hemphill replied that their studies show that you cannot do LEED Silver on this project with this scope of work and on this site for less than that. He stated that they have stretched some of the points pretty far based on the fact that so many of the things that are less expensive and get the points and payback are not available to the jail project and on this site.

Commissioner Kost asked if the staff would share the entire report with the Board as it would have been extremely helpful to have had before the meeting.

Commissioner Petty asked if it was because of this type of facility is the reason that this is cost prohibitive and the fact that the facility will not allow some of the products that would normally be used because it is located in the inmate portion of the facility. Mr. Hemphill replied yes, and that 66% of the square footage is inmate related things and products. He stated that there are innovative things that you can do in a school or library, but they cannot be done in an inmate facility.

Commissioner Petty asked about the low water consumption per flush-type toilet as compared to institutional-type. Mr. Hemphill confirmed that that was correct as they were not offered to inmates.

Commissioner Petty moved, seconded by Commissioner Stewart, to approve the recommendation not to pursue LEED certification on the jail.

Commissioner Kost reiterated that some of these things are being responsible, environmental stewards, especially some of the issues dealing with site selection because of the likely sites of this project and because of those things, she will be voting against the motion.

Chairman Bock called the question. The motion carried four (4) to one (1) with Commissioner Kost opposing.

Commissioner Cross moved, seconded by Commissioner Petty, to leave the budget the same, to allow the cost of LEED to roll back into the construction, and to allow the savings to be redirected to construct more inmate housing cells.

Commissioner Kost stated that the 116 was to take us out of the number of years we were going to build the core facility. It is clear, even with the misdemeanants, we are not going to need this space for a number of years. She stated that she thinks we should have built the building to LEED standards; however, since we didn't, she thinks that the cost savings should be passed to the taxpayers and not increase the budget for the facility.

Commissioner Petty asked if she didn't think that the time to increase it was while it was under construction. Commissioner Kost stated that it was planned in the phase project to begin with so she saw no reason to deviate from it being a phased project.

Chairman Bock called the question. The motion carried four (4) to one (1) with Commissioner Kost opposing.

PLANNING AND ZONING

Legislative Hearing (continued from March 21, 2011 Board of Commissioners' Meeting)

Revisions to Text Amendments to Section 11.3 and 10.3 of the Zoning Ordinance: Public hearing to receive public comments on a request by the Chatham County Board of Commissioners for text amendments to the Chatham County Zoning Ordinance to delete the requirement for an Environmental Impact Assessment on non-residential, general use zoned properties in Section 11.3 and to add "Telecommunications Towers" in the list of permitted use in Section 10.3 as a correction to an earlier amendment

The Chairman opened the floor for public comments.

Patrick Bradshaw, 128 Hillsboro Street, Pittsboro, Attorney with Bradshaw & Robinson, LLP, presented his comments to the Board and provided them in their entirety for the record as follows:

Mr. Chairman and Commissioners:"

My name is Patrick Bradshaw. I practice law at 128 Hillsboro Street in Pittsboro. I support the proposed amendment to eliminate the requirement for environmental impact assessments for permitted non-residential uses on general use zoned properties because they are expensive and burdensome for property owners and provide no protection for the environment or any other benefit to the county.

When a property owner with a permitted use in a general use district submits an environmental assessment, the county staff reviews the assessment for completeness—not for

its substance, but just to make sure it contains the information the ordinance requires. If it does, it then goes on a shelf and nothing else is done with it. The reason for this is that the county has no regulatory authority to deny or even place conditions on a use that is permitted in the zoning district based on information in the environmental assessment. It is not a proper use of government power to require property owners to produce expensive reports that the county has no authority to act upon.

The nature of a permitted use in a general use zoning district is that the zoning ordinance already authorizes the use. Yet the current environmental impact assessment provisions require the property owner to explain—or more precisely to pay a professional to explain—why his project is necessary, to describe what alternatives to his project might be and how his proposed land use fits in to the surrounding area. All of this for a use that the zoning ordinance already specifically allows.

