

**MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
RETREAT
FEBRUARY 8, 2011**

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met at Camp Royall, 250 Bill Ash Road, located in Moncure, North Carolina, at 9:00 AM on February 8, 2011.

Present: Chairman Brian Bock, Vice-Chair Walter Petty, Commissioner Pam Stewart, Commissioner Mike Cross, and Commissioner Sally Kost

Staff Members Present: County Manager, Charlie Horne; Assistant County Manager, Renee Paschal; Finance Officer, Vicki McConnell; Debra Henzey, Community Relations Director; Lisa West, Budget Analyst; Jason Sullivan, Planning Director; Deputy Clerk to the Board, Elizabeth Plata

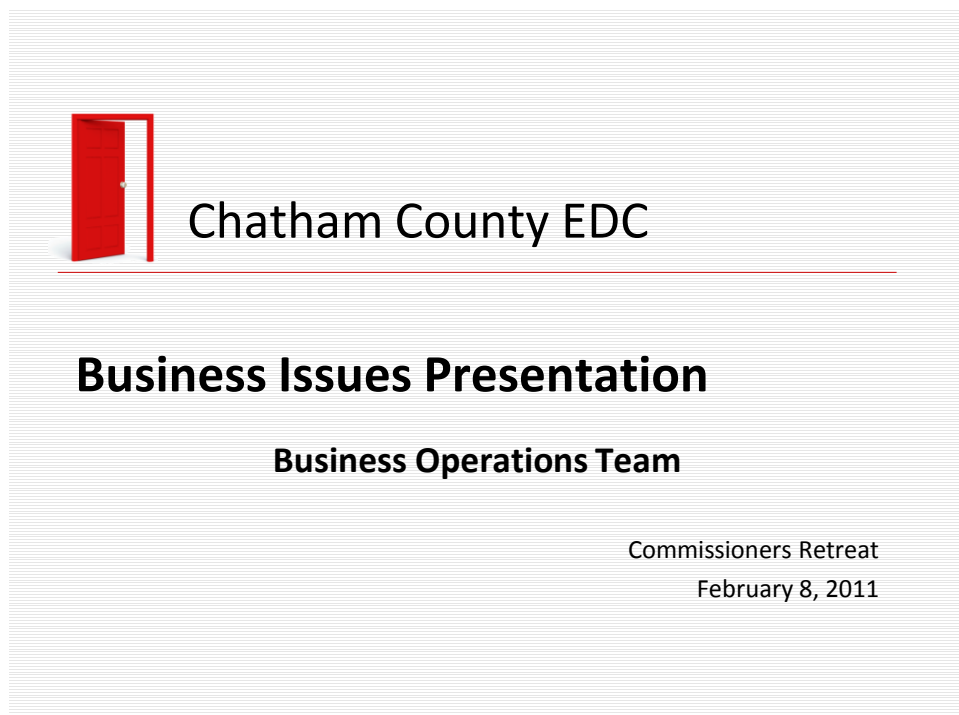
AGENDA ~ DAY THREE

The Chair called the meeting to order at 9:04 AM.

PRESENTATION BY THE ECONOMIC DEVELOPMENT COMMISSION

Joe Glasson with the EDC stated that they had spent the last year listening to businesses and citizens throughout the County and had found that they were competing well with other counties and other States when it came to economic development. They had focused on particular areas of the County to determine what if any problems there might be and what the possible reasons might be. They were continuing through that process as a part of their strategic plan, and Larry Hicks will be taking them through that process.

Larry Hicks with the EDC provided the following PowerPoint presentation:





The Charge ...

Provide recommendations on how Chatham County can become more business friendly

-BOC Chair Brian Bock
December 8, 2010



Background

- Strategic Plan
 - EDC Fundraising Campaign
 - Business Operations Team
 - 2010/11 Business Roundtables
 - Home Based
 - Small/Mid Size
 - Developer/Builders
 - Normal course of everyday feedback with business owners
-



Common Threads

- Permitting process is complex and confusing
 - No common source for laying out process in advance
 - Lack of sense of urgency
 - What is acceptable earlier deemed unacceptable later
 - Time consuming
 - Expensive
 - Changes occurred at all levels of the approval process
 - No 'point person' for communications/issues
-



Common Threads

- County professionals trying to be good stewards
- Cost of capital and investment not recognized
- Too much uncertainty

- Overall view: Process not customer friendly, many labeling county as unfriendly to business growth:

"If I have a major commercial development, I will look to develop it in adjacent or other counties"



Business Operations Team

Business Operations Team (EDC, towns/county planners and mayors, county commissioners) addressed feedback

- Defining the problem
 - Acceptance of problem
 - Assumption of responsibility for change
 - Moving toward goal setting including superior customer service and efficient and effective permitting processes
-



Roundtable Discussions

Results from Roundtables held January 4-5, 2011

- Further cemented the concerns, very specific examples
 - Those most affected by the process
 - Key stakeholders in the future growth of the county
 - Focused on specifics of causes and offered an abundance of possible recommendations
 - Understand and accept the role of good regulatory stewardship
-



Basic Premises / Beliefs

To drive behavior and change...

- All agencies / staff (and citizens) must be partners in economic development
 - Effective communication and integration is essential
 - Current regulations/rules/ordinances should be reviewed for stakeholder impact
 - At the same time maintain proper legal stewardship
-



Suggestions

- Streamline review and approval processes to reduce time and expense
 - Seek the proper balance between stakeholder needs and County needs / requirements
 - Review the role and impact of volunteer boards and committees
 - Permit staff to seek and reach decisions within good business judgment
-



Role of the EDC

By organizational design ...

- Initial contact for major new and existing businesses
 - Information on Chatham County and its resources
 - Orientation of permitting processes, rules, and regulations
 - Ombuds for problem solving
 - Business sector feedback on services, processes, challenges
 - Business advocacy
-



Keys to Success

Communication

Integration

Attitude



Communication

- Create accountability for communicating the process from initial stage to final approval
 - Provide a specific checklist by type of application
 - Provide for shepherding an application... assign a “case manager” to each project
 - Create clear and concise expectations of each party as early as possible in the process
 - Should conflicts occur, move toward resolution with haste
-



Integration

- Applications should be considered for initial profiling (triage assessment) as to impact/size/difficulty
 - Applications should be placed into system with all key county departments involved (early awareness)
 - Identify by department and with applicant burdensome regulations that may cause issues
 - Apply concurrent activity to an application as opposed to departmental hand offs
-



Attitude

- All county staff are economic growth ambassadors
 - Customer service, getting to 'Yes'
 - Speed to market (capital at risk and the investment)
 - Competition
 - Excellent customer service
 - Shorter timelines
 - Fewer obstacles
-



Questions ???

Chairman Bock asked had the EDC had any interviews with any business owner who had said that the County was friendly to do business with. Mr. Hicks replied not in his experience, but pointed out that most of the headaches appeared to be in processes that were not clear in terms of moving from point A to point B because they were not your normal project. What they would likely find was that there were quite a few applications for construction that were simple and therefore streamlined because not much was required to get from point A to point B. But, when they had looked at the regulations there were things that they had found to be very rigid.

Commissioner Kost stated she would like to know what departments would have a role in the development process, such as Environmental Health and Building Inspections. Mr. Glasson stated that he was one who always wanted to get through a process with no surprises, but in many cases they saw a lot of surprises. They had found that there was some specific attitude with certain individuals that had required negotiations. The real key was that the EDC would be doing an injustice to the County if they did not do their due diligence and tell the County when there were some authentic concerns and where there was a possibility to streamline the process.

Mr. Hicks added that with the exception of the attitude they had found with some individuals, most of the focus was on the process. The specific concern they had had was with communication, information, and how things were done and not necessarily the attitude of the entire staff. They had a professional staff and the vast majority were an asset to the County, but there were examples where that was not the case.

Chairman Bock asked for clarification on the suggestion that said to review the role and impact of volunteer boards and committees. Was there something specific they were suggesting. Mr. Hicks stated it was a broad suggestion, in that you went from one board to another and to another, and the question they had asked was whether or not there were baseline things that could be checked off without having another series of board appearances. For instance, at present the process required that preliminary sketch designs had to go before three different boards for review, and asked was that really necessary. And, what was actually the value of those preliminary sketches. That was something they believed was an administrative piece of the process.

Commissioner Kost stated they had already streamlined that process in regards to subdivisions. It did take more time for the initial reviews but at the end of the process the final approval became administrative.

Chairman Bock stated another suggestion he wanted clarified was to permit staff to seek or reach decisions within good business judgment. The input he had gotten was that the people dealing with staff believed that the staff wanted to do the right thing, but did not feel that they could make a decision in many cases without going back to the Board of Commissioners. Mr. Hicks stated a good example of that was with Conditional Use Permits, when it had to go to the Planning Board, then the Board of Commissioners, and then back to the Planning Board. That was something they believed really needed to be improved either through standards or by allowing administrative approval.

Dianne Reid, Executive Director of the EDC, stated she felt compelled to say that she had heard from some businesses that had had negative experiences although there were not many. She believed most of that had to do with communication, in that if they had understood what they were getting into and that the expectations had been clear from the beginning, they would have been willing to work to meet those expectations.

Mr. Hicks stated the information that was provided needed to be concise, in that if you wanted to do something then here was a list of exactly what would be required. It would be good if they could figure out a way to have someone like a case worker who would provide that kind of information in a concise way.

Commissioner Kost stated what he was suggesting was having one person in County government responsible for making sure that everything was coordinated. Mr. Hicks stated that was correct. Commissioner Kost asked if he knew of any models used by other jurisdictions or other EDC's that were using that kind of process.

Mr. Glasson stated when they had visited Ann Arbor, he had been very impressed with how they took people through the process and had even assigned shepherds or case workers to walk a project through to make sure it continued to move through the process in a timely way as opposed to having something sitting on someone's desk for a period of time.

Mr. Glasson stated he would be nice to suppose that Chatham County was the most business friendly place for people to do business, but the reality was that the perception was not there. Whether right or wrong, they were left with the perception that people did not want to build in this County. That point had come out loud and clear and that was why they had felt the need to investigate that perception and try to address it. They had some very specific recommendations and it was important to get a strong start at changing that perception if it was the process that was wrong.

A citizen stated the apparent assumption was that economic development related to Chatham County was determined in large measure by regulations and processes. Mr. Hicks stated not necessarily.

Chairman Bock stated that they would get into some of the specifics when the Planning Department addressed that.

Mr. Glasson stated what had come out of the roundtable discussions and the interviews was that they were concerned about the capital they had invested, whether it was a small business operation or something else, and that there was a strong sense of urgency and that the clock was ticking. Those persons had also admitted that at times the problem was with them, but

they had wanted the recognition that there was a lot of capital at risk and they wanted to feel some sense of urgency from the County to get projects through the process without needless delays.

Mr. Hicks stated there was also the issue of the process, in terms of whether the steps in the process were required or even necessary. The process and how people viewed that was probably the single most important issue.

STREAMLINING THE DEVELOPMENT PROCESS

Planning Director Jason Sullivan provided a PowerPoint presentation as follows:



Approach for Development Regulations Discussion

1. Overview and background discussion
 - Departments and Divisions
 - Ordinances and Regulations
2. Development Review Process for Prospective Business
 - Flow chart and background information
 - Case study
 - Common Delays and Issues to work on
 - Direction and prioritization from Board
3. Subdivision Process
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4. Final Thoughts

Departments and Divisions

- Planning Department
- Central Permitting Department
 - Building Inspections
 - Fire Marshal's Office
- Environmental Resources Department
- Soil Erosion & Sedimentation Control Department
- Green Building
- Health Department, Environmental Health Division
- Public Works Department

Ordinances & Regulations

- Zoning Ordinance
- Watershed Protection Ordinance
- Flood Damage Prevention Ordinance (National Flood Insurance Program)
- Outdoor Lighting Ordinance
- Off-premise Sign Ordinance
- Subdivision Regulations
- Soil Erosion & Sedimentation Control Ordinance
- Stormwater Ordinance
- Well and septic (15A, Subchapter 18A of the North Carolina Administrative Code)
- Food and Lodging (15A, Subchapter 18A of the North Carolina Administrative Code)
- Building & Fire (NC Building Code)
- Water System Operating Policies

Approach for Development Regulations Discussion

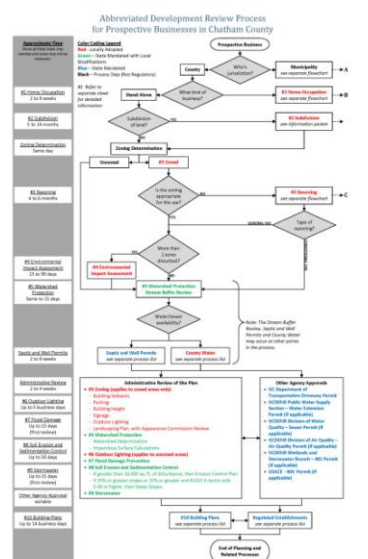
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Flowchart and Background Information

- Retreat packet included
 - Series of flowcharts
 - Process steps for septic and well permits, county water, regulated establishments, and building plans
 - Background information on regulations and options for the board to consider in providing staff with direction for revisions

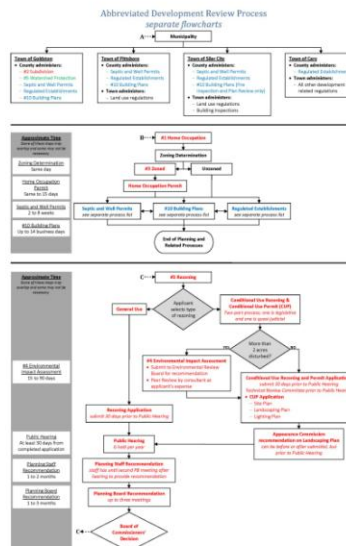
Flowchart for a business opening in the county

- Process steps are color coded
 - Red – Locally adopted regulation
 - Green – State mandated regulation with local modifications
 - Blue – State mandated
 - Black – Process steps (Not regulatory)
- Approximate times
 - Times are not necessarily cumulative
 - Some steps can overlap



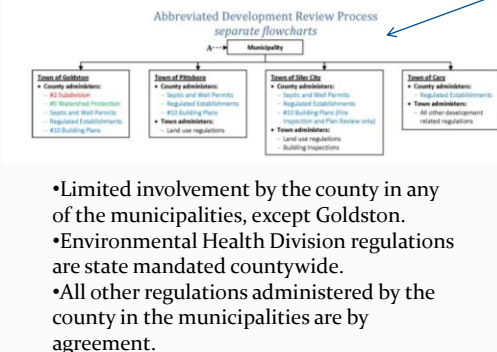
Separate flowcharts for processes stemming from the main flowchart for a business opening in the county

- Same color coding scheme as first page of flowchart
- Approximate times
 - Times for Home Occupations can overlap
 - Times for rezoning do not overlap

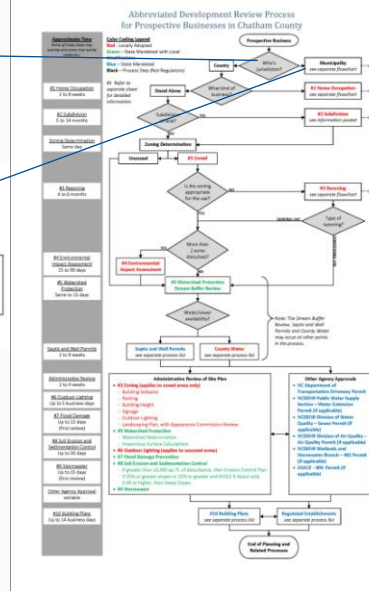


Who's Jurisdiction?

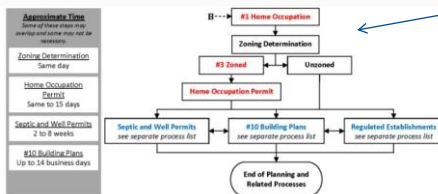
If the proposed business is located in one of the municipalities in the county, go to separate flowchart.



- Limited involvement by the county in any of the municipalities, except Goldston.
- Environmental Health Division regulations are state mandated countywide.
- All other regulations administered by the county in the municipalities are by agreement.

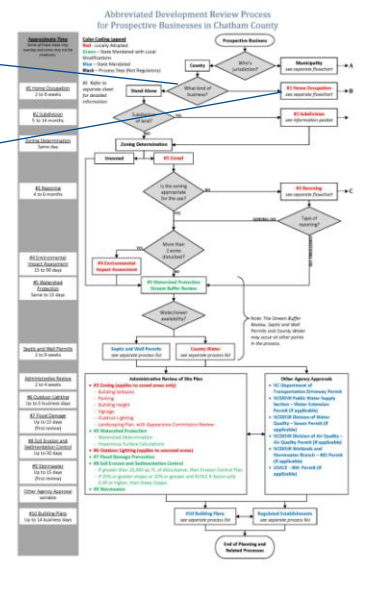


What type of business?