And these assessments are expensive. A client of mine who owns property in the B-1 General Business district obtained a quote for the price of a county environmental impact assessment from a well-known environmental consulting firm in February. The consultant had already done a lot of work on the property, but the projected cost of the EIA was still \$9,000.00. I asked the consultant what the EIA would have cost if they had not already done so much work on the property, and he said it would have been \$15,000.00 to \$20,000.00. That's \$15-20,000.00 for a report that gets placed on a shelf or thrown in a drawer.

Doing away with these unnecessary assessments will not weaken or eliminate one single environmental protection. Property owners will still be required to comply with the county's flood prevention ordinance, its soil erosion and sedimentation control ordinance, and the stormwater and watershed regulations, including all applicable riparian buffers.

This isn't about sustainable agriculture or rural character. This is about property owners being able to use their land for things that the zoning ordinance already says they can use it for. If folks want to keep these \$15-20,000.00 reports because they are barriers to entry, because they discourage business from locating here by making it more expensive for no apparent reason, then we ought to be honest about that and have that debate. But these reports do not protect the environment.

The county has no legal authority to do anything with them, and for that reason they should be eliminated.

Thank you.”

Jeffrey Starkweather, 590 Old Goldston Road, Pittsboro, NC, stated he was present to oppose these regulations for several reasons: 1) He believes this is a solution in search of a problem. 2) The benefits greatly exceed the cost. 3) This is a form of information which is the most market-friendly strategy you can have for protecting the environment. 4) Most of the research shows that the quality of your place in having rural, natural amenities is probably the biggest factor that economist find in rural areas and brings jobs and prosperity. He stated that he asked for the issue of the demand for this, stating that we have had, since the regulations went into effect, we have only had two developments. We have no experience of demand for this change in environmental regulations. We also had a series of business round tables at which Chairman Bock attended. We don't know what actually went on, but he looked at the results and did not see that reducing environmental protection was one of the demands of the developers. He stated that with the EDC, they have been looking at making the regulations more clear and reducing environmental relations was never an issue presented by any businesses. In terms of the benefits, as our environmental engineering person stated, it was a pre-planning design tool that allows a responsible developer to better plan for environmental problems and design. It allows them to deal with potential impacts and come up with remedies or minimizes technological solutions, and best practices. It also can save costs because by having this information up front, when they come across various environmental barriers down the road, they will have already dealt with them. In his talking to most business people, this is the kind of thing that is generally a standard practice. Another benefit is that the public is often worried, maybe sometimes unrealistically worried, about a business that is going in a location. This provides the public information to know exactly what the impact of that business will be on the land. You could allay fears and opposition that may not be actually based on facts. Maybe one of the most important reasons for this is that this is an organizational learning tool so that as we get these reports, the experience that we see from various sites and problems may

actually prompt us to come up with a regulation that becomes part of the Land Use Plan. If we don't know what the problems are, we can't very well have a regulation to solve it. A benefit, to the extent that an environmental problem has identified and solved, this is saving the taxpayers the cost for this externality of the business by not having checked out the information. In terms of the statement that this is not required as a regulation, he pointed out that when you think about ways that you can impact favorably on development so as it doesn't impact negatively on the environment, the most restrictive way would be a regulation. After that it would be some kind of incentive given to the developer, then removing some type of regulatory barrier that prevents them from doing it. The least restrictive method, used in lots of places, is requiring the developer to have the information of the impact. The ideal thing, since we tend to believe that our developers are good stewards, is that they would take that action. Finally, the whole issue of that the environment is the key factor in bringing jobs. We happen to be very lucky in Chatham County that we do have a lot of natural resources and what they call the "creative class"...the Research Triangle...that people from that entrepreneur class want to be in places where there are natural amenities and they are protected and enhanced and he feels that anything we can do in that regard, is going to help us attract jobs which is going to help us keep our residential property taxes down.

The Chairman closed the public hearing.