Home Occupation

- 65 active home occupation permits in the zoned areas of the county (142 issued).
- Septic and Well Permits, Building Plans (including Fire), and Regulated Establishments are governed by the State codes.



What kind of business?

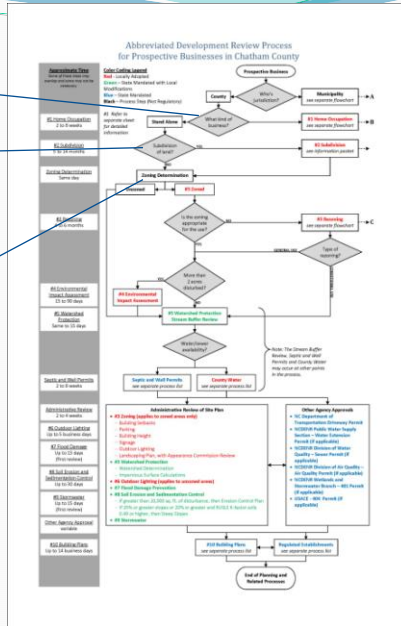
Stand Alone

Subdivision of land?

- Determined by the applicant, but will add additional time to the approval process.
- All non-residential subdivisions are automatically major subdivisions.
- If needed go to the subdivision packet, which will be discussed in more detail later.
- If not necessary proceed to the Zoning Determination.

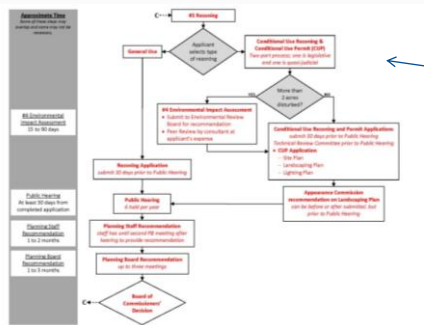
Zoning Determination (Zoning Map)

- If unzoned proceed to the stream buffer review. Will also have to check watershed district because land use is regulated in some watersheds regardless of zoning status.
- If zoned, determine if the zoning is appropriate for the use.



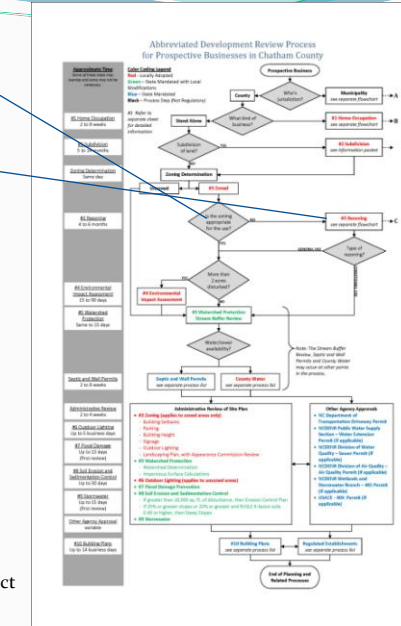
Is the zoning appropriate for the use?

No. Rezoning required



Rezoning

- General Use – no site plan or conditions
- Conditional Use – two parts; site plan required and conditions can be added to approval
- Advisory Boards
 - Appearance Commission (landscaping plan)
 - Environmental Review Board (environmental impact assessment if more than two acres disturbed)
 - Planning Board (Recommendation on application)



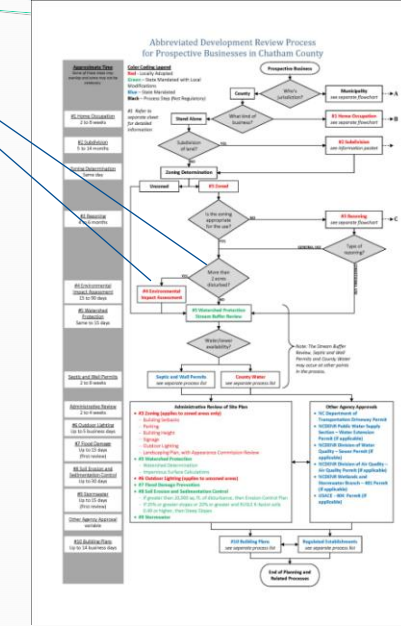
Are more than two acres disturbed?

Yes. **Environmental Assessment (EA) Required**

•If property has a general use zoning classification, the EA is reviewed by staff for completeness and there is no advisory board review.

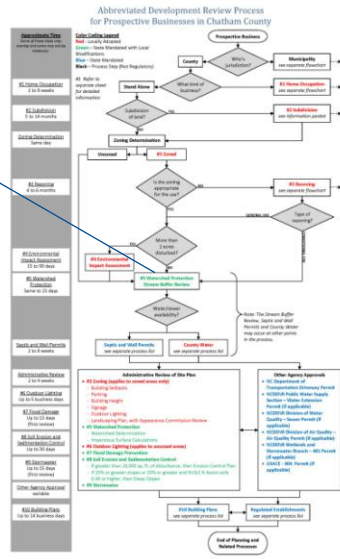
•EA is not a regulatory document for general use zoning districts, but can identify unique environmental features the developer may want to avoid.

•Environmental Review Board reviews the EA for conditional use permits, can be used to add conditions to conditional use permit.



Stream Buffer Review

- Required for any building permit
- Three different rules ([Watershed Map](#))
 - Pre-January 2008 (USGS bluelines) applies to grandfathered lots
 - Post-January 2008 applies to any new subdivision lots (site based evaluation for perennials, intermittent, ephemeral, wetlands, seeps and springs)
 - Jordan buffer rules (state mandated) applies to all lots regardless of subdivision date
- Required prior to environmental health review for septic evaluation



Septic and Well Permits and County Water

Septic and Well Permits
 Environmental Health Division, Health Department

Client applies for Improvement Permit to determine if the soil is suitable for a septic system by submitting:

- Application
- Fee
- Site Plan
- Flood Plain Determination (required by Planning)
- Stream Identification Form (required by Planning)
- Legal Representation Document (if client is not owner of property)

Client applies for Construction Authorization Permit and Well Permit (if necessary) when ready to build by submitting:

- Application
- Fee
- Current Site Plan
- Septic System Design Plans (if required)

Operation Permit is issued when septic system has been installed, inspected, and approved.

Well approval activity is completed after grout and well head have been inspected and state-mandated water samples have been taken.

Once the Operation Permit has been recorded by the owner at the Register of Deeds Office and the Well activities have been completed, Environmental Health enters completion date into spreadsheet shared by Environmental Health and Building Inspectors.

Home Occupation program: In existing homes submit an Operation Permit Review application or an Improvement Permit/Expansion Application, if needed. (If expansion is needed if proposed water use will increase above the permitted gallons per day.)

Environmental Health Regulations

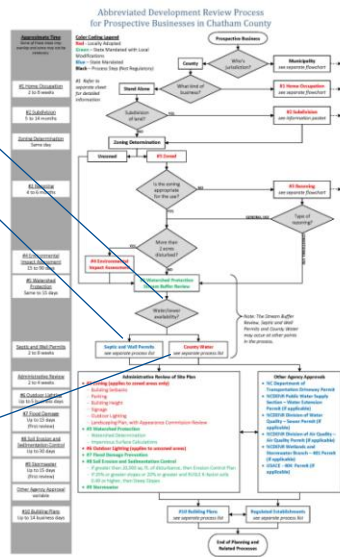
- State mandated

County Water
 Department of Public Works

- Tap fee paid prior to building permit issuance
- Waterline extension for new non-residential units (2,000 linear feet per unit)
- Fee for fire flow testing

County Water Policies

- Locally adopted

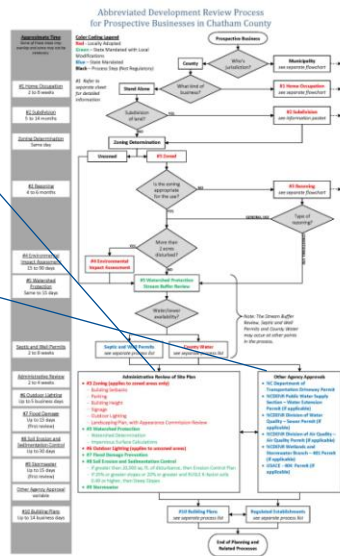


Administrative Review of Site Plan

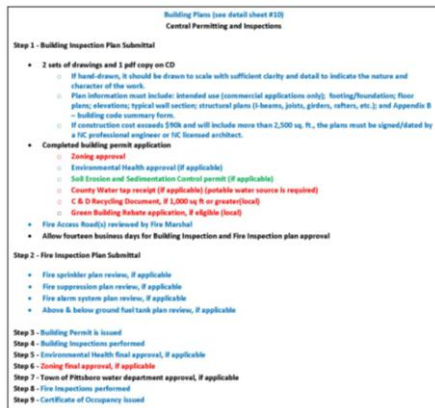
- Multiple regulations administered by multiple county departments
- Mix of locally adopted and state mandated regulations
- Landscaping plan reviewed by the Appearance Commission

Other Agency Approvals

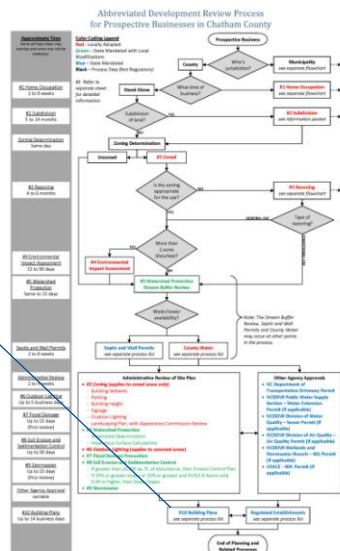
- Federal and state regulations administered by outside agencies.
- Timeline for approvals beyond the control of the county
- One or more of these approvals is required for a new business



Building Plans



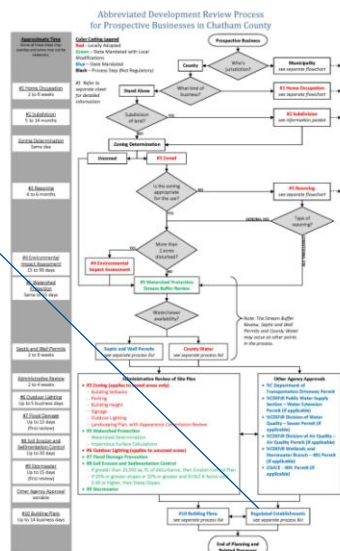
- Includes Fire plans
- State mandated regulations



Regulated Establishments

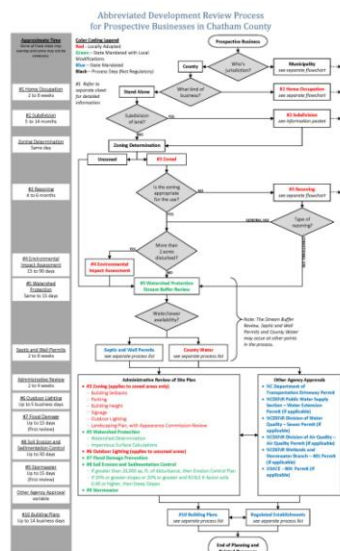


- Environmental Health Division administers
- State mandated regulations



Flowchart Additional Information

- If no rezoning or subdivision is required primarily administrative staff review
 - Advisory boards that may be involved are Appearance Commission (landscaping) and Environmental Review Board (EA's for conditional use rezonings only)
- Timeline
 - Not cumulative
 - Many processes can overlap
- Time to complete permitting processes
 - Home Occupation
 - 2 to 8 weeks
 - Stand Alone
 - 2 to 8 weeks
 - Stand Alone with Subdivision
 - 7 months to 16 months
 - Stand Alone with Rezoning
 - 4 ½ to 8 months



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Cole Park Vet Hospital

- Local business expanding to a new location
- Property originally zoned residential
- Located on Hwy 15-501
- 1.3 acres of disturbance
- Good example of process involving multiple departments, regulations, advisory boards and BOC under new regulations
- Real world complications and the effect on timelines

Permits/Processes Involved

- Zoning- conditional use rezoning and permit
- Erosion Control- plan approval and permit
- Env. Health – improvement permit
 - Needed engineered wastewater system
- Env. Resources – stormwater plan
- Public Works – county water
- Central Permitting – building permit (includes multiple steps)

Timeline

- Zoning- 87 business days (application deadline to approval)
- Environmental Resources- 15 days
- Erosion Control- 18 business days
- Environmental Health- 28 days
- Public Works- 1 business day
- Central Permitting- 23 business days
- Zoning + SESC = 73 days to allow site activity

Overview

- Application submitted in December '08
- Site work began August '10
- Multiple public hearings
- First application to site construction= 16 months
- Months with no action from applicant
- Economy slowed during process
- Building construction ongoing

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Common Delays for approval

- Incomplete or inaccurate submittal
 - can necessitate multiple revisions
- Turn around time from applicant
 - revisions to plans are often required
- Federal and State permits when required
 - Federal and state permits (i.e. USACE, NCDOT, NCDENR)
- Many local regulations are mandated

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Direction and Prioritization

- The background information included in the packet includes general options to consider for modifying the regulations.
- **#1 Home Occupations**
 - Zoning Ordinance – Arts Tour and similar events needs clarification; further clarification for all home occupations needed
 - July 2010 – Board discussed home occupations and expressed concerns about regulations; is additional information needed by the board on zoning, building code, fire code, or environmental health?
- **#2 Subdivision Regulations**
 - To be discussed next
- **#3 Zoning Ordinance**
 - Conditional zoning
 - General Use zoning
 - Site plans and review process
- **#4 Environmental Assessment**
 - Threshold criteria in Zoning Ordinance and Subdivision Regulations
 - Review environmental assessment threshold criteria and review process

Direction and Prioritization (cont)

- **#5 Watershed Protection**
 - Requirements for buffer map submittal
 - Local riparian buffer standards
 - On-line documentation retrieval and general information
- **#6 Outdoor Lighting**
 - Concerns by the board?
 - Amortization provisions for canopy lights
 - Internally illuminated signs
 - Industry classification system is in the process of changing and revisions will be needed in the future
- **#7 Flood Damage Prevention**
 - Review for efficiencies
- **#8 Soil Erosion and Sedimentation Control**
 - Review amount of disturbance requiring plan submittal, residential lot permits, steep slopes standards, and design standards

Direction and Prioritization (cont)

- **#9 Stormwater**
 - Review pending requirements for Jordan Lake Stormwater Rules against current ordinance
- **#10 Building Plans**
 - Construction and Demolition recycling program
 - Green building rebate program

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Subdivision

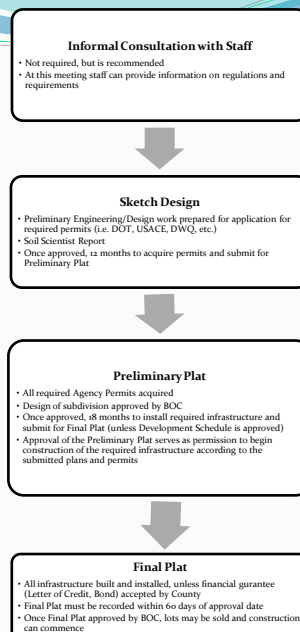
- Subdivision Regulations since the 1960's
- Subdivision regulations are ministerial and do not involve broad discretion; decisions based on standards in the regulations
- Minor Subdivisions
 - Up to five residential lots not involving public improvements
 - Non-residential lots not eligible and all must follow major subdivision process
- Major Subdivisions
 - Any subdivision into six or more lots
 - Subdivision requiring construction of a new road or public improvements
 - Subdivision involving a variance
 - Any subdivision for a non-residential use
- December 2008 - major modification to regulations
 - Moved from a three step process to four
 - More design work required by the developer to obtain first approval by the BOC
- Technical Review Committee/Development Team
 - Committee of staff from local and state agencies and Historical Association
 - Part of the old and new regulations
 - Monthly meetings

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Subdivision

- **Old Regulations (Pre-December 2008)**
 - Three step process
 - **Sketch design**
 - Approved layout for permitting
 - 2 to 6 month approval process
 - **Preliminary Plat**
 - All regulatory permits obtained
 - Approval for construction
 - 2 to 6 month approval process
 - **Final Plat**
 - All infrastructure complete or financial guarantee to cover completion
 - 2 to 6 month approval process
 - All currently active residential subdivisions, except one, grandfathered under these regulations
 - Planning Board is the only advisory board that is mandatory in the process; BOE & Historical Association notification
 - BOC approval required at every step



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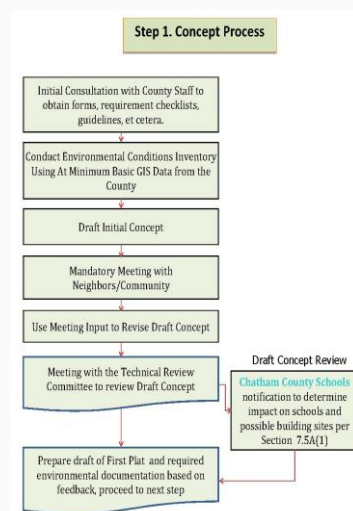
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Subdivision

- **Current Regulations**
 - Four steps
 - Concept Plan (no approval at this step)
 - First Plat
 - Construction Plan
 - Final Plat
 - Advisory Boards or Bodies Involved
 - Planning Board
 - Environmental Review Board
 - Board of Education
 - Appearance Commission (Optional)
 - Green Building and Sustainable Energy Advisory Board (Optional)
 - Historical Association
 - Conservation Subdivision Option
 - Density bonus for open space dedication agricultural preservation
 - 15 or fewer lots processed the same as minor subdivision
 - Public Hearing by Planning Board
 - Construction Plan and Final Plat approval can be referred to staff
 - Was done for the residential subdivision approved under the new regulations in 2010

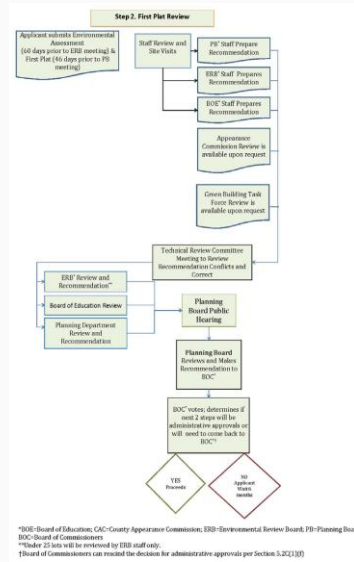
Concept Plan

- Developer engages the community and no county involvement in the meeting
- Environmental conditions data available from the county website
- After community meeting; developer meets with Technical Review Committee and notification to School System
- Preparation of the First Plat follows this step
- Takes approximately two months (includes staff meetings, notification to neighbors, TRC meeting)



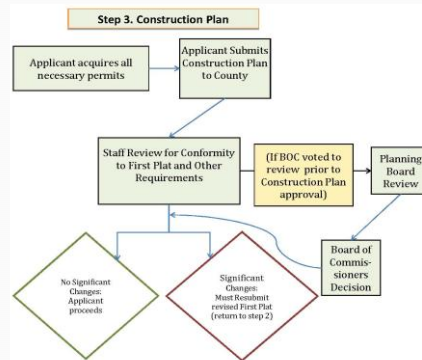
First Plat

- First approval in the review process
- Detailed design work required by the developer
- ERB and PB primary advisory boards involved in review
- Appearance Commission and GBASE review can be required by staff, BOC, or developer
- Two dates required for site visits by staff and advisory boards
- Environmental Assessment if 25 or more lots involved; environmental documentation if less than 25 lots
- Takes approximately 5 to 14 months
 - Could take up to approx. 23 months if developer pushes all deadlines. Also includes deadlines for scheduling on BOC agenda.
 - ERB process – 2 to 5 months
 - PB process – 1.5 to 5 months
 - BOC process – 1 to 3.5 months
- BOC can refer Construction Plan and Final Plat approval to staff



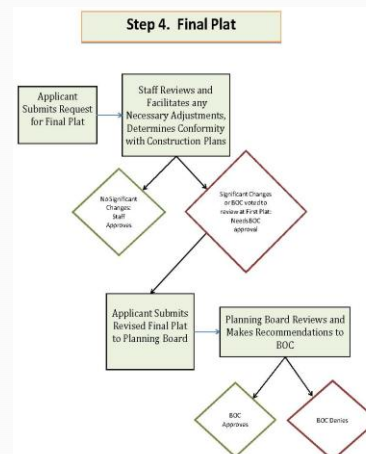
Construction Plan

- This step allows for the developer to start construction
- All regulatory permits obtained and submitted with construction plan
- If BOC review required, the Planning Board will also have to review
 - Process takes 1.5 to 6 months
- If staff reviews and approves the only deadline is for monthly TRC meeting
- Standards in regulations that would require re-submittal at First Plat step for substantial deviations



Final Plat

- This is the last step in the approval process when lots can be sold
- At least 75% of the total cost of the improvements must be installed prior to application submittal
- Financial guarantee can be accepted by the County for up to 25% of the remaining construction costs at 140%
- If BOC review required, the Planning Board will also have to review
 - Process takes 1.5 to 6 months
- If staff reviews and approves the only deadline is for monthly TRC meeting



Approach for Development Regulations Discussion

1. Overview and background discussion
 - Departments and Divisions
 - Ordinances and Regulations
2. Development Review Process for Prospective Business
 - Flow chart and background information
 - Case study
 - Common Delays and Issues to work on
 - Direction and prioritization from Board
3. Subdivision Process
 - Old Regulations Overview
 - Current Regulations Overview
 - **Direction from Board**
4. Final Thoughts

Direction

- The background information included in the packet includes general options to consider for modifying the regulations.
- **Review definitions of minor and major subdivisions and classes of major subdivisions**
- **Review process for non-residential subdivisions**
- **Review Concept Plan process and notifications**
- **Review submittal deadlines**
- **Review First Plat process**
 - Review Environmental Documentation and Environmental Impact Assessment requirements
 - Review advisory boards review processes and timelines
 - Review Public Hearing requirement
- **Review approval process for Construction and Final Plats**

Approach for Development Regulations Discussion

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4. Final Thoughts

Final Thoughts

Identifying Issues and Current Staff Actions

- A number of local regulations have been adopted and/or modified in recent years
 - Staff has been working internally to integrate the new regulations
 - External communication and process flow needs to be clearly communicated
 - Staff will start working to create user friendly checklist for prospective businesses and website updates
 - Initial effort to establish team meetings with businesses, but further refinements are needed
 - Customer service survey to be provided to anyone contacting planning, central permitting, and environmental health

Direction and prioritization from the board

- Recap amendments to locally adopted regulations
 - Home Occupations
 - Subdivision Regulations
 - Zoning Ordinance
 - Environmental Assessment
 - Watershed Protection
 - Outdoor Lighting
 - Flood Damage Prevention
 - Soil Erosion & Sedimentation Control
 - Stormwater
 - Building Plans

Final Thoughts

Amendments to regulations

- Staff takes lead or advisory boards?
 - If staff takes lead, do we present initial work to BOC or advisory boards?
- Process
 - Public hearings required for amendments to all regulations
 - Legal advertisements required prior to public hearings
 - Zoning Ordinance, Subdivision Regulations, Outdoor Lighting, and Flood Damage Prevention requires Planning Board recommendation prior to BOC adoption
 - Takes 2 to 3 months
 - Watershed Ordinance requires Watershed Review Board recommendation prior to BOC adoption
 - Takes 2 to 3 months
 - Stormwater Ordinance does not require advisory board recommendation, but ERB has reviewed and commented in the past
 - Soil Erosion & Sedimentation Control Ordinance does not require advisory board recommendation, but ERB has reviewed and commented in the past
 - NCDENR must review and approve revisions; takes 6 to 8 weeks
 - Construction & demolition recycling program and green building rebate program do not require public hearings, but GBASE has reviewed and commented in the past

Final Thoughts

Schedule

Planning

- Subdivision Regulations
- Zoning Ordinance
- Home Occupations
- Outdoor Lighting

Environmental Resources

- Stormwater

Sedimentation and Erosion Control

- Soil Erosion & Sedimentation Control

Environmental Resources and Planning

- Watershed Protection
- Flood Damage Prevention
- Environmental Assessments (Subdivision Regulations and Zoning Ordinance)

Central Permitting and Green Building

- Construction and Demolition Recycling Program
- Green Building Rebate Program

Other Items?

Chairman Bock stated if there was one business on one lot, then that was automatically considered a major subdivision and it went into the major subdivision process and that was due to County regulations. Mr. Sullivan stated that was correct, that if there was a subdivision of land being proposed that involved a business, then the local ordinance as adopted stated that was a major subdivision.

Commissioner Kost asked could he think of any examples in the last five years. Mr. Sullivan stated what had come up under the new regulations was with the cell tower on US 64 between Pittsboro and Siler City. The cell tower had been built on property formerly a family farm, and the family had wanted to split the cell tower lot from the farm property, but in order to cut that one-acre tract out they had been forced to go through the major subdivision process.

Chairman Bock asked was the tower already there or were they building the cell tower. Mr. Sullivan stated the cell tower was already there. Chairman Bock asked how long it had taken the family from beginning to end to just move that property line. Mr. Sullivan stated including the concept plan stage it was probably seven to eight months.

Chairman Bock stated they were talking about a piece of land that already had a tower on it and they literally just wanted to move a property line and cut out the acre the tower was on. With nothing else being built and no other additional impact, and that had taken eight months. If that had been someone trying to build a business, it would have taken longer with the environmental impact assessment.

Commissioner Kost stated there had been a discussion at that time that that particular project really did not fit into any other process.

Commissioner Petty stated that was probably a good example of where staff should have some leeway to make some decisions. If it had been a situation that involved something that was detrimental or something that put the County or the department at risk then it ought to come under review to determine the impact. But if it was something as simple as moving a property line, then the system was too complicated. Mr. Sullivan stated as part of today's discussion he would get into the specifics of the subdivision regulations and talk about how non-residential subdivisions got into that predicament as well as some options to address that.

Commissioner Petty stated for the process as they knew it, would he have proposals or options of what might be considered for improvement. Mr. Sullivan stated they did not have any specific recommendations at this point, but did have some general options to present to the Board. Once they got direction from the Board that they wanted to proceed with those general options then they would come back with more specific recommendations at a future date.

Commissioner Kost stated then what they were saying at this point was that they needed to flag the non-residential subdivision. Mr. Sullivan said they had already flagged that in the options so that the Board could weigh in on that.

Mr. Sullivan stated one question had been if something was proposed in a zoned part of the County, was it appropriate or not. If it was not, then they would go into the rezoning process which was another "game stopper" in that they would not move forward until the rezoning process was completed. The process for rezonings was all County adopted regulations, so they had a lot of discretion in that process. It generally took between four and six months to go through the rezoning process, and part of the reason that it took so long was the application deadline that allowed time for public notification prior to the public hearing. There was a joint public hearing between the Commissioners and the Planning Board, and it then went to the Planning Board for a recommendation, and then back to the Commissioners for a final determination. For conditional use permits, it was a quasi-judicial process with sworn testimony and quite complicated for everyone involved.

Mr. Sullivan stated in regard to advisory boards that were involved, if there was a conditional use permit involved then the Appearance Commission would be a part of the review. If more than two acres of land was to be disturbed, then the Environmental Review Board would be involved because the County required an environmental impact assessment. And, the Planning Board would be involved regardless because it was mandated that if something involved the zoned area of the County then the Planning Board was a player.

Chairman Bock asked when he said that boards were involved, what exactly that meant. Mr. Sullivan stated that the Appearance Commission made recommendations on the landscaping plan based on the adopted standards of the Zoning Ordinance or the Design Guidelines but it had no approval authority, and those recommendations were forwarded to the Planning Board and to the Board of Commissioners.

Chairman Bock stated at the time an application went to the Appearance Commission was there some set amount of time they had to make their recommendations. Mr. Sullivan stated they did not require that an application go before the Appearance Commission prior to the application deadline, but only that the application go before the Appearance Commission before it went to the Planning Board. There was no deadline that stated that the Appearance Commission had to make a recommendation within so many meetings, but he did not recall they had ever gone beyond two meetings before recommendations were made. Most of the time, one meeting was all the time the Appearance Commission needed. Many times what the Appearance Commission was working with the applicant on was making suggestions about what species of plants might be more successful or require less maintenance than what was proposed by the applicant, and making sure what was proposed was within the adopted standards in the Ordinance or in the Design Guidelines.

Mr. Horne stated that review was not mandatory. Mr. Sullivan stated it was mandatory in the Zoning Ordinance if there was a Conditional Use Permit, but it was not mandatory that they had to have that requirement in the adopted regulations.

Commissioner Kost stated her experience with a lot of developments, particularly small developments, was that they appreciated the Appearance Commission's review because that board had a lot of expertise in regards to species of plants and what worked well and what did not. They could make recommendations based on the soil type and even cost.

Commissioner Stewart stated then the Appearance Commission did not hold up the process. Commissioner Kost stated she did not believe so.

Commissioner Petty stated then the Appearance Commission could in fact be a marketing tool, in that the County was offering that service to the developers.

Commissioner Kost stated they had to be careful, because these were volunteers and many times professionals in the landscaping business, and they did not want to be made to feel that they were giving away their services. They were really there to review a plan and provide suggestions and not help the developer to develop a plan.

Mr. Sullivan stated that review by the Environmental Review Board was required in the conditional use permitting process by the Zoning Ordinance if there was an environmental assessment involved, which required an assessment if more than two acres of land would be disturbed. If it was a general use zoned property, meaning that no conditional use permit was involved, that was not a regulatory tool but an information tool that the developer could use to avoid certain things on the site. But, the County could not take that environmental assessment and dictate to the developer that he had to do anything additional on the site other than what was required by the regulations.

Chairman Bock stated then the developer was required to get the environmental assessment but the County could not do anything with it once that was done. Mr. Sullivan stated yes, for general use zoned properties. It would be reviewed for completeness and that was pretty much the end of it.

Chairman Bock stated his concern was what the developer would do with it other than just put it away. He asked did that assessment cost the developer time and money. Mr. Sullivan replied yes, but how much time or money he did not know, and if was likely site dependent. The developer could use the environmental assessment as a planning tool, but it was voluntary if they wanted to avoid certain features on the site.

Chairman Bock stated but they could choose to do that whether the County required them to do an environmental assessment or not. Mr. Sullivan agreed, and stated that if a conditional use permit was involved, it could be used as a regulatory tool because the Board of Commissioners could add conditions to the approval based on the specific recommendations of

the environmental assessment, and the developer had to agree to those. If they did not agree to the conditions placed on the conditional use permit, then the Board had the option to deny the request or to remove the condition. That was where an environmental assessment could be used from a regulatory standpoint but it was very specific to a conditional use permit.

Chairman Bock stated that if with a general use zoning an environmental assessment was being required but the Board could do nothing with it, his concern was how much time it took to get an assessment prepared and at what cost to the developer. Fred Royal, Environmental Resources Director, stated an environmental assessment could cost as much as \$2,000 to \$4,000 depending on the size of the site, and for a larger site it could be \$5,000 or more.

Commissioner Kost stated that the point was that they should require only something they could do something with, and if they could not do anything with it then she questioned why they were requiring that step.

Chairman Bock stated the cost did not seem too prohibitive overall, and asked how much time it actually added to the process, which would actually be the most costly to a developer. Mr. Royal stated the time would vary, but generally three weeks would be his estimate.

Chairman Bock stated if applications that were not conditional use permits would go to the ERB. His concern was that they were requiring a developer to get an environmental assessment which set them back up to 90 days and it was information the County could do nothing with. Mr. Sullivan stated that unless it was a conditional use permit the application it did not go to the ERB. General use zoning environmental assessments went to Mr. Royal for review within a maximum of 15 days review time, and then that information was filed away.

Mr. Sullivan stated that those regulations had been in the Zoning Ordinance since December of 2008, and no one had met the 2-acre disturbance threshold which he believed was a sign of the economy. The point was they had not had any experience because no applications had come forward to test it.

Mr. Sullivan stated once an application got through the issue of zoning and the environment assessment was done, the next step was a stream buffer review which would be required for any building permit. Depending on when the lot was created and its location, there was one of three different sets of stream buffer criteria that could apply. The Watershed Ordinance was amended in 2008 to apply new standards with new subdivision lots of record, and if it was within the threshold as stated in the regulations then Mr. Royal would do a site visit and make an evaluation for a fee. If it was over the threshold then the developer had to hire a private consultant to do the on-site evaluation. In the new regulations they buffered perennial, intermittent and ephemeral streams as well as wetlands, seeps, and springs, so the Board at that time had expanded the scope of what was regulated in addition to having the on-site evaluation.

Chairman Bock stated that it had been a State regulation and that was why it had been expanded. Mr. Sullivan stated that was correct.

Chairman Bock asked exactly what an ephemeral stream was. Mr. Royal stated that the Ordinance defined it as a physically visible feature that was a natural channel where water flowed through during or shortly after precipitation events. It was a stream that typically lacked the characteristics of continuous or intermittent streams.