COMMISSIONERS' PRIORITIES

Public Hearing

Tri-Party Annexation Agreement: Public hearing to receive public comments on whether Chatham should agree that Apex and Cary should not involuntarily annex into Chatham without the consent of the Board of Commissioners

Chairman Bock explained that as part of the Western Wake Partnership agreement, one of the stipulations was that Apex and Cary agree to a local inter-government agreement not to annex into Chatham County without the approval of the Chatham County Board of Commissioners. He opened the floor for public comments.

Robert Sears, 454 Lewter Shop Road, Apex, NC, stated that Chairman Bock did not use the word "involuntary". At the Moncure meeting, the actual Chatham County residents that spoke (it was heavily weighed down with people from Cary, Morrisville, and Apex), 80% asked the Board to control all annexation, voluntary and involuntary. There has been zero involuntary annexation in Chatham County. That's not the problem. It's the voluntary annexation. He stated that he still cannot wrap his mind around why the Board did not do that, stating that he was just a "dumb ole fighter pilot, not too smart, Chatham County educated, and went to NC State". He asked the Board to please explain to him why they did not also include voluntary annexation. If there is a development anywhere else in Chatham County, the Planning Board gets a cut on it and if it is a certain size, the Board says yes or no. Now when a landowner has the right to do with his land within reason, sells to a developer, then who has to pay for the schools. We have to pay for the schools. There is no skin off Cary's nose. You can see what they are still dealing with in Wake County. He asked again for the Board to please explain why they did not include voluntary annexation. He stated that Commissioners Petty and Stewart came to some of the meetings, but it has turned out to be a complete waste of time, as they knew the vote was going to be three to two and either one could have held out. Just because they said "no", is not how you bargain from an advantage. We had the advantage and it was time to get our deal. The time is now passed and is gone forever.

Chairman Bock explained the difference between voluntary and involuntary stating involuntary is when a municipality comes over into our County and says, "We want part of your county and we're going to do something with that." The law says they can do that at any point. We didn't think that was right because there wasn't anyone from this side being protected. We addressed the involuntary. Voluntary, on the other hand, is a property owner that wants something done with his property. If he wants water, sewer, or some other kind of utility, Chatham County cannot provide it. That limits the use of his property. If a property owner wants to have his property annexed, he doesn't think it is his place, as a conservative, to put that limitation on his property. He stated that the Land Use Plan on which they are working with Cary will prevent, once we agree to a plan, that from happening through the concerns you are having. Prevention of involuntary annexation does protect folks that never want to sell their property. The way the law is written, if everyone around you annexes into Cary, but you are the one lone holdout and you become what is known as a "donut hole", you don't want to annex but

all these people do, then basically they can annex that with involuntary annexation. It only makes sense, if they are providing utilities to the folks around you, that we are going to take your land also. Now you will be paying Chatham County property tax and Cary property tax. With this agreement and with the legislation that is going through the legislature now, at our request, they will not be able to do that. He stated that he knows it is not what everyone wanted, and will also say that there are going to be further talks. Discussions are not over. We are talking about involuntary now and we are going to work out something on the voluntary side where they jump over property lines.

Commissioner Kost stated that some of the annexations could then turn around and mean that you need to four-lane a road because it wasn't well-planned. And then they come and take my property to build that road. She asked where then are her property rights. She stated that she could show many cases in Wake County where people around the Cary Park area held out and then when Cary decided to four-lane the road, their houses were condemned. She stated that taking a very logical approach to land use is critical. She was very disappointed in the last Chatham-Cary Subcommittee meeting because the density was significantly increased in Chatham County.

Lynn Contant-Fass, 101 Markham Plantation, Pittsboro, NC, stated that after all the research that they have done over the past few years regarding annexation and the environmental impact that it is going to have on their area around Jordan Lake is incredible. All of that is gone. They attended meetings where the house was packed with people. She asked who is benefitting by this stating that it was not the residents of Chatham County. She stated that she has a horse farm and is majorly concerned about what is going to be going on across the street from her. There are going to be two houses per acre on swamp land and not even consider the environmental impact it's going to have on anything. It is going to come around and bite everybody.