Mr. Sullivan stated that the next item that had changed as far as stream buffer requirements was the Jordan Lake Buffer Rules, adopted last year and were State mandated as was the Watershed Protection Ordinance. When the Watershed Protection Ordinance was required by the State in 1994 the Board at that time had expanded the requirements for stream buffers, so the County had been exceeding the then requirements. Those requirements had been amended in 2008, and the State then came back and mandated the Jordan Lake Buffer Rules. Rather than the Board adopting a stand-alone ordinance for the Jordan Lake Buffer Rules, Mr. Royal had worked out a system to incorporate the State-mandated standards into the Watershed Protection Ordinance to try to get everything at least into one document. He pointed out on a map the area where the Jordan Lake Buffer Rules came into play, and noted that everything outside of that area would fall into either the pre-2008 regulations based on the USGS for existing lots of record, and any new subdivision of land would fall under the new standard where they got into the on-site evaluations. There would also be on-site evaluations within the Jordan

Lake Buffer Rules area. If there was an existing lot of record within the Jordan Lake Buffer Rules area, it would fall under the old stream buffer rules but there would be added standards because it was now located within the Jordan Lake Buffer Rules drainage area.

Chairman Bock asked if the Corp of Engineers determined that buffer. Mr. Sullivan responded it was actually the Division of Water Quality under DENR. Every jurisdiction that had drainage into Jordan Lake was now under the Jordan Lake Buffer Rules. Chairman Bock asked had the County added onto those standards or were they following those exactly. Mr. Sullivan stated if it was a new lot of record or a new subdivision lot, in addition to the minimal requirements of the Jordan Lake Buffer Rules they would also have to meet the standards for the various designations of ephemeral streams, wetlands, etc. That was a County ordinance and did not apply within the municipalities in the County with the exception of Goldston, noting that the municipalities had their own regulations.

Chairman Bock stated his concern was that the County was the only one regulating that and the surrounding counties were not.

Commissioner Petty stated that if the County was regulating it and others were not, then what the measurable difference was they were making.

Commissioner Petty stated part of the thought process behind that was that the Board at that time had believed that because Chatham County surrounded a good portion of the lake that they should take some measures to protect it. He stated they had had terrible problems when Amberly was being constructed with all kinds of materials going into the lake. Aerial photos showed that the lake was somewhat of a light grey but when you got in the area by Amberly the whole color of the lake changed to dark.

Commissioner Kost stated that was still the case, in that on Sunday she had looked at Hanson Creek which had three arms, and where Amberly was coming through that stretch was very brown with the other two running clear. Even though Cary had stated they had the strongest soil and erosion control ordinances in the State, they were not working.

Chairman Bock stated that if Amberly had been developed after the Jordan Lake Buffer Rules had been put into place, would those rules have solved that problem. If the answer was no, would the County's additional layer of rules have solved the problem. Mr. Sullivan stated that because Cary was split between two different drainage rivers, both the Neuse River Basin and the Cape Fear River Basin, they actually had to follow the Neuse River Basin Rules that were put into place years ago. He believed when Cary was required to implement the Jordan Lake Buffer Rules, they had implemented them jurisdiction wide including the drainage into Jordan Lake.

Mr. Royal stated that Cary did have a somewhat aggressive stormwater control program.

Chairman Bock stated to get back to his question, did the County's additional regulations mitigate the problem and was there any evidence of that. Mr. Sullivan stated they did not have studies where they had researched that, but there had been a detailed study done by the University of Georgia a few years ago which was fairly detailed, where they had looked at different buffer widths on different types of environmental features. They could provide a copy of that research to the Board. There was some research done, but nothing that was Chatham County specific. Chairman Bock stated he was all for additional regulations if they would help, but he was leery of additional regulations that they thought might help that slowed the process.

Commissioner Kost stated the Board at that time had heard a presentation and before the Board made any changes she would hope they would hear that presentation again. It had contained some fairly strong evidence that the additional regulations did make a difference.

Mr. Horne stated that at this point they had not yet had enough experience with the regulations to be able to answer the Chairman's question.

Mr. Sullivan stated that a stream buffer review was required before someone submitted their application to Environmental Health for their construction authorization. The reason for that review was that hopefully Environmental Health could avoid the areas that required a buffer zone. The regulations did have a provision that if the only suitable soils on the site were in the

riparian buffer then an Environmental Health specialist had to conduct a site visit to determine where those suitable soils were located.

BREAK

Chairman Bock called for a short break.

STREAMLINING THE DEVELOPMENT PROCESS (Con't.)

Mr. Sullivan, using the Watershed Map, pointed out the major rivers. He pointed out the Haw River that fed Jordan Lake which eventually turned into the Cape Fear River, the Deep River, and the Rocky River, the bulk of which was in Chatham County.

Commissioner Stewart asked that the staff present introduce themselves and state what their position were. Staff present introduced themselves, as follows:

Lynn Richardson, Land Use Administrator/Subdivisions
Melissa Guilbeau, Transportation Planner,
Benn Howell, Planner
Rachel Thorn, Soil Scientist for Soil Erosion & Sediment Control
Angie Birchett, Land Use Administrator/Zoning
Ann Lowry, Environmental Health Specialist
Holly Coleman, Health Director
Jenny Williams, Director, Central Permitting
Tom Bender, Chatham County Fire Marshall
Fred Royal, Environmental Resources Director

Commissioner Cross stated he knew that one of the problems some of the builders had was with the setbacks on ephemeral streams. He believed there had been some research that showed that extended buffers helped in some cases and in some cases there was no evidence to show it had made a difference. Mr. Royal stated he did not remember what Commissioner Cross was referring to, but the issue could have to do with whether protecting ephemerals would really make a difference in water quality. They had come to the conclusion after looking at all the evidence that approximately 80% of the drainage areas or water-carrying streams were ephemeral and buffering was something they should take very seriously. But, they also did not want to over-regulate. He stated with that being said, he did not know the answer to Commissioner Cross's question.

Mr. Sullivan stated the next step in the process was septic and well permits and County water issues. This came under Environmental Health and the County Water Department. All of the regulations under Environmental Health were State mandated so there was really no control by the Board of Commissioners other than the County had to regulate it. One point of note was that if there was a water line within 2,000 linear feet of a new non-residential building, the developer had to extend the water line to serve that building. So, they could have wells, they could have County water, and they could have septic issues.

Mr. Horne stated that to provide some logic that had been added to the requirements some time back by a previous Board with the idea to help recover expenses for extending a line by requiring the developer to tap onto that line if the development was within 2,000 linear feet of the line.

Mr. Sullivan stated the next step was the administrative review of the site plan and other agency approvals, which was the point where everything should be in good shape and the applicant was ready to start submitting building plans. In the administrative review, they went through all of the different things reviewed at that point in the process, which was a mix of regulations either locally controlled or State mandated. That included building setbacks, parking requirements, building height, signage, outdoor lighting, and the landscaping plan. At that point in the administrative review, the only advisory board that might be involved was the Appearance Commission if a landscaping plan was required. Staff would forward that plan to the Appearance Commission even in the general use zone areas because staff did not have the expertise to review those plans.

Mr. Sullivan stated that some of the standards that would be applied during the administrative review included the Flood Damage Prevention and Soil Erosion and

Sedimentation Control ordinances. There were a number of outside agency approvals that may come into play, and the County had no control of when or how those agencies conducted their reviews or at what point they submitted their permits. For instance, staff would not approve a site plan if the DOT driveway permit was not in hand. Other permits, such as the air quality permit, needed to be in place before any building began on the site in case there were issues with other regulatory agencies.

Mr. Sullivan said the next step was the submittal of the building plans and the process to get those plans submitted to Central Permitting to begin the review process, and most of those reviews had already been discussed. At this point they did have the construction, demolition, and recycling requirement as well as a green building rebate program if eligible. At the same time that the building plans were being reviewed, Environmental Health may be involved.

Mr. Sullivan pointed out that if no rezoning was involved and no subdivision was involved, then basically they were looking at an administrative review process. The only advisory boards that might be involved would be the Appearance Commission, possibly the Environmental Review Board, and possibly the Planning Board. They had also tried to come up with a tabulation of approximately how long it took to go through the process depending on what was involved. With a home occupation you were looking at about two to eight weeks, the eight weeks being if there was an environmental issue involved such as a septic system. If there was a stand-alone business with no rezoning and no subdivision involved, then the period was two to eight weeks to work through the process. If a subdivision was involved, then it was seven months and possibly up to 16 months as an outside window. If it was a stand-alone business with a rezoning with a subdivision involved, then it was four and a half to eight months.

Commissioner Stewart asked how they compared to surrounding counties in their process time. Mr. Sullivan stated they had contacted a number of different jurisdictions, but because he had not yet had the time to get into the details of the information provided he would prefer to hold those results. He would not want to do a comparison until they had a firm handle on whether they were making the correct comparisons.

Commissioner Petty stated what they needed to do was figure out where they were losing business and compare it to that.

Mr. Sullivan stated from a rezoning standpoint, their process took a minimum of about four months to go through and there was not a lot that could be done about that. They had to have adequate time for notifications, hold the public hearing, have the Planning Board review, then bring it back to the Board of Commissioners.

Chairman Bock stated at times it may take the Planning Board two to three meetings to make up their minds, and it may take the Board of Commissioners two to three meetings to make up their minds, so that could stretch the process out a very long time. Mr. Sullivan stated that was correct, and actually the time the Board of Commissioners took was indefinite in that the ordinance had no deadline that said the Board had to make a decision within a certain time for a rezoning.

Commissioner Petty stated he believed that needed to be changed. Mr. Sullivan stated they had actually talked with the County Attorney about that, and his thought was that should the County be sued that if the Board of Commissioners had held something up a year, then a judge would likely say that they had gone beyond what was reasonable.

Chairman Bock stated the ERB and the Planning Board could take more than one meeting to decide. Mr. Sullivan stated that was correct, noting the Planning Board had two meetings to come to a decision, which meant 60 days theoretically, and staff could postpone for up to one Planning Board meeting if needed due to multiple applications being processed.

Chairman Bock stated then the environmental impact assessment review could take up to another 90 days. Mr. Sullivan stated yes, potentially.

Mr. Royal stated but it was concurrent.

Mr. Sullivan stated they had not yet had to deal with an environmental assessment that was submitted as part of a conditional use permit. To actually apply conditions, the review

would actually have to be done prior to the public hearing so that the evidence could be submitted into the record. But, there were some technical issues as to whether it would be done before the Planning Board meeting because if there were specific conditions that needed to be added based on the environmental assessment, the Planning Board would need to know that. As well, the Appearance Commission would need to review it prior to the Planning Board meeting so that if they had recommendations they could be incorporated into the Planning Board recommendations that went to the Board of Commissioners.

Chairman Bock stated he was trying in his mind to apply that to a real life scenario. Mr. Sullivan stated unfortunately they did not have examples to show how it had worked. The environmental assessment would really need to be conducted and submitted prior to the application deadline for the rezoning, because they had about 90 days for the ERB to review it and it needed to be one or two months out from the deadline date before the rezoning submittal.

Chairman Bock asked was it theoretically possible that if the ERB took 90 days, that they would not have had the Appearance Commission review by then. He asked could they be concurrent, and said they should be concurrent always. Mr. Sullivan stated it was up to the applicant to make that choice.

Angie Birchett, Zoning Officer, stated that if an applicant could not get everything submitted before the deadline, the Planning Board had discretion to continue the public hearing and to provide the applicant a list of what was needed. That way it was in the public record and the applicant would know exactly what was expected.

Mr. Sullivan stated that the quasi-judicial process was not the most enjoyable process and they would provide some options to possibly move away from that if the Board was interested.

Mr. Sullivan stated the next thing on tap was the case study, noting that a number of their regulations had been amended since 2008 and this was a good example of what the developer or potential business owners' experience would be when they began to go through the process. The location used for the case study was on 15-501 North almost at the Orange County/Chatham County line. It was about 1.3 acres of disturbance and because it was less than 2 acres it had not triggered the environmental assessment requirement. This was a good example of the types of complications that could come into play with almost any project.

Mr. Sullivan said the project had required a rezoning; it was originally zoned residential and the applicant had applied for and received approval for conditional use rezoning and a conditional use permit. They worked with Erosion Control for their erosion control plan and worked with Environmental Health on the septic system, they had a stormwater plan and would be tying on to County water, and then they had to work through the permitting process with building inspections and the Fire Marshal. He provided a timeline for how long it had taken that applicant to work through the different processes:

87 business days for the rezoning, from the application deadline to the date of approval
15 days for stormwater review
18 days for erosion control review
28 days for Environmental Health to go through office work required for the septic system, but it took the applicant about 11 months to actually get go through the design work and get the permit
1 business day for Public Works to determine that water was available for tie in
23 business days for Central Permitting, which included Building Inspections and Fire Marshal review

Commissioner Stewart asked had the applicant known they would have to have a special septic system when they started the project. Ms. Lowry stated that the applicant had to include an adequate schools certification before they submitted the plans to her office. Commissioner Stewart asked had the applicant talked to anyone about the septic system prior to that. Ms. Lowry replied no, not before they had applied.

Mr. Sullivan stated that many times with rezonings applicants would not go through the permitting process for a septic system because if there was no guarantee of approval on rezoning conditions they were not going to do a lot of design work in anticipation of something that may or may not occur.

Commissioner Stewart asked had anyone ever come in and said they were thinking of starting a business and wanted to put that business in a particular location, and then asked to be told everything that they would need to do step by step to accomplish that and what problems they might run into that they needed to consider before they went any further. Mr. Sullivan stated they tried to provide that information, but it was a long list. They tried to go through what the regulatory process entailed and provide the person with a list of what might be required depending on what they were planning on doing. They could only throw so much information at someone before they went into overload, so they tried to make it easy to understand the various steps involved in the process.

Ms. Birchett stated that the key players in each department tried to provide applicants with a general idea of what they would be expected to do, although some applicants opted not to spend the time to get that information.

Mr. Sullivan said to complete the timeline of the case study, the project began in December of 2008 with submittal of the rezoning and conditional use permit, and the site work began in August of 2010. The reality of what happened was that it had taken 16 months, but in that 16 months there was not necessarily any holdup by the County, and that was where you got into complications such as a specialized septic system. The economy had also slowed while the applicant was going through the process, so that was another factor that the County could not control in the permitting process. The building construction was ongoing at present, so the applicant was working to get the business open and was moving forward fairly well.

Commissioner Stewart asked did they ever conduct interviews with applicants like this one and asked what they had found was the biggest problem or issue to get past. Mr. Sullivan replied they had not done that.

Mr. Sullivan stated the next item for discussion was common delays and issues to work on. Many times when people were submitting information they had incomplete or inaccurate information and that caused delays because the information had to be resubmitted and staff had to review that. There were federal and State permits involved and then some mandated local regulations that had to be met.

Mr. Sullivan stated he now wanted to move into direction and prioritization by the Board on some of the things they had just discussed. Again, they did not have specific recommendations, but did have a general outline of some of the bigger picture items that the Board might want to consider. The staff could research those items and bring back specific recommendations. The first issue was Home Occupations, and staff believed that there was additional clarification needed in that section to clearly spell out the difference between a neighborhood home occupation and a rural home occupation. They also had an issue with the "Arts Tour" and similar events, and believed they might want to look at special provisions for the Zoning Ordinance because those types of events had not been addressed anywhere else.

Mr. Sullivan said the issue of home occupations had come up at a previous Board of Commissioners meeting in 2010 and there were concerns expressed about a variety of issues including zoning, building inspections, the Fire Code, and environmental health. One of the questions staff had was did the Board want additional information about those areas or did they want staff to just look at zoning, or were they okay with the way things stood currently.

Commissioner Kost stated that with the case study, it was clear that was the kind of business they wanted in Chatham County, which was an artist, but she just continued to run into one obstacle after another. Mr. Sullivan stated one thing that had been discovered but was not a closed case for the County was that she was advertising and after some research they had determined that she was operating as a home occupation as defined in the Zoning Ordinance. The Zoning Ordinance had not been that big of an issue as staff saw it because she had met the requirements, but it was a matter of getting the permit from the Planning Department to open up. But, there were other issues that came into play that were State mandated, including the Building Code, the Fire Code, and possibly Environmental Health. They as a County were required to enforce those regulations, and technically they as a County did not have any say as to whether or not those regulations were modified. So, there were a number of issues that had come up in this case.

Commissioner Stewart left the meeting at 11:09 AM.

Chairman Bock asked were there some interpretation issues, such that you could interpret something one way and everything was fine, but if interpreted another way a parking pad and an extra bathroom was required. Mr. Sullivan stated he was not at the meeting so was not sure that any other issues had come up, but there was some issue about whether she had to have handicap parking and if the general public would be coming to her home. From a zoning standpoint, if you were opening your doors for someone to come to your home, then you were allowing the public to come onto your property.

Mr. Sullivan stated they also had parallels where something was not necessarily a home occupation but they had to meet the same requirements. An example would be a model home in a subdivision, and a model home would typically mean there was a sales office. The way that usually worked, which was State-wide, was that there would be a concrete pad and a handicap parking space outside the door, and when you went into the sales office area which was typically in the garage portion, there would have to be a handicap accessible restroom in that area. That was basically the equivalent of what they were dealing with, in that the public was going to that model home to look at the home, and with the sales office there it had to meet certain minimum State requirements.