Chairman Bock stated that they were not going to do that. The Land Use Plan will talk about, in broad strokes, what areas of the County can be a little denser than other areas. If you look toward Wake County, it is more dense than as you move toward the lake. All the Jordan Lake Rules and all the environmental rules still have to be followed. Just because it is on a chart as two acres does not mean that it is buildable. It still has to follow the regulations.

Ms. Contant-Fass stated that with all the research that has been done in the past, that will still be viable for the residents to work off. She asked if that statement was correct.

Chairman Bock stated that the environmental regulations that we have and the zoning that we have is still in place. Actually, it will change because of the Jordan Lake Rules which are going into place and are more strict on nutrient levels including nitrogen and phosphorus.

Commissioner Petty stated that a general overlay was done with the maps. It phased from one line back and gradually reduced. Each site will have to be looked at independently and will have to meet all the same ordinances and guidelines.

Ms. Contant-Fass stated that it was presented to the residents of Chatham County. She stated that she attended the meetings. They had huge charts showing what they could and couldn't do. She stated that the Board is addressing none of that as if it didn't happen.

Chairman Bock countered by stating that the new talks were started based on a map that was pretty much agreed upon by folks. They then incorporated the comments from the public hearings into the current map. And now they are going to again have public hearings on the final result of that.

Ms. Contant-Fass asked if they were going to be notified of the public hearings. Chairman Bock stated that they would. Ms. Contant-Fass stated that she received by email that they are cutting off the survey on May 1st and she has never even heard of the survey.

Chairman Bock stated that that was on a different topic. He recommended that she go onto the Chatham County Website, fill out the e-notifier, sign up, check the types of preferred announcements, and that she will receive them automatically. He stated that the deadline had been extended on the survey to which she referred due to lack of response.

Commissioner Petty stated that in addition to the notification, one of the things they have talked about at the last meeting was that each household in that area would be mailed individual notifications.

Ms. Contant-Fass stated that she would think that everyone within two hundred feet should be mailed something about what they are proposing to do there. She stated that that is something so against everything that has been proposed in the past.

Commissioner Petty stated that it was not everything that has been proposed. They went back to a map on which everyone agreed. They started with that to develop it into where they are today. They went back to the original agreement on which everyone agreed. Ms. Contant-Fass stated that she did not remember anything like that.

Commissioner Kost stated that she thought it was three parcels on New Hope Church Road, the Horil Hodge Property, was one house per three acres on the map.

Commissioner Petty stated that most of the changes that have been made have been made at the request of landowners including service areas.

Chairman Bock explained that he was going to have to move the meeting along, as there are separate meetings to discuss this issue. The minutes and maps are published on the Chatham County Website.

Commissioner Stewart stated that there are a couple of points which Ms. Contant-Fass has mentioned that they changed and were not going to overlook the rules. She stated that the ordinance and zoning laws are still in place. If it wasn't suitable three years ago, it would not be suitable tomorrow, regardless of what the map looks like. In addition to that, Ms. Contant-Fass was talking about some of the other things about all of the citizens there who do not want it. As long as no one sells all of their land and selling to all of the developers, then the property will not be developed.

Chairman Bock stated that it was only if a property owner wants it. He encouraged all interested parties to attend the next meeting on this subject stating that as they are thinking through this, not all of the property owners that live in that area agree with another's point-of-view. The exact date has not been set, but it will be a public hearing and will be held in the evening.

Larry Ballas, 139 Indian Creek Trail, Apex, NC, stated that he had been working on this project since 1995 when Cary originally wanted to come into Chatham County. The Chatham County Commissioners under present law have no say on the annexation process. Some of them who worked earlier on the annexation process worked with Cary to respect Chatham County's wishes regarding annexation, both involuntary and voluntary. The State Laws of North Carolina are very archaic when it comes to annexation. Now, there are a slew of State Legislatures working on changing the annexation laws to favor the people and favor what our County Commissioners want to do and also what he wants to do. Voluntary and involuntary annexation and forced annexation are two different issues. Forced annexation is when the town comes up (regardless of the county) and wants to take your land for whatever reason, charge city taxes so that they can pay for some mistake they made in their own town. That's the way the laws are now. They can rob you by annexing without giving you services. That is not fair. The Legislature is now changing it. Hopefully, Senator Bob Atwater and House Representative Joe Hackney will vote for it, but he doubts they will as they don't care about the people of this County. He talked with Mr. Hackney back in the 1990s and asked him about the annexation and he said that they had to go talk with Cary because he was not going to do anything for him. The voluntary annexation has never been defined by either the United States Constitution nor the North Carolina Constitution. If you look at land issues, in the Constitution they are obviously absent. This is because land was always considered that whoever owned it could do whatever they wanted on it. It was never that your neighbor considered it or government considered it. The only exception, which is in the Constitution, is eminent domain. That is where they can take it for the benefit of the city. Even the Supreme Court has screwed the people somewhat on this in New London, CT where they said that could take land for doing some project and then they abandoned the project and the city still owns the land. It's ridiculous, but that's the way the Supreme Court works, and we have to respect that. Voluntary annexation just means that you don't have a community around where you are living because your neighbor wants to do something other than what you want to do. In previous years and old

time years and heirloom years and heritage years, neighbors always got together and they had common entities. That is what drew them together. Now we do not even know who our neighbors are. And if we don't know who our neighbors are, we can't be a community. Therefore, when someone says that they want to build something on their land and someone doesn't like it, they get mad. He stated that he has a right to do with his land the same as his neighbor has a right to do what he wants with his land. If you want to look at the other way, if you want him to do nothing with his land, then he should have a right to tell you what to do with your land. You can't do that because it is politically incorrect. He stated that he was not a politician, so he doesn't have to be politically correct. He stated that he was going to be honest and straight forward and people are going to say that he has common sense because the way you are approaching things is to work within the system. He stated that he has worked with Cary and is known as the "Chatham County Guy" because he has harassed them for so long. They have not moved further into Chatham County. Horil Hodge and others wanted to be annexed. It didn't work out for them. He is sorry, but they can still build on it. They don't need city services to build one house per five acres or one house per ten acres as he has forty acres to do it and still make money. The voluntary annexation is an individual right. The involuntary annexation is where government comes in and screws you. It's as simple as that. Involuntary annexation is being approached by the State Legislature. We need to support that. They have a rules committee where some of the things went into that particular aspect of the discussion. Hopefully what comes out of the rules committee to be voted on by the Legislature will be done so in a way that it will be positive for the people.