Mr. Sullivan stated that in-home day cares was another example, in that they had to have access and they could not turn away handicap children so they had to make accommodations for those children. It was a complicated issue but it was something that that needed to be addressed. The staff had been somewhat hamstrung on the enforcement side, so some direction from the Board would be helpful as to whether or not they needed additional information or clarification on any aspects of the home occupation issue.

Mr. Horne stated there were a lot of regulations that had to be satisfied, from the Building Code to the Fire Code depending on whatever was going on with that home occupation. That was the public safety issue from the State's viewpoint, and regulations needed to be in place that would address particular home occupations.

Chairman Bock stated in this case it would be State regulations. Mr. Horne replied that was correct.

Mr. Sullivan stated as an example of the public health, safety and welfare aspect they had recently had a situation where they were investigating a possible home occupation where someone was operating an auto repair garage at their home. In the course of that investigation the home had burned down, and they had never been able to reach an outcome to the investigation. But, the point was that there were safety issues that came into play with certain kinds of home occupations.

Commissioner Petty asked if the State regulations were well defined. Mr. Horne replied that the Building Code was well defined in certain areas such as HVAC and mechanical elements, but there were no requirements for such things as the floor plan. Commissioner Petty stated that rather than trying to reinvent the wheel why not just adopt the State Building Code as the County Code. Mr. Horne stated that was what they had done.

Chairman Bock stated if they had adopted the State regulations then there was really nothing for the Board to change.

Commissioner Kost stated they could place on their legislative goals list whatever they might want to see changed.

Chairman Bock stated he would prefer to talk about what they could do as a Board.

Commissioner Kost stated that home occupations were a large issue in the County particularly for the arts community, who had stated there were issues with the Building Code, the Fire Marshal, and others.

Chairman Bock stated he understood that the artist they had just talked about was only one situation, but somehow she had not done all of the things that the County had originally said she would have to do, but she was in compliance. Mr. Sullivan stated she was in compliance only with zoning. She still needed to work with Building Inspections, the Fire Marshal, and Environmental Health to determine what she needed to do to get into compliance.

Commissioner Petty asked were those issues because the general public visited that facility. Mr. Sullivan said that was correct, noting that she held classes there.

Commissioner Kost stated they had many artists who had people come to their home to purchase artwork. That was an important part of economic development, because arts were an important part of the community.

Mr. Horne stated they perhaps should think about the changes in technology, in that technology was speeding along faster and it created more and more opportunities for people to work from their homes and those opportunities had not been available in the past. In some respects that technology was outstripping the building regulations.

Chairman Bock stated it was obviously a big problem, but he did not believe there was anything the Board could do. Mr. Sullivan stated the Board only had control of the Zoning Ordinance portion of it, and asked if the Board wanted staff to look at those regulations to determine if some clarification needed to be made in the regulations.

Chairman Bock stated as a blanket statement, any Zoning Ordinance changes that would make things easier he would like to have looked at.

Ms. Birchett stated in this case the reason they had not yet issued the Zoning Compliance Permit to the artist was because they did not yet know if there would be issues with the other regulations she would have to comply with. Their thought was to withhold the Zoning permit until that was known so that she would not pay for the permit and then be denied due to other issues and have wasted her money.

Commissioner Petty agreed that made sense.

Mr. Sullivan stated the next item was subdivision regulations, noting they had outlined some of the general issues in the handout. One was that conditional zoning was a different process from their conditional use district zoning with the parallel conditional use permit. Conditional zoning wrapped everything up into one package and it was a one-step process, with no sworn testimony and no quasi-judicial procedure. That was something that staff wanted the Board to consider directing them to look at as far as options for switching to conditional zoning. They had considered that in 2005 and actually had a text amendment that went to public hearing but the Board ultimately did not approve it. They were bringing it up again because it was an option that was on the table to change how they did things to make the process a little smoother.

Commissioner Petty stated then conditional use would replace conditional use permits. Mr. Sullivan replied yes, that it would replace that two-step process with the one step process.

Commissioner Cross stated that at present there were members of the Board away from the table, and suggested they needed to save that discussion until all members were present. He stated he would want to review the information as well because the suggestion would simplify the process. He suggested that they put this on a work session agenda. Mr. Sullivan said he believed all of the information on conditional zoning was still on the Website. He asked if the Board wanted to wait on making a recommendation to staff until a later time.

Commissioner Petty stated that the concept was not that complicated and asked Mr. Sullivan to explain it one more time. Mr. Sullivan repeated his explanation, explaining that it would remove the two-step process and replace it with a one-step process called conditional zoning.

Commissioner Cross reiterated his suggestion to add this topic to a work session agenda for further discussion. When they had first considered this he had been in favor of it, but there was some question about the legality.

Commissioner Kost stated she needed a refresher about the issue.

Chairman Bock stated that part of their problem was they kept having more and more presentations and meetings. He asked was he over simplifying by saying they would be replacing a two-step process with a one step process. If they could do one step, then he did not need a presentation. Mr. Sullivan stated it was one step versus two, and the only thing that really

changed was the quasi-judicial portion of the process which would disappear. You would still be approving a rezoning for a property with a site plan and with a specific list of defined uses.

Commissioner Kost stated when they saw the site plan would that include building schematics. Mr. Sullivan stated the process could be tailored to whatever the Board wanted to require with that approval process, noting there was a lot of latitude on what they could require to be submitted at that point in the approval process. Commissioner Kost stated that was what they needed to have a discussion on. Mr. Sullivan stated they would look at a text amendment to accomplish that or bring back more information at a work session.

Commissioner Cross asked when they could have that discussion. Mr. Horne stated the Board's next meeting was already booked up, and it would likely be in March.

Commissioner Kost stated this would be a change to the Zoning Ordinance, so they would have to schedule a public hearing and then it would go to the Planning Board. It was not something that they as a Board could change now. Mr. Sullivan stated that was correct.

Chairman Bock stated if they put this off another month or six weeks to get another presentation and then they decided they wanted to go forward, they would then schedule a public hearing before the Ordinance could be amended. Mr. Sullivan stated that staff would have to have time to draft the regulations before it went to public hearing. Chairman Bock stated that was even worse, time wise. Mr. Sullivan stated the staff would have to spell out the specific options to amend the regulations for the Board to consider and for the public to consider.

Commissioner Petty stated if it accomplished the same thing and it could be done in one step, then it made sense to do it in one step to simplify the process. They could work out the details, and if Mr. Sullivan was asking if the Board wanted staff to move forward to accomplish that he would say the answer was yes.

Commissioner Kost stated but staff would have to come back to the Board with those specific details.

Commissioner Petty stated that was correct, but he believed Mr. Sullivan was just looking for direction as to whether or not to move forward.

Chairman Bock stated he wanted to cut out the number of steps it took the Board to get to the point where they could say to cut the number of steps down in a process. He did not want to create more steps just to say they were going to cut out additional steps.

Commissioner Kost stated there was also the benefit in terms of the enforcement issue. As the County grew and they saw multiple conditional uses, it became a real enforcement issue because staff had to go back and look at the original approvals to see what the conditions were. Over time that would become very cumbersome.

Mr. Sullivan stated they had general use zoning in the Zoning Ordinance now, and they did not require that the applicant have the conditional use rezoning and the conditional use permit. But typically in the past the Board had been more comfortable with the conditional use process because the Board could see the site plan and the uses proposed for the site and could mitigate any problems that the neighbors might bring up. So, there was more control over that site but also they were better able to tailor how something would fit in. They could switch to more general rezoning, but if they were going to do that then staff would recommend a Land Use Plan Update because they needed more specificity of where businesses needed to be located. They would also recommend that the Board include more specific information in the Zoning Ordinance because if they went to general use rezoning there would be no site plan and they would not be controlling uses and whether or not a location was an appropriate site for a business. Everything else was administrative, and if they did not have everything covered to their comfort on the administrative side then they could end up with some real problems. But, that was also something that would require only a policy position by the Board.

Chairman Bock stated they probably did not want to do that, but he was not necessarily opposed to having less control.

Commissioner Petty agreed. Mr. Horne stated if they updated the Land Use Plan and went to general zoning, that would take even more time and at some cost to update the Plan. Mr. Sullivan agreed it was time and money.

Chairman Bock stated then he believed they were back to conditional zoning or conditional use district zoning.

Commissioner Kost stated she believed they were outgrowing conditional use and she supported moving to conditional zoning, but she needed to see the details from staff on how conditional zoning would work.

Chairman Bock stated it appeared they were all in agreement to support the idea of conditional zoning. There was no objection from the Board. Mr. Sullivan stated he believed the question now was whether to bring this back to a work session. He stated he could forward the information already available for the Board to look at, and then they could determine at that point whether they wanted a more detailed presentation, or, if there was enough information for the Board to be comfortable they could direct staff to move forward.

Commissioner Cross stated that was a good idea, because that would give them the opportunity to have their questions ready for a quick session with information from staff. The Board agreed by consensus.

Mr. Horne stated if everything was in place, they would schedule this as a work session item on March 7th just as a status update.

Chairman Bock stated when next the Board discussed this they needed to be able to make a decision at that time to either move forward or not.

Mr. Sullivan stated the other issue they had with the Zoning Ordinance was site plans and the review process. At present they did not have a lot of detail about what was required for site plan submittal or the review process, and they were bringing that forward now to determine if it was something the Board wanted staff to work on as far as adding additional standards with the hope that it would be more clear to the developer as to what they had to do.

Chairman Bock stated then the suggestion was to look into the process to do what, exactly. Mr. Sullivan responded what was required when someone submitted a site plan, as far as having more detailed information in the Ordinance so that it was clear to the applicant. That would allow less interpretation by staff and give more clear direction to the applicant. Chairman Bock stated then if everything was submitted accurately, it should take only one meeting of the Planning Board to get a yes or no and it likely would not even need to come to the Board of Commissioners. Mr. Sullivan stated that this would come into play with a general use zoned site. If they switched to conditional zoning they would have more detailed site plan information, and with more detailed site plan information they could have more detailed information for the conditional use permitting process if they decided to stick with that. But, it would clearly spell out the process for general use zoned areas.

Commissioner Kost stated she would support that if they had an updated Land Use Map.

Commissioner Petty stated he kept coming back to the issue of the owner who had put a trailer office on his site. To him, that just was not a topic for discussion and asked how they could avoid something like that. Mr. Sullivan stated that went back to the conditional use permit. The reason they had required that was because there was noting that would allow that on their site plan. Commissioner Petty stated had it been a general use, it would not have mattered. Mr. Sullivan stated if it had been a general they would have had no control whether it was that business or any other type of industrial use. Commissioner Petty stated but they would have been able to do it without going through that process. Mr. Sullivan stated that was correct. When they submitted their initial application they could have also shown future buildings.

Chairman Bock stated in that situation, was there any way they could have said that it did not need to come to the Board of Commissioners. The Planning Board could have said that it made sense and that could have been the end of it. Mr. Sullivan stated not currently.

Commissioner Petty asked how they could get to the point that staff could make that decision. Mr. Sullivan stated for conditional use permits it would be the way the original conditional use permit was approved, solely by the Board. A lot of it would come down to what the applicant submitted with their application, because once that conditional use permit and site plan were approved, it pretty well locked that site down and they as staff had little discretion as to what modifications were allowed. Commissioner Petty asked how they could structure it so that staff did have more discretion. Mr. Sullivan stated for conditional use permitting he was not sure that there was a way that the Board could defer modifications to staff legally, unless they already had the original site plan in hand. But, there could be some flexibility built into the original conditional use permit approval.

Chairman Bock stated that the step they had had with that particular developer with the trailer was just at the public input stage, and nothing had been approved. Mr. Sullivan stated the approval would be coming on an upcoming agenda. Chairman Bock stated that was their point, that there was a whole step in there. He asked could they have the public input and an approval on the same day. Mr. Sullivan stated no, because it had to go to the Planning Board for its recommendation. Chairman Bock stated that was his point, and asked had the Planning Board seen that prior to it coming to the Board. Mr. Sullivan stated no, not that revision other than at the joint public hearing. They would actually switch the process of when the actual recommendation by the Planning Board occurred, in that they could set up the process so that an application was submitted and it went to the Planning Board, the Planning Board would make a recommendation, it would be presented at the Board of Commissioners' meeting, and then they could hold a public hearing, close the public hearing, and make a decision right then. There were some jurisdictions that had their process set up like that. They did not have to have necessarily a joint public hearing and there had actually been legal discussion about whether or not the Planning Board recommendation should even come after the public hearing because it should be presented as evidence to the Commissioners at the public hearing.

Commissioner Kost stated having served on the Planning Board she valued having that citizen input from the public hearings and it was important to have. She had found it to be very beneficial.

Commissioner Petty stated it just seemed to be a very cumbersome way to get to a solution that was so simple.

Chairman Bock agreed. Mr. Sullivan stated some of that was based on how the applicant submitted the application, and the County did not dictate the terms of what they submitted.

Chairman Bock asked Commissioner Cross if he liked the idea Mr. Sullivan had outlined to simplify the process.

Commissioner Cross stated he believed that once a public hearing was held the Commissioners were not suppose to talk to anyone about the project or accept any additional information. So, would the same thing apply to the Planning Board if they held a public hearing before it went to the Planning Board for recommendations.

Commissioner Kost stated that question had been raised many times and she had never heard a firm answer.

Chairman Bock suggested they ask staff to come up with recommendations on how to minimize the steps in the process and make it as short as possible, and even if they did not approve it, it would give them something to discuss and consider. Mr. Sullivan stated with conditional use zoning they could provide a number of options for debate for the Board to consider on March 7. It would likely not be detailed but it would include switching the whole process to conditional zoning as well as switching the whole review process. Chairman Bock stated that would work for him, but he would always default to fewer steps and quicker turnaround time.

Mr. Sullivan asked if the Board wanted staff to look at the site plan issue as a separate issue in the review process.

Commissioner Kost stated she would like to see what the recommendation might be for that, but did not know if staff could do that quickly. Mr. Sullivan stated they would not be able to do that by March 7.

Chairman Bock stated he believed they would want to look at that as a separate issue.

Mr. Sullivan stated the next issue was the environmental assessment requirements. There were threshold criteria in the Zoning Ordinance as well as the subdivision regulations. They had not yet discussed the subdivision regulations, but from that standpoint did the Board want staff to look at the threshold criteria or the review process, or were they comfortable with the way it was currently.

Chairman Bock stated he was not comfortable with requiring an environmental assessment if they could do nothing with the information. If that meant they had to look at the threshold, then they should do so.

Commissioner Kost stated that would not be the threshold, it would be anything that disturbed a site. Mr. Sullivan stated that was correct. The question would be what the Board wanted to do, and if the Board wanted staff to bring back options to consider they would do so.

Commissioner Kost stated she understood the frustration of requiring something they could not do anything with, but she would prefer to see what the options might be. These were amendments to ordinances that had to go through a public process for citizen input.

Chairman Bock stated he got that, but at least on the point that they were requiring an environmental assessment when they had no regulatory authority, could they at least agree that that one requirement was not necessary.

Commissioner Kost stated she had already stated that she agreed with that.

Mr. Sullivan asked was it the consensus of the Board to scratch that requirement. Mr. Horne stated they would need to vote on that in order to make the change.

Mr. Sullivan stated he believed Mr. Horne was suggested that the Board vote on whether or not to direct staff to bring that back with the requirement for an environmental assessment omitted.

Commissioner Kost moved, seconded by Commissioner Cross, to direct staff to bring back for consideration the removal of the requirement for an environmental assessment from the Zoning Ordinance and the Subdivision Regulations, and to bring back information on moving to conditional zoning. The motion carried four (4) to zero (0).

Mr. Sullivan stated the next part of that was whether they wanted staff to review the requirement for an environmental assessment threshold for conditional use, which was the 2 acres of disturbance. Was the Board okay with that 2 acre threshold, or was there some other option they wanted to have reviewed.

Chairman Bock asked how they had come up with the 2 acre threshold. Mr. Sullivan stated that was the General Statute requirement for State and federally funded projects, so it had been taken straight from those statutes.

Chairman Bock stated he would just say stay with that. Commissioner Petty and Commissioner Cross agreed,

Mr. Sullivan stated if the requirement was for larger than 2 acres, then fewer projects would be required to do the assessment, so the question became did the Board want to consider something larger than 2 acres. For instance, the Board could make the cutoff at 4 acres, which would mean anything less than 4 acres would not be required to do the assessment.

Commissioner Petty asked Mr. Royal what his recommendation would be. Mr. Royal responded he was not prepared today to make a recommendation.

Chairman Bock stated he believed it was worth considering when an environmental assessment requirement was triggered when looking at conditional use permits. There was no

objection from the Board. Mr. Sullivan stated if the Board decided to switch to conditional zoning, they could have the same requirement rolled into the conditions for conditional zoning.

Mr. Royal stated another decision the Board would need to make was if it would be a staff review or an Environmental Review Board review.

Chairman Bock asked how it was now. Mr. Royal replied now it went to the ERB if it was a conditional use permit, so the 90 days applied.

Commissioner Cross stated if they already had professional staff that could do the review in a week, why drag the process out for 90 days. Mr. Royal stated the way it worked now he took it to the ERB as a staff report, and the ERB had the option to make recommendations to the Board of Commissioners that might be in agreement or in disagreement with the staff report.

Commissioner Cross stated if the ERB was in disagreement they could still bring it back to the Board. Mr. Sullivan stated it sounded like that looking at the 2 acre threshold as well as the review process was something the Board wanted staff to bring back options on.

Chairman Bock stated those were all outlined in the Ordinance now so that would entail a public hearing. Mr. Sullivan stated that was correct. Chairman Bock stated then he would like to have staff bring back options. There was no objection from the Board.

Mr. Sullivan stated the next issue was the Watershed Protection Ordinance. In looking at the riparian buffer standards, were there areas in regards to stream buffers that the Board wanted staff to look into and bring back recommendations.

Chairman Bock asked were they doing something there other than the State regulations. Mr. Royal stated they basically had County-wide buffer rules and there were no State buffer rules anywhere else but the Jordan Lake Rules.

Commissioner Kost asked what the Jordan Lake Buffer Rules were for each type of stream. Mr. Royal responded they were 50 feet for each kind of stream. If there was a water supply watershed then there was some State buffer laws called the Regional Water Supply Watershed Rules that applied.

Commissioner Kost stated she would like to know if the increased buffers were making a difference. She asked was there any way to answer that question. Mr. Royal stated there were case studies in other areas, but nothing in Chatham County that had quantitative answers.

Chairman Bock stated that went back to the question that even if they had 1,000-foot buffers that did not stop what someone upstream was putting into the water. So the question was that if they controlled everything they could control, did that make a difference. Mr. Sullivan stated that there was a State watershed plan that had very good information on water quality and the location of impaired streams and the like, and that would give them some evidence that showed where impaired streams were in Chatham County. Chairman Bock stated he believed that would be helpful information.

Commissioner Petty stated he could not help but believe that the State regulations were sufficient and they should not complicate them more. He stated that the State guidelines were fairly stringent.

Commissioner Kost stated she did not know that she would use the word stringent. The State guidelines encompassed the entire State, and they did have some very unique soil conditions in Chatham County which made a difference. She believed the reason the County had regulations that were even more stringent than the State was to take into consideration local conditions.

Commissioner Petty stated he believed that soil erosion and sedimentation was a different issue. Commissioner Kost stated she did not believe so.

Chairman Bock asked what they were talking about here if not erosion. Commissioner Kost replied buffers.

Chairman Bock stated that it was buffers that would keep contaminants from getting into the water.

Commissioner Kost stated what she was trying to say was that in the area of the Triassic basin the soil did not absorb the moisture so it ran off quickly. If they had a small buffer, there was not enough room to cleanse all the runoff before it got to the stream, and therefore the need for larger buffers.

Chairman Bock stated he would agree with that, and asked where exactly the Triassic basin was located. Mr. Royal stated it was basically the area around Jordan Lake.

Commissioner Cross stated it was basically all of southeast Chatham.

Chairman Bock stated if it was around Jordan Lake and there were Jordan Lake Buffer Rules and Jordan Lake was unique, then there was already a unique buffer around the unique lake. He asked would that not have been taken into consideration. Mr. Royal stated it just so happened that the geography and the buffers all fell into the same spot, and the Triassic basin was in the lowest area in the County and that was where the lake was. He did not believe that talking about Triassic or non-Triassic was the real issue with the buffers. They were looking at the buffers because of nitrogen and phosphorus.

Commissioner Kost stated they should be looking at the buffers for everything environmental. Mr. Royal stated that the Jordan Lake Buffer Rules were looking at nitrogen and phosphorus. The discussion that occurred in 2008 was much broader than nitrogen and phosphorus and basically covered everything from wildlife to forestry.

Mr. Sullivan asked if the Board wanted staff to review the riparian buffer standards in the Ordinance, noting that was one of the big components of the Watershed Protection Ordinance. Or, was the Board comfortable with what was already in place.

Commissioner Petty asked if he had any recommendations in mind. Mr. Sullivan stated he did not, and would have to defer to Mr. Royal because he did not know the technical issues associated with the riparian buffer standards.

Chairman Bock stated he would like to see the buffers be for nitrogen and phosphorus levels, and whatever buffer was required to protect the lake in that regard. He was not comfortable with expanding the regulations much past that. Mr. Royal stated he was comfortable with what the Ordinance required now. He stated they had not extended the Jordan Lake Buffer rules across the entire County because they had other regulations in place, and those were local regulations, not State regulations for the areas outside of Jordan Lake.

Chairman Bock stated then they should focus outside of Jordan Lake.

Commissioner Cross stated when they had put the local regulations into place it was primarily for the areas northeast of Siler City and basically what drained into the Rocky River and the Deep River. The northern area was one of the places where there was a lot of dumping of sludge on farms and believed that had had much to do with their thinking at that time. Because that had had a lot to do with putting those regulations in place, he believed they should stay in place. The regulations were not that stringent and most places where they were in effect the majority of people would not want to build on anyway. Mr. Royal stated that they had enough allowable uses so that it was not prohibitive. Siler City actually had stricter buffer rules than the County, noting they had 200-foot buffers on perennial streams.

Chairman Bock stated what about ephemeral streams, seeps, wetlands, and the like. Mr. Royal stated those were regulated with the County's Ordinance. Chairman Bock stated his feeling was they could over-regulate in some areas, with ephemeral streams specifically. But, he had only anecdotal information which was not enough to make a decision.

Chairman Bock stated they would be asking Mr. Sullivan to look into a lot of issues, and perhaps they should put that one off and keep it as is for now so that staff would have time to look into all the other areas in regards to streamlining that the Board was asking for. Mr. Sullivan stated from a streamlining point of view this was not something where there were advisory boards involved or Board review in that it was an internal administrative review.

Commissioner Petty stated he believed their goal would be to concentrate on the streamlining issues and that the Board not add any more restrictions on what they were doing now. If they decided to make some changes later on he did not believe that would affect their goal was today, which was to make the process easier. Mr. Sullivan stated he would agree that this was not something they needed to look at now.

Mr. Sullivan stated the next issue was outdoor lighting. They had outdoor lighting standards in the Zoning Ordinance and a separate outdoor lighting ordinance with the same standards that were in the Zoning Ordinance but covered the unzoned areas of the County. This was not something that was a streamlining issue; they were all internal reviews. The question was whether there were any obvious concerns by the Board. He pointed out that there was an amortization provision for canopy lights for businesses in both the Zoning Ordinances as well as for outdoor lighting ordinance for the unzoned areas of the County. For example, if a gas station was found to be out of compliance, they would be given five years to bring those outdoor lights into compliance.

Mr. Sullivan stated they also had an issue with internally illuminated signs, and they actually had a pending Board of Adjustment case that had been on hold for quite some time because they needed to clarify internally illuminated signs in the regulations. The other issue was that the industry classification system was changing which had been ongoing for years and was supposed to have been done eight years ago. Once the industry classification standards changed, the County would have to amend its regulations; otherwise, it would make it more difficult for businesses to design their plans. The big question was that they knew they needed to address the issue of internally illuminated signs, and were there any other concerns by the Board in regards to outdoor lighting.

Commissioner Petty asked if internally illuminated meant outdoor lighting that was lit from within. Mr. Sullivan stated it was back-lit signs, such as plastic-faced signs with lights behind them. The ordinance was not clear on that and they had an appeal from a gas station owner who had put up a sign with the lights behind it.

Commissioner Kost stated she had thought they had left it that staff would come back with a recommendation based on discussions with Progress Energy. She believed there had been some agreement among the Board members that such signs were okay but they did not want to have a lot of light bleed onto roads and cause vision problems.

Chairman Bock stated on the other hand you did want to be able to see the sign. Briar Chapel was an example of a sign that was lit from behind but you could not see it. They had since changed that but they had had to get permission. Mr. Sullivan stated staff had been directed to bring information back to the Board but they had gotten tangled up in a number of other issues that had to be addressed. They had spoken to Progress Energy months ago and gotten some feedback, and they had actually gotten a couple of examples to consider. They had that research but they had not yet had the opportunity to bring it back to the Board.

Chairman Bock stated for today, they should only talk about the things they could do that would help with the streamlining issue. Mr. Sullivan agreed. Chairman Bock stated that unless there was some major issue, he would assume that the Board was in agreement with that. There was no objection from the Board.

Ms. Birchett stated that having a lighting plan approved was a part of the process, so there did need to be some clarification from the Board.

Chairman Bock stated you had to have a plan, and if a plan was submitted that met the current regulations then that would not set the process back. Ms. Birchett agreed that was correct. Chairman Bock stated then they would delay the discussion on outdoor lighting.

BREAK

Chairman Bock called for a short break to provide time for lunch.

FIRE DISTRICTS

Commissioner Kost stated the purpose of this discussion was for the Board to get an overview of some of the issues facing the fire departments. Primary was the issue dealing with insurance ratings, noting the map on the left indicated the five-mile insurance rating and the map on the right indicated the six-mile insurance rating. The important thing was the areas that were outside of that five or six mile rating. The Fire Marshal would provide an overview of the issue and why it was now such a critical problem.

Tom Bender, the Chatham County Fire Marshall, stated that the issue now was that there was a great disagreement about how insurance companies were rating residential dwellings in the County. As an example, Jay Shambley Road was in the middle of the County and technically in the Silk Hope fire district, but it was 11.5 miles from the fire station. That should be classified as a Class 10 rating, which was considered to be unprotected and insurance if you could get it would be extremely high. Some agents were actually rating it as a Class 9, and the fire departments had no hand in how ratings were assigned. The issue of how an insurance company rated an individual homeowner's premium was up to the insurance company.

Mr. Bender stated that some time ago when fire districts had not existed, there had been an effort to divide the 700 square mile area of the County to get everyone fire protection. Chatham County was actually served by eight fire departments with three that actually provided service outside the County. He distributed a map and indicated that the orange line represented the fire tax districts which had nothing to do with insurance ratings. They were set up to collect the tax and for fire service to be provided in that area. The map showed the five mile area, noting that distance was very important to a fire department because shorter distances provided for quicker response times. Closer areas also provided a lower insurance rating based on the rating of that fire department.

Mr. Bender stated that fire departments were rated on a scale, with Class 1 being the very best to a Class 10. In Chatham County, North Chatham had a Public Protection Class rating set forth by the State Fire Marshal of 6/9E, which meant if you lived anywhere within five miles of that fire department you would get a rating of Class 6. If you lived between five and six miles, the rating was a 9E. Bennett had a rating of 9/9E, Bonlee was 9/9E, Silk Hope was 6/9E, Moncure 9/9E, and Siler City was 5/9E.

Commissioner Kost asked exactly what did 9/9E mean. Mr. Bender stated that they were rated a Class 9 within five miles of the fire department.

Commissioner Petty stated with the scale being one to ten. Mr. Bender stated that was correct. If someone lived between the five and six mile district of Bonlee, was six miles being the maximum, the rating was 9E. The 9E was created when they had gone to six mile districts. It got people out of those Class 10 classifications, adding that having a rating of Class 10 dramatically increased homeowners' insurance. Pittsboro was at a 6/9E, Northview was a 9/9E, Parkwood was a 5/9E, and Staley was a Class 7.

Mr. Bender stated that those ratings were assigned through a rigorous inspection of the department, of the equipment, of the training records, and water points. They continued to have a lot of areas that were not within five miles of a fire station. In the white areas of the map was where going from five miles to six miles had really helped out because there were people that were actually in one fire district but because another fire station was within six miles that had improved their insurance rating.

Commissioner Kost stated then he was saying that even though a residence was in Moncure it was still within six miles of a North Chatham Station. Mr. Bender replied yes, noting that if that was not the case then those residences would have a Class 10. Commissioner Kost stated she had asked because there were some places in the northeast part of the County that were served by Parkwood and were outside of the six-mile area, but were within five miles of the Cary fire station. Would that situation help them? Mr. Bender stated it could, but they had not had any discussions with Cary in terms of fire service.

Commissioner Kost asked did they have an agreement with Cary to respond when necessary. Chief Strowd responded no.

Mr. Bender pointed out areas on the map that they could not get coverage from the current station they had. The question then was how to rectify that problem. If they were willing to spend the money and get everyone in the County within five miles of a fire station to give everyone the very best rating they could get, it would take 17 extra fire stations or substations.

Mr. Bender stated there were some real issues with that. They had tried at one time to get a fire station in one area; the money was there and they had the land. But, that station required eight volunteers who were willing to serve from that station, and they had been unable to identify eight volunteers. The fact was that volunteers were going extinct and volunteer fire departments were slowing disappearing. In Chatham County most residents just happened to work outside of the County so there was no one to man the stations during work hours.

Mr. Bender stated if they were really going to consider doing that, the question because the cost. Each substation would cost approximately \$1.9 million to build including land, vehicles, and the structure, and it would also cover the cost of nine paid firefighters. But that was only for the first introductory year. If that was done, the cost would be approximately \$33.6 million, but the defining issue was personnel. To cost to provide nine firefighters to 17 stations would be astronomical.

Mr. Bender stated that as far as what could be done now, he was not really clear on anything that could be done. He knew that the fire stations were doing the best job possible with the resources they had. There were fire chiefs present today to provide some additional information, with one chief getting ready to build a substation. The fire departments were working very hard to get their insurance rates lower, because if they could go from a Class 9 to a Class 7 that would save a lot of money. For example, for a home valued at \$250,000 and in a district with a Class 1 to Class 6 rating, they were looking at about \$1 per \$1,000 of value as their homeowners insurance. If that rating was a Class 10, the insurance would almost double and that was only if you could buy the insurance.

Commissioner Kost stated that some people could not get insurance, and there was also the issue of some people who had a rating of 9E but were more than six miles from a fire station. The technology was catching up along with the insurance industry catching up with GIS, and they would soon determine that a lot of people they were providing insurance for actually should be charged triple of what they were paying now.

Commissioner Kost asked if any of the Chiefs or fire personnel present wanted to make any comments on that. One question she had was who determined the five and six mile areas, and was there any way they could change those distances. Mr. Bender stated that the rural fire protection districts were set up by General Statutes, and those came about when people decided they wanted to be served by a fire department and two-thirds of the landowners would have to vote in favor of it. Once they had voted in favor of that then it went to the County Commissioners for a vote. Once the County Commissioners approved it they went to the fire departments and asked that they provide service for "x" amount of tax dollars. That tax was a special fire tax set aside for fire protection, and could go from 5 cents up to 15 cents per \$100 valuation of property. He was concerned as was the other chiefs about the costs of things and how long they could keep the tax at its current level. If a rating could be lowered, the homeowner would see a substantial drop in their premiums and if the fire tax increased by one or two cents, then the impact would be minimal.

Commissioner Kost stated she was more concerned about the people who were outside the six mile area and what would happen to their rates with GIS kicked in and the insurance agency realized that all of those areas were Class 10. She asked was the six mile radius used State wide.

Kenneth Jones with the Bennett Fire Department stated yes. He added that there were some split-rated districts, and they had been told that if they could lower their rate to a Class 7 that those outside the five mile area would be rated Class 9. They believed that in the next few years the split-rated districts would be done away with, and they would all go to six mile districts. Those six miles areas were State wide and it was totally out of the fire departments' hand.

Commissioner Kost stated they could certainly advocate for some change, and asked did they hear from other counties across the State about that issue.

Commissioner Petty stated that obviously something was changing. For people outside the six mile area, was there something driving this that would mean a change, in that people now getting insurance would not be able to later. Mr. Bender stated what was driving it was that insurance companies were becoming more sophisticated. Commissioner Petty stated then in fact people who had coverage now may not have it as situations were discovered.

Commissioner Kost stated they may not have insurance, or their rates might triple. Mr. Bender stated that one thing he had recommended was that insurance companies were not rating consistently, in that one company may rate a homeowner a nine but another might rate it as a 10. He had suggested that to clarify that, they should take their issues to the Insurance Commissioner and have it investigated.

Daryl Griffin, Chief of the Pittsboro Fire Department, stated that the insurance companies had brought this on themselves. Insurance companies called them to ask if someone was within the six mile area, and believed that was good enough, but that home might be a mile off the road and further away than six miles.

Commissioner Kost stated her concern was that the technology would say that someone was seven or more miles from a fire station rather than within the six mile area, and that homeowner would not be able to get insurance.

Mr. Sullivan asked if business in the white area on the map had the same issue as far as their rating for fire insurance. Mr. Bender stated that their commercial rates would be higher, but this was really affecting residential property more than anything.

Commissioner Petty asked if Mr. Bender had any solution in mind.

Commissioner Kost stated the purpose of this discussion was to bring the topic to the forefront, because she believed it was a ticking time bomb. She did not believe anyone was at the point of identifying solutions.