Jeffrey Starkweather, 590 Old Goldston Road, Pittsboro, NC, stated that he wanted to talk about the substance and the means. He stated that he thinks the means are important here. When he has done negotiating, he would make sure that his clients were part of the process. They would provide input. In this case, he doesn't believe that the clients were made part of the process. We have two Commissioners going to negotiate. He doesn't recall a request made to the citizens about what they want to be a part of the negotiations. He does not believe that this was done in an open and transparent manner. He stated that he doesn't believe that the two communities, Cary and Apex, are going to be facing any kind of involuntary annexation anytime soon. The densities do not apply. What we are looking at is voluntary annexation. He stated that he wanted to address Chairman Bock's statement about property rights. First of all, property rights are created by governments. Land use in our system is a local government function. The reason for that is because it is designed for communities to choose how they want their land to develop. Secondly, voluntary annexation, the right of a property owner again was created by a government statute, by the Legislature. It is not something that is handed down from the history of the United States. If you are saying that there are some special property rights for a person to be voluntarily annexed to essentially change the complexion of this community, none of the neighbors have zero say in Cary as to what happens around them with the voluntary annexation. You could put virtually anything that Cary agrees to. That is the same thing as saying, you do not believe in land use planning or any kind of regulations. They do not put any more restrictions on a piece of land than saying that voluntary annexation has to be approved by Chatham County. He does not see any property rights issue there whatsoever that is different from land use planning. You are involved in a land use planning process with Cary. He pointed out that the new plan was all about designing the uses to meet the utility requirements of Cary. There was a specific statement by one of the planners that when they have to voluntary annex this area, then they will deal with this issue. It seems to him, he said, from what he was observing at the meeting, the entire planning process was designed about what areas are going to be annexed by Cary and they would all be satellite voluntary annexations. The final thing about property rights, Commissioner Kost mentioned and that he has seen over and over in Chatham County, often the people who want their land developed, aren't even Chatham County residents. Sometimes they have inherited the property one or two descendants from the original owner of the property. They don't even live on the property. Yet, the people living across the road from them who has invested hundreds of thousands of dollars in their home or farm, is going to be affected by this absentee property owner who has a greater right to negotiate with Cary and a developer to be annexed. He stated that he thinks that we missed an opportunity. He hopes that the Board will try to include voluntary annexation. He pointed out, though, that it has to be statutory as an interlocal agreement is only as good as when you're in office. You can't bind a future Board with an interlocal agreement with another county. The only way that you can ultimately protect this, which is why they wanted to have this put in the original negotiation, is if you make it statutory. He thanked the Board for considering his point of view.

Tom Glendenning, 160 Eddie Perry Road, Pittsboro, NC, stated that he believes that enjoying the rights of the land is granted in the Constitution and approved by the people. He stated that he does not believe that the last group of Commissioners were actually protecting the citizen's rights as one of them disappeared without notice and without public meeting. He stated that he found this out by going to the Clerk of Court to look on the bulletin board where his "Notice of No Trespass" had been filed since the 1970s. It was in existence for decades after that. He found out that now, in order to keep people off his property, he had to identify them without challenging them on his property nor hold them there until the Sheriff showed up, but he had to identify them and send them a registered letter to tell them to stay off his property. At that time, he stated, he realized that he didn't have any property. There is nothing to defend. This happened as a result of the last group of Commissioners because he checked on his "No Trespassing" sign on the bulletin board previous to that and several times to make certain that it was there. He mentioned that, he said, for the benefit of those people who are trying to say that these Commissioners are not defending our property rights.

Jep Rose, Chatham County Attorney, stated that this needs to be approved by ordinance.

Commissioner Kost stated that she agrees with many of the speakers about voluntary versus involuntary. She has stated to this Board that it is voluntary annexation that is our problem. If, in fact, there are satellite annexations and the donut holes are ever done, it is going to be about twenty years from now when Cary would want to close those donut holes. This agreement ends in twenty years. She asked why was this such a short time period. Why wasn't the agreement for fifty or ninety-nine years. Why just twenty.

Chairman Bock stated that the law only allows twenty years.

Mr. Rose stated that the law is specific and twenty years is as far as you can go. He stated that it does bind the discretion of the governing board. That is why it has to be approved by ordinance after a public hearing that's a specific kind of interlocal agreement.

Commissioner Kost stated that the arguments when presented were that this would never be a problem. Then, when she read the agreement today, it said twenty years which she feels contradicts what has been said by this Board.

Chairman Bock stated that there were two pieces to it. There is the legislation that the House has passed that is now in the Senate and has no timeframe. It basically says the same thing as the interlocal agreement. This is on top of what the Legislature is doing with the concern being that they did not know how long that it would take to get through the Legislature that they could get it into the State Statute. It is through the House now so technically, the Board doesn't need this agreement to get it. It hasn't yet made it through the Senate. He stated that he couldn't figure out why the Board wouldn't want to sign it. One might not think that it offers enough protection, but even if you don't think that it offers any protection, it does provide some and there is no reason not to sign. At this point, it won't affect the Western Wake Partnership Agreement where it is signed or not. The other two parties have signed (or said they have as he has not seen it), as they were committed to do. It is this Board who needs to sign it and adopt it into an ordinance. He stated that the agreement was designed to be a safety net until it made it through the Legislature.