Commissioner Petty stated there were some things that they could probably do, but people choose to live in certain areas and they had to accept that responsibility. Mr. Bender stated that several years ago the largest development in the County was built, and the developer had offered to build a fire station there. They had not been able to come to an agreement on the location, but the reality was that if someone could afford to buy an \$800,000 house then they could afford insurance.

Commissioner Petty stated he did not want his comment to be misinterpreted, in that he had not wanted to sound cold. But, people did make decisions to live where they lived. Recently the Board had talked about rural character and that people wanted that, and they had moved to specific areas by choice and wanted to preserve that rural character. Along with that came the lack of fire coverage in some areas. Being a firefighter took a special commitment, and he appreciated everything that the fire service did for the County. He wanted to make sure they knew their commitment did not go unrecognized, but not everyone was willing to make that commitment and volunteer their time and energy to serve. Now, they had some issues and they needed to determine how to address them particularly in a time when there were budget concerns they were already dealing with. It would take some creative thinking, and he was asking did they have something already in mind to consider and where did they go from here.

Commissioner Kost stated first they needed to establish some priorities based on the number of residents and when and where they needed to build fire stations. The reality was that this was a public safety issue. People did choose where they lived, but that was constantly changing and the insurance rates that people were paying were out of their control.

Commissioner Petty stated that was a valid point. Mr. Bender stated that as far as any solution, the answer would lay in the regulations put forward by the Department of Insurance and the Office of the State Fire Marshal. At this point the only solution they had was to build more fire stations, but they had to have the funds to do that. Fire departments were using every penny available to them wisely.

Commissioner Cross pointed out that the people that were outside the Class 9 and 9E areas were still paying the same tax rate as those who were getting that break on insurance rates, and that should be considered as well when they considered building additional fire stations.

Commissioner Kost stated that was exactly right and it was a fairness issue.

Chief Strowd stated that even though someone was five miles from a fire station they still got the same service as those that were one mile away.

Commissioner Cross stated he knew they were providing the same protection for everyone, but his point was that people were paying different rates for that same service.

Commissioner Kost stated she was saying that those citizens who might have to pay a triple premium may rather that money went to the fire tax to provide protection.

Joe Glasson with the EDC stated he had had the opportunity to be the chief strategic planning officer with Allstate and oversaw two-thirds of the country. He had also served on a national real property disaster committee relative to major events, so he was very well aware of how insurance rates were figures. There was an effective response formula that included a water pressure response time, volunteer versus paid firefighters, and other issues. If you were in a Class 10 area you were likely in the area of a substandard insurance company, because about five insurance companies wrote about 90% of the policies. But, they would entertain exceptions from the communities; in other words, 80% of those five companies had a dedicated real property division that had responsibility for rates. They would entertain exceptions to the OSFM or the old ISO standards. The point was that property owners, based on that effective response formula, could ask that exceptions be made as long as they provided the reason for the exception because insurance rates could not be discriminatory. He would be willing to work with others to try and create a kind of formula that a series of homeowners could request back to their insurance carriers for those exceptions to be entertained.

Commissioner Kost reiterated her concerns about the insurance and how homeowners were being rated, in that the reality and how they were being rated were different. One other issue she wanted to bring up was that they did have some smaller districts, such as Bonlee and Bennett that had a small tax base that one cent on the tax base represented only \$25,000. That indicated that the tax base was on one side of the County, and they had to figure out a way to help the smaller departments because they were having trouble recruiting volunteers.

Chief Todd from the North Chatham Fire Department stated that they were on the upper end of the scale in terms of tax dollars, but you could not compare them to other areas because they responded to more calls than the smaller departments.

Commissioner Kost stated she was not suggesting any solution and was certainly not suggesting taking any money from North Chatham and sending it to another district, but it may be that the County needed to do something more to help the smaller departments.

Chief Todd stated they had purchased a new tanker last year at a cost of \$245,000. They needed another truck at one of the substations to replace a 1977 model. Fire trucks were supposed to be replaced every ten years, so they were obviously behind. As well, turnout gear had to be replaced and that carried a \$2,000 minimum.

Chairman Bock stated that was a good point to get them back on the discussion of how to increase the tax base and pay for some of those things.

Commissioner Kost stated she was not suggesting increasing the district tax rate either, noting she knew that the fire departments stretched every dollar they were provided.

Chairman Bock stated the point today was to make sure that this situation stayed on their minds so that they did not forget it. He appreciated everyone who had attended, noting that made an impression.

STREAMLINING THE DEVELOPMENT PROCESS (Con't.)

Mr. Sullivan stated they would pick the discussion back up with the major subdivision process, and provided a brief description of the old subdivision regulations and process used prior to December 2008, and current subdivision regulations and process. He described each step of the process and the time it took to go through the process, noting that with the old process it took about two to six months to go through that three step process consisting of sketch design, preliminary plat, and the final plat stage. He noted that the Board of Commissioners had to provide approval during each of those three steps in the process.

Mr. Sullivan stated that when the EDC had held their roundtable for developers all of those developers had fallen within that process, so for the next ten years the Board would continue to see projects that fell under the old process because they were grandfathered in under those old regulations. The point was there was nothing they could do to streamline the process for those developers.

Mr. Sullivan stated the current regulations had a four step process consisting of the concept plan, first plat, construction plan, and final plat approval and there were a number of advisory boards involved in that process. The concept plan process included the developer meeting with the neighbors and the community to get input. The first plat was where they got into the approval process by the Board of Commissioners and that was where the substantial time of the process came into play. That step alone would take anywhere from five to fourteen months and could actually take as much as 23 months in a worst case scenario. The process included review by the ERB, the Planning Board, and the Board of Commissioners, and was the first approval that a developer would have to actually proceed with a project.

Chairman Bock stated then that was necessary before a developer could do anything. Mr. Sullivan stated that was correct, in that they had to have the approval from the Board of Commissioners on the overall layout for the subdivision. That was where the Appearance Commissioner and possibly the Green Building Advisory Board may be involved, as well as the ERB and the Planning Board.

Mr. Sullivan stated that construction plan was the next step and was the point where the developer had the authority to actually begin construction assuming permits were in place. They had only had one developer go through the new process, and the Commissioners had referred the remaining improvements to staff and they were now working with that developer to do review the construction plan. The point was that with the new process the Board would not need to go through that final step unless for some reason they choose that option. It could take between two and a half to six months if the construction plan had to go back to the Board of Commissioners, and again that was optional. The final plat was when the developer was substantially done with the subdivision. They had to have 75% of the total cost of the improvements installed and then they could actually record the final plat and begin selling the lots. Again, staff would be reviewing and approving that final plat internally.

Chairman Bock stated best case scenario, from start of a project to finish, was what. Mr. Sullivan responded that would depend on how long it took the developer to act, noting that the first plat approval was valid for 18 months. From first plat approval, the developer had 12 months to come in with their construction plan approval unless they had a development schedule. Then between construction plan approval and the final plat approval, they had 18 to 24 months to get those approved. The actual internal review process, for construction plan and final plat, was a matter of internal timing. Chairman Bock asked what would the minimum would be. Mr. Sullivan said there were no deadlines, so when the developer brought that construction plan in they had to schedule it for a Technical Review Committee meeting agenda.

Chairman Bock asked him to focus on the minimum amount of time involved in each stage. Mr. Sullivan stated that the concept plan stage would take a minimum of two months, the first plat stage would take a minimum of five months, the construction plan stage would take a month and a half if it went to the Commissioners, and final plat would take a minimum of a month and a half.

Chairman Bock stated then they were looking at eight months, best case scenario. He asked Mr. Sullivan to now provide the worst case. Mr. Sullivan stated the worst case scenario would be about 35 months.

Chairman Bock asked at what point in that process did someone pay their impact fees. Mr. Sullivan stated water impact fees would be paid at the construction plan stage and prior to construction plan approval. The school impact fees did not come into play until the developer actually submitted for a building permit, so that was not a part of the subdivision process. The recreation fee had to be paid at the final plat stage, so before staff would provide the final plat to record that recreation impact fee had to be paid.

Chairman Bock asked what the purpose of the recreation impact fee was. Mr. Sullivan stated it was to provide a means for the County to provide land for recreation. A developer could offer to provide recreation facilities as a part of their development as long as the County agreed to accept it. In lieu of that the developer could pay a recreation impact fee that the County could then use to acquire land and build recreation facilities for all residents.

Chairman Bock asked when the school impact fees were paid. Ms. Paschal stated they were paid when the building permit was issued. Chairman Bock asked when that was issued. Ms. Paschal stated when the developer was ready to begin construction.

Mr. Sullivan stated that the developer would sell lots to a builder, and the builder came in and got a building permit, but before Central Permitting would release the building permit the impact fees would have to be paid.

Chairman Bock asked what would stop them from charging, for example, the school impact at the time the CO was issued rather than when the building permit was issued. The reason he asked that was because there was really no impact on schools until they had a CO. Jenny Williams stated that the primary issue was that the process was for the County to get the fees paid upfront. Chairman Bock stated that the fee was for impact on schools, and if the developer was out of money, then whoever bought the property would pay that fee. Ms. Williams stated that if a developer built a home and then sold it, the question was where the County would catch that impact fee

Mr. Horne stated the reality was that they had no mechanism to collect the fee after the fact.

Chairman Bock asked how other counties handled that. Ms. Williams responded that the only close county that used that method was Orange County, and they collected the impact fee at the time of issuance of the CO. Chairman Bock stated his concern was that it could place a hardship on a builder if they were paying all of their fees months before they were able to sell a home, when they really did not have any impact on schools until someone actually move into a home. He wondered conceptually if that was a step that could be made easier for developers. Ms. Williams stated that part of the problem with having the fee paid at the time the CO was issued was that there were some who never picked up their CO. Chairman Bock stated that was a different issue.

Commissioner Stewart returned to the meeting at 1:35 p.m.

Commissioner Kost stated that the collection of impact fees were actually on her list of discussion topics. The former Board had talked about the issue with Cary and how they had collected fees from residents of the County, and that would have to be worked out.

Chairman Bock asked if they could consider moving the payment of fees closer to the point of there actually being an impact.

Commissioner Cross suggested looking into what Cary was collecting and try to keep it the same County-wide.

Chairman Bock stated the problem was that Cary was collecting the County's impact fee for the County.

Commissioner Cross stated they should use the same rule for everyone.

Commissioner Kost stated she believed that Cary collected the fee at the time the permit was issued. Ms. Williams stated that the Town of Siler City collected fees for the County.

Commissioner Cross asked at what point they collected the fees. Ms. Williams stated they collected the fees at the initial permit stage. Cary returned the fees back to the County on a quarterly basis

Chairman Bock stated he wanted to get back to the eight to 35 months. He asked was there a consensus among the Board that the possibility of 35 months was unacceptable, from concept plan to final plat.

Commissioner Kost stated it was inconceivable that it would take 35 months to get a plan through the process. But for the one development that had gone through the new process, the developer was the one who had slowed down the process. Mr. Sullivan stated it was really a mix, in that the developer had not pushed every deadline and that was a major subdivision at the first plat process.

Chairman Bock stated the ERB process took two to five months, and asked why it was two to five. Mr. Sullivan explained that the ERB had a certain number of meetings that they could postpone taking an item up, and because they meet only monthly that was where the five months at the outside came in. The developer had to submit 60 days prior to the ERB meeting where it would be considered, and then they had so many meetings to make a formal recommendation. That was why there was a two to five month window.

Chairman Bock asked why the ERB was in the process at all. Mr. Sullivan replied because it was required in the subdivision regulations. If the development was less than 25 lots then the developer had to submit environmental documentation to identify environmental features that could be taken from the County's GIS system. If it was 25 or more lots then the developer was required to perform an environmental assessment. Regardless of the number of lots, the ERB per the Ordinance would review the environmental information prior to the submittal to the Planning Board. That review did not run concurrent with any of the other processes.

Commissioner Stewart asked could the ERB conduct reviews more often.

Commissioner Petty asked could the regulations be amended so that it did not require ERB review. Mr. Sullivan stated the subdivision regulations were mandated by the Board of Commissioners, so they had full control to make changes. Commissioner Petty asked why that stipulation had been put into the ordinance in the first place. Mr. Sullivan stated one was so that all of the advisory boards would have the ability to review the environmental information as they were conducting their review of a project. In that situation an environmental assessment would not be a regulatory tool.

Commissioner Petty stated his interpretation of the role of advisory board was not to review everything that came before the County in conducting business. The advisory boards were boards that consisted of people involved in the community who understood the needs of the County and what citizens wanted, and brought that information back to the Board of Commissioners to implement in their plans for progression in the County, but not on every individual issue that came up. An advisory board was supposed to advise, not regulate.

Commissioner Kost stated she did agree to a point, but if they did not have any ERB review, and the ERB was made up of very technical sound people with expertise, then they would have to add staff to do that review. They were now taking advantage of volunteer labor to do that review, and she felt strongly that the ERB served a very important function.

Chairman Bock asked why not put the ERB and the Planning process to run concurrent. They could take the ERB out of the regulations and the Planning Board would then seek guidance from the ERB during their review over that two to five month period. Mr. Sullivan stated to clarify the ERB did not regulate anything. Chairman Bock stated but it was not getting the developer to the next step quickly, either.

Commissioner Kost stated that when that process had been put into place what she had heard from other Planning Board members was that when situations were related to environmental issues, they had wanted to know what the ERB thoughts were. But, perhaps the Planning Board would be okay without that feedback from the ERB.

Chairman Bock stated he did not believe they were suggesting not having that feedback from the ERB.

Commissioner Petty stated he believed the ERB could set some guidelines that the Planning Board could work under so that a project did not have to actually be reviewed by the ERB.

Chairman Bock stated it concerned him that the way the regulations were set required that a project had to get past an advisory board before it actually went to anyone else. He agreed that they needed the expertise of the volunteers on the ERB, but separating them out from the Planning Board review did not appear to make sense to him. They needed to have some balance, and spreading the process out unnecessarily was at great expense to the developer. They needed to balance the needs of environmental planning to the needs of those trying to move through the process.

Commissioner Kost suggested that they could have the environmental documentation reviewed by staff, and the ERB would be reviewing environmental assessments of 24 lots or more. Then the ERB and the Planning Board would be reviewing the project at the same time.

Mr. Sullivan stated that they could look at the entire process first plat process to identify deficiencies in the process and determine if there were things that could be overlapped to shorten the timeframes. Another thing the Board might want to consider was that the Appearance Commission review and the Green Building Advisory Board review was available upon request by staff, the Commissioners, or the applicant so their review was not mandatory. He asked was that an area where the Board might want to consider not providing that as an option.

Commissioner Kost asked what it would hurt if it was only an option.

Chairman Bock stated probably not much, but it was an option that was provided for in the ordinance that was unnecessary, and he believed it should be removed from the process and he would be in favor of doing that. Mr. Sullivan stated it was noted in the regulations as an option, but it could be required by staff, by the Commissioners, and by request of the applicant. Any one of those three parties could determine that the review was necessary and at that point it had to go for review.

Chairman Bock stated he was not comfortable with the option of extending the review process that long. Mr. Sullivan stated if it did go to one of those advisory boards then it became a part of the overall review process and it would be fit into the schedule. The staff tried to make sure that if that review was necessary to it fit into the schedule of meeting dates already set up so that there were no unnecessary delays in the review process. From what he recalled, there was enough time built in between the application deadline and the Planning Board meeting that if a review was required that it would fit within that schedule.

Chairman Bock stated he believed they had some agreement to work on changing the ordinances so that the ERB was folded into the same step as the Planning Board process, and at that point they would be removing that first two to five months in the process. Mr. Sullivan stated if he did that and ran the two reviews concurrently, basically the Commissioners would receive separate recommendation from the ERB and the Planning Board. Chairman Bock stated he wanted one recommendation from the Planning Board who would have received a recommendation from the ERB.

Commissioner Kost stated that would not work if both boards were doing the review at the same time.

Chairman Bock stated it should be part of the Planning Board's process to solicit the ERB's recommendation.

Mr. Horne stated the Chair was basically suggesting folding whatever the ERB did now into the Planning Board review process using a staff person to make the recommendation.

Chairman Bock stated that was correct. He stated the Planning Board's recommendation should be partially based on the ERB's recommendation, in that the two should not be separate. When the Planning Board was preparing a recommendation to the Board of Commissioners, that

should be after they had taken into account all the environmental regulations, buffer regulations, and the like. If that was being followed, then the only recommendation should be that yes, those things were being followed.

Mr. Horne stated if he understood the suggestion, the regulations were in place that they had staff people to review and confirm or deny. So, the ERB did not necessarily in that scenario have to be in the process, because the regulations were already set out. It could become an administrative process so that anything over 24 units would be an ERB review. But, the regulations were in place so conceivably staff could make that review as a part of the total review process for the Planning Board to consider.

Chairman Bock stated he believed that was where he was trying to go. He was not saying they should get rid of the ERB.