Commissioner Kost voiced concern at not having seen a copy of the ordinance.

Commissioner Petty moved, seconded by Commissioner Stewart, to adopt the Ordinance approving the Tri-Party Annexation Agreement.

Commissioner Kost stated that she doesn't think the agreement goes far enough, but she could have supported it but she doesn't think that this is the way we should be doing our business without providing this information in the agenda packets.

Chairman Bock called the motion. The motion carried three (3) to two (2) with Commissioners Cross and Kost opposing. The agreement is attached hereto and by reference made a part hereof.

MANAGER' S REPORTS

The County Manager reported on the following:

Judicial Center Ground Breaking:

The ground breaking for the new justice center will be held on Thursday, May 5, 2011 at 4:00 PM. A rain date has been set for Thursday, May 12, 2011 at 4:00 PM. Additional information about the agenda will be forthcoming.

COMMISSIONERS' REPORTS

American Tobacco Trail Parking:

Commissioner Kost asked for a report on the American Tobacco Trail parking.

The County Manager stated that we are working on a site at O'Kelley Church Road and are also working with Cary on the plan at New Hope Church Road. He stated that those were ongoing as he believes there is a meeting with the community of Rosemont to discuss it.

Commissioner Kost asked when staff met with the Department of Transportation (NCDOT), she had requested that they discuss a temporary lot on New Hope Church Road and the sight triangle because the sight triangles are very large.

The County Manager stated that that specifically was not discussed. Commissioner Kost asked that staff follow up on this and come prepared to the Thursday Rosemont meeting stating that this is part of a development done by Glen Futrell on Pittard Sears Road which is a cul-de-sac and goes into the maintenance garage at Chatham Golf Course. There are five acres on the Cary side of the trail that they had to dedicate for open space. That piece of property is very flat, is adjacent to the trail, and it's on a cul-de-sac. She stated that she knows that staff is looking at O'Kelley Chapel, but she feels that O'Kelley Chapel is an extremely dangerous road with people going very fast as it is a straight shot to the mall and that she doesn't think that a parking lot there makes a lot of sense. Further, the "Rails-to-Trails" folks have some money, so she would like for Melissa Guilbeau or Ben Howell to look at the piece of property and work with Cary to find out what we could do to put a gravel lot there. Pittard Sears Road, being a cul-de-sac, makes perfect sense. She stated that the "No Parking" signs should be taken down on Pittard Sears Road as it is a dead-end and doesn't go anywhere. At least until something is resolved, people can park there.

Commissioner Kost also voiced concern regarding the sight distance. She stated that problem is that cars are going so fast, the vegetation is right up to the road, people cannot see folks coming, bicyclists sometimes do not stop, and at least a motorist could see them if the vegetation was cut.

Proposed Resolution Concerning Funding for the NC Cooperation Extension Service and the NC Agricultural Research Service:

Commissioner Kost asked that the Resolution Concerning Funding for the NC Cooperative Extension Service and the NC Agricultural Research Service be placed on the May 02, 2011 for formal approval.

Chatham-Cary Joint Meeting:

Commissioner Kost stated at the last Chatham-Cary Joint Meeting, there was discussion regarding the design principles for Cary and Chatham. The Cary staff said that they would use their design principles. She stated that she heard many comments from people afterward stating that they do not want to use Cary's Design Principles. They want the design to protect Chatham County. She stated that they stated further that they could use the Southwest Area Plan. The way it was left by Cary officials was that it is in Chatham's ball court to do something with this. We have a lot of information from many citizens meeting and talking about what they want to see. That should be out starting point for developing these principles and she feels that the entire Board needs to work on them. She stated that she thinks that a lot of the concerns that people have is that if we design the projects in such a way that protects everyone, it could be a win-win situation. She stated that she thinks this is a critical piece of the whole Land Use Plan so she was extremely disappointed when there was a discussion regarding dropping it.

DENR Correction:

Commissioner Kost stated that when she viewed Chairman Bock's webpage, a U-Tube video popped up from the DENR public hearing on the discharge line for the Haw River. The vote was taken on January 18, 2011 and it was the only meeting that she has missed. She stated that she did not vote for it. She supports infrastructure for the Town of Pittsboro. She doesn't think that they had the scientific data to say that was the right place for a discharge, and she wanted to correct the record that the entire Board endorsed it and she still had some outstanding questions.

Redistricting:

Chairman Bock stated that if anyone has looked at the redistricting maps since those numbers have come out that it is pretty obvious that the districts are out-of-whack when it comes to numbers represented in the districts. He stated that technically, it is ok because of the way they vote. They vote at-large so there is no requirement that they be equal. He stated that he thinks that they would all like for them to be as close to equal as possible. In looking at the way the last two redistrictings were done, one in 2006 where Chairman Bunkey Morgan had a committee of citizens get together, suggest a couple of maps, and then was adopted by the Board. Before the next election, however, that was changed. Then Commissioner Lucier basically worked with the GIS staff to come up with some maps, returned them to the Board for a public hearing and vote. He has decided that he and Commissioner Petty will work with GIS and come up with some recommendations on how to draw the districts. Since they are drawing them as close to equal as possible, they almost take care of themselves in making certain that the population is right. They will be working with them and will bring them back to this Board. From there, they will proceed to a public hearing and then adoption.

Commissioner Kost stated that there was a hastily thrown together committee to get the district-only voting as those districts were drawn for district-only voting. That was Bunkey Morgan's thing in 2006. Commissioner Lucier worked with staff to round it back out. It looked to be a political maneuver so an incumbent commissioner could not run for office. She thinks that those are two entirely different situations for why it was done by Commissioner Lucier versus a committee. She stated that she thinks if we are truly committed to citizens' input, we need to have a citizens' committee, not only to look at the district lines, but to look at whether we want to increase the number of districts to seven or another number. Do we want to go to district-only voting or a combination. She thinks those are questions that they have heard from the community and it needs to be studied; therefore, redrawing what they currently have is not being responsive to what they have heard from the community.

Action Audit/Broadband:

Commissioner Stewart stated that they had hoped that before now they could have gotten Action Audit to come to report back on the broadband findings in Chatham County. Because of scheduling problems, it is being delayed until late May. Once it happens, there will be a presentation to and discussion with the Board. There will be a town hall meeting after which and an opportunity to bring some of the providers together if they will attend. She stated that she also has someone from the ENC Authority who has agreed to come and give a presentation to the citizens letting them know what they are providing and where they play a part in the process. Action Audit will also answer any questions that anyone has. One of the reasons that this is so important and they want to get as many people as possible to attend, is that there is a map out the website which tells each individual if they put in their address, who their service provider is and what they have available. She thinks that there are some issues that what's there and what is actual are controversial. They want to be able to check people if they are there with computers that will be there. There will be more to come on this issue and may come to fruition in June. If there are people who have questions and want to discuss solutions as to how they get broadband into the County and hear some of the things and possibilities, it will be the perfect opportunity to do so.

Commissioner Kost asked if this would be a meeting of the entire Board. Commissioner Stewart stated that it was something that she was holding herself. Commissioner Kost stated that she would like to have it as the entire Board so that those resources may be utilized as opposed to holding individual sessions and the consultant would be there. Commissioner Stewart stated that it was indeed open for everyone to be there.

Southeast Water District Meeting:

The County Manager explained that this meeting would be deferred until the May 02, 2011 Board of Commissioners' meeting.

ADJOURNMENT

Commissioner Stewart moved, seconded by Commissioner Petty, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 8:16 PM.

Brian Bock, Chairman

ATTEST:

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