Commissioner Kost stated the timeline for her just did not work as far as folding the two reviews together. Mr. Royal stated that the 60 day period from the time of application to the time the ERB did its review did hold everything up. If they could change that to get the ERB engaged earlier as well as the Planning Board, the process could be shortened by two to five months.

Chairman Bock stated how the regulations could be changed so that the ERB/Planning Board process was no more than five months at the absolute maximum.

Commissioner Kost stated they could shorten the time that the ERB had to review; for instance, instead of allowing three meetings to conduct a review shorten it to only one. Mr. Sullivan stated there was a period of 46 days prior to the Planning Board meeting, and that was because it allowed for the ERB to get into the process and also to allow for the two site visits that were required to be scheduled by the developer with the Planning Board and the Commissioners. The old regulations had allowed only 23 days, but it had been changed to 46 because there were more things going on during that time period. They could go back and look at what was happening in that 46-day window to see if there were ways to reduce that 46 day application deadline window, and then they could also look at the time that the Planning Board had to conduct a review. Once it got to the Board of Commissioners, they had five regular meetings to review it, or three and one half months.

Chairman Bock stated if they did that and it got to the Board of Commissioners, then what was the Board's role at that point. He asked could they literally send the application back to the beginning of the process. By the time it got to the Board it should almost be ready to be rubber stamped. Mr. Sullivan stated if they sent it back to the beginning of the process the Board would have to identify the deficiencies in the application that did not meet the subdivision regulations.

Chairman Bock stated assuming everyone had done their jobs throughout the process, why did it have to come to the Board.

Commissioner Kost stated that sometimes the Board was able to negotiate with a developer for other projects, and often the developers were happy to do that. As well, when they had traffic analyses that would come in at the end of the process. What Mr. Sullivan had outlined did look into areas where they could squeeze down the time, but they needed to remember that prior the new subdivision regulations everything came through the Planning Board and to the Board of Commissioners, and they had gotten rid of that. Even though the front side might not be faster, the back side was quite a bit faster.

Chairman Bock asked Mr. Sullivan how he felt about shortening the ERB process to perhaps one month. Mr. Sullivan stated he believed they could look at the over first plat process and bring some recommendations back to the Board for their consideration. Chairman Bock stated that for the ERB/Planning Board process, he would like to see if there was a way to make that no more than five months. Then the Board of Commissioners process would be up to two months maximum. They were now looking at a process of seven months maximum rather than thirteen and a half. Mr. Sullivan stated they could also look at different classes of major subdivisions in terms of their impact. The substantial differences in impacts on a number of areas were something they could look at.

Commissioner Petty stated he would like to look at a system where a property's value was based on its potential impact. He asked Mr. Sullivan to look at options for that. For example, impacts of a development of 12 or 15 dwelling units as opposed to 200 dwelling units. Mr. Sullivan stated they already had some things in the subdivision regulations that spoke to that; for instance, the 25 lot cutoff between environmental documental and an environmental assessment. So, the Board had already determined that there was something unique about the 25 lots. They could look at that and determine if they still needed to go through the same review process for less than 24 lots as they did for 25 lots of greater; that is, could they shorten that timeframe down by looking at a totally different process for the two.

Commissioner Petty asked was there some checklist in place for each step of the way to check off that something had been done. Then, but the time they were at the end of that list there should be no reason why anything should be held up in that it should go straight to approval.

Commissioner Cross asked were they just trying at this point to set a goal. For instance, they did not have to say that the ERB, Planning Board, and Board of Commissioners process would take "x" amount of months, in that if it took longer then it just took longer. He stated the Chair had said to do it in five months, but he believed they could do it in four.

Chairman Bock stated he had said it should be five months maximum.

Commissioner Cross stated but those were goals, in that there was nothing that said they had to finish the process in four months or five months. Mr. Sullivan replied it would be required, in that if they said that the Board of Commissioners process was to be completed within three months and one half months, then the process would have to be completed in three and one half months. If the Board of Commissioners got to their fifth meeting in that three and one half meeting and had not come to a decision, then the project was automatically approved by default. The same would be true of the Planning Board process, in that if they got to that last meeting and had not agreed on a recommendation, then it was forward to the Board of Commissioners with a recommendation for approval. The same would be true for the ERB as well. Commissioner Cross stated he would not want to shrink the timeframe down too far because they needed to have enough time to actually complete the process.

Chairman Bock asked was that something that could be done without modifying the regulations. Mr. Sullivan replied they would have to amend the subdivision regulations, and all things considered they may be looking at a major overhaul of the subdivision ordinance. He believed they could bring some detailed options back to the Board at a work session and let them choose what they wanted staff to focus on for actual text amendments. Chairman Bock stated that sounded like a good plan.

Mr. Sullivan stated the Board might want to look at the definition of a major and minor subdivision. They had already talked about the review process for non-residential subdivisions and they could treat those like any other subdivision in that if it was five lots of less it was a minor subdivision. They could also look at all the submittal deadlines, and look at all the processes for the first plat, construction plat and final plat to identify deficiencies in those processes.

Mr. Sullivan stated they as staff had already talked about internal issues and how they had had a hard time trying to figure out how some of the new regulations would mess, and that was something they would continue to work on. They did realize that the external communication and that process flow needed to be more clearly communicated to applicants coming, and that would work on. They would work on a customer service survey to begin getting feedback for Planning, Central Permitting, and Environmental Health to help them try to identify areas for improvement.

Mr. Sullivan stated for amendments being considered and as they brought options forward, did the Board want staff to take the lead or did they want the advisory boards they worked with to take the lead. Or, should it be a mixed process. If staff took the lead they could work up options and bring them to the Board, and then if they were acceptable they could go to public hearing and the advisory boards could make recommendations as a part of that public process. Or, the advisory boards could be involved on the front end, and if they did that most of the advisory boards met only monthly so it would add additional time to getting the amendments through the process.

Chairman Bock stated it seemed to him that staff should take the lead and then during public input the Board could hear from the advisory boards. There was no objection from the Board.

Mr. Sullivan said for general information on process, all of their regulations had to go through the public hearing process, and some of those required advisory board review and recommendations and some of them did not. There were some regulations that would have to go to the State once they were adopted for the State's review and approval because they were State mandated regulations.

Commissioner Kost stated that all of the proposed changes should be sent to the advisory boards so that they could make recommendations. These changes also needed to be made carefully so that they fully understood how the changes would affect planning regulations. She would ask that they would roll them up into a public hearing two weeks after the Board reviewed them to allow the public time to absorb them and understand the reasons behind the changes.

Chairman Bock asked how much time she was proposing.

Commissioner Kost stated she wanted to first see how extensive the changes were, and wanted to make sure that there was clear and concise communication and rather than having the public hearing at the same meeting that it be slated for the next meeting two weeks later.

Mr. Sullivan asked if the Board had a preference for scheduling. He stated they would not be able to tackle a major overhaul of the Zoning Ordinance and the subdivision regulations at the same time. They would be bringing some information to the March 7th work session on the Zoning Ordinance based on earlier discussions. His question was should they begin with the subdivision regulations first before the Zoning Ordinance, or do the Zoning Ordinance first.

Commissioner Cross recommended that they left that decision to the Planning staff because they knew better what needed to come first. Mr. Sullivan stated as far as streamlining, they would get more bang for their buck from the subdivision regulations because it was a lengthier process.

Chairman Bock stated it sounded like the Planning Director would like to tackle the subdivision regulations first. Mr. Sullivan stated that was fine with them. They could begin the discussion on the Zoning but they would begin working in text amendments for the subdivision regulations.

Chairman Bock offered to end the discussion with comments from the EDC. Joe Glasson stated that the Board had asked the EDC to help them through the process in 45 days, and hoped that this first start would accomplish that. He wanted the Board to know that every member of the EDC sold and marketed this County each and every day, and it was truly helpful to talk about the kinds of effective changes they needed to make. If they were going to get goals, then they needed to benchmark themselves now so they could tell how well they were achieving their goal. For him one of those goals would be to establish a goal to draw other potential industry to the County, noting that at present 70% of their applications were fast-tracked because they looked at complexity and had assigned the best people to it. The second part of that was that he would hope that every time there was a major financial impact, and as the Board of Commissioners and staff went through the ordinances for changes, that they also look at the financial impact including the environmental impact of those changes that would help the County to become a better environmental county.

Mr. Glasson stated that another point was that the housing market was extremely important to them, and noted that the Department of Commerce had no timeline other than they wanted things to get started and going. For instance, if you were looking at a \$50 million project and there was a delay of six months, the carrying cost on \$50 million at 6% could be \$2 million. He was very pleased with what the Board was doing and the due diligence they were doing to make the County a better place and at the same time having that proper balance. The EDC would support the Board in manner necessary, and asked was there anything else the Board would like them to do.

Commissioner Cross stated he would like them to keep doing what they were doing.

Chairman Bock stated the advice offered by the EDC was always very helpful and was welcomed. He asked that when the EDC came up with good ideas that they may sure that this Board had the same sense of urgency to help people open their business or build their subdivision of whatever they were trying to do.

Commissioner Petty stated that part of marketing or selling the County meant that you had to be successful as a problem solver. If they had opportunities with industry or whoever it might be, the most successful they could be would be to listen to that potential client and solve whatever problem they might have. What made people successful in marketing was meeting the needs of their customers, and order to do that they had to be good listeners. They should also train themselves to listen to what their clients or potential investors in the County were trying to tell them so that they would know where their "hot button" was. In order words, what would differentiate Chatham County from the next county they were considering. Some of the things the EDC was working on was exactly what would do that, and the Board needed to do that as well in their departments. They all knew how crucial each of those departments were to the success of an industry that was trying to locate here.

Chairman Bock stated they had touched on a couple of the key ideas that came from the EDC roundtable with developers, which were attitude and integration of communication. He believed some of those were easy to accomplish, such as attitude, and it did not carry a cost. He asked what they would need to do to accomplish the communication side of that, in that they could provide a shepherd or a case worker to help applicants through the process.

Mr. Horne stated as part of the process, unless they hired additional staff to somehow shepherd or have a case person on each potential project that would be very difficult and perhaps should fall under the EDC.

Commissioner Kost stated it was obvious they could not do it with existing staff.

Mr. Glasson stated one of the things that was extremely critical to the future of the EDC was to not rely totally on public funding but to increase their private funding. He stated that having the EDC be the case manager on those projects that were not fast tracked, would be a role where the EDC could play a significant part in working with the staff.

Dianne Reid stated that it would not make sense for the EDC to become involved in the process for a home based business.

Commissioner Kost stated she had met with an applicant on Sunday that had a small project, Unwind, who had said that the Building Inspector had signed off but had then said that he had missed something so he could not sign off. She said that someone needed to take the lead and help that applicant out because the County could have done a better job. Having to make changes was a lot of money to a small project, and now they were faced with having to have two doors instead of one and some other issues. That project seemed to have just one problem after another.

Chairman Bock stated those were the kinds of things they needed to track; that is, when someone signed off on a project and then something else was identified. The owner needed to be able to feel comfortable that when something was signed off on, that it was in fact okay to move forward.

Commissioner Stewart asked could the not also use some of those instances as a learning tool to identify what had gone wrong and what needed to be done to prevent it from happening again. That might mean amending the process, but they needed to be sure they were looking at those kinds of things. They should document all of those types of things and once they were resolved they should use it as a learning tool.

Commissioner Kost stated that they knew that there would need to be some changes made to the processes and regulations, but having real scenarios it was a lot easier to do that kind of evaluation.

Dianne Reid stated it also would help them to develop a checklist, in that it would lay out the steps they needed to take to make sure that everything that needed to be done had been done and everyone would be aware of what needed to happen from the very beginning.

Mr. Glasson asked the Board to keep in mind that they were in a lull right now, but the economy would pick up at some point so now was a good time to look into all of those issues.

Commissioner Petty agreed that now was the time to fix what needed fixing.

Chairman Bock stated staff should work on the thresholds for major and minor subdivisions.

Commissioner Cross stated they may need to set up another special meeting to continue this summer.

Joe Glasson stated the EDC could come back with its thoughts as well.

Chairman Bock stated another recommendation on the communication side was to create clear and concise expectations for each party as soon as possible in the process. He asked by "party" was he referring to staff. Mr. Glasson stated it was classic triage, in that if you got three applications in a day one was complex but this one was easy and everyone would understand it so let it roll. The point was that everyone should be communicating from day one as to what the project would look like and what the expectation was of County to get the application through the process.

Chairman Bock stated they certainly needed to constantly work on improving that process. Mr. Glasson thanked the Board on behalf of the EDC for their participation and support of the roundtable discussions.

Chairman Bock stated that they would skip the discussion on finalizing the Commissioner goals and save that for a work session discussion.

DISCUSSION OF PROJECTS ON HOLD

Commissioner Kost stated that the Board still needed to talk about the land for a high school. They had the opportunity now to get more land and they should take advantage of that opportunity. The next issue was that they had made a pledge to the community to have a task force to look into acquiring art, particularly for the library, and if they were going to have any future art for the library then they needed to have a process in place to accomplish that.

Commissioner Stewart suggested they should do that on a case by case basis. For example, what if someone came forward and wanted to put some kind of art in the renovated historic courthouse. Did they want to create a task force for each one of those types of things that came up, or did they want to develop a policy that stated whatever was proposed had to be presented to the Board of Commissioners for approval.

Commissioner Kost stated that having a policy would not hurt.

Chairman Bock stated he would prefer an overall policy that would apply to all art.

Commissioner Petty suggested stated the Board could set some guidelines and then any art proposed could go through the process just like any other plans.

Commissioner Stewart stated she would not want to see anything go into any public building unless it had been sanctioned by the Board of Commissioners first.

Chairman Bock stated that could be a part of the policy.

Commissioner Stewart stated exactly, and then they would not have to form a task force or a group of people to talk about it prior to it coming to the Board.

Commissioner Kost stated that this would be their first experience with public art, and she could anticipate problems with perhaps an artist not waiting to do something a particular way because their art might be compromised or whatever.

Chairman Bock stated the way Commissioner Stewart had suggested they would not need a task force.

Commissioner Stewart stated they would not need a task force if the Board set the policy and the process to say what would or would not happen and that the Board of Commissioners had to approve it.

Chairman Bock asked who would set that process.

Commissioner Stewart stated they as a Board would have to discuss what the process could be.

Commissioner Kost stated she believed they needed some guidelines as to what type of art would be acceptable, because if not it may create a situation if the Board turned something down.

Chairman Bock stated he would not want to spend too much time on this, but if they did put together a task force to develop a draft policy he would want it to have an existence that was time certain and its charge would end when they came back with a draft policy for consideration of adoption.

Commissioner Kost stated they actually had a proposal of how that task force might work and she would be happy to bring that back to the Board for review.

Commissioner Petty stated part of the issue was going to be that what one person deemed acceptable another person would not.

Commissioner Kost stated that the Town of Cary had a model in place that had worked well for some time, so perhaps they could review that model.

Chairman Bock suggested they do that first before moving forward with a task force, because they may not need to form a task force. Mr. Horne stated he would get Cary's policy and provide it to the Board.

Commissioner Kost stated that the next issue was that the land banking committee had purchased land for parks in each of the quadrants of the County except for the southeast, and they had been looking for available land in the southeast. She would like to continue that committee which was a joint committee with the Schools.

Chairman Bock asked if the land banking committee advised the Board on the purchase of land.

Commissioner Kost stated that was correct, noting that they had been looking for land for the southeast quadrant.

Chairman Bock stated he did not know that they had any available funds to purchase land.

Commissioner Cross stated they did, noting they had been taking the recreation fees and purchasing parklands and trying to get a piece large enough for a school and a park. They had spent the money on the east side of the County and there was \$500,000 plus earmarked for the southeast. Mr. Horne stated there were actually two pools of funds, and each had to be spent in the general area from which it was collected.

Ms. Paschal stated that there was eastern money and western money, and all of the western money had been spent. They had about \$500,000 left after making improvements to Briar Chapel from the eastern pot of money.

Chairman Bock asked was that money available for operation of parks. Ms. Paschal replied no, only for the purchase of land or in the case of Briar Chapel just paying back the fees they had already paid in constructing the facilities for a park which the County Attorney had deemed legal.

Commissioner Kost stated now they were trying to identify land that would house both a park and a school

Chairman Bock stated then they had funds that had to be spent in east Chatham County.

Commissioner Cross stated they had been looking for land in the southeast along with working with the Land Conservancy.

Chairman Bock stated if they had money and that was what it had to be spent for then someone needed to decide where it would be spent.

Commissioner Cross stated he would be glad to serve in that capacity.

Chairman Bock suggested that Commissioner Cross chair that, and asked if someone else needed to serve with him.

Commissioner Cross stated he had been working with Tandy Jones with the Land Conservancy trying to find land, noting they had a 300-acre plot they were looking at now. If the Land Conservancy was able to acquire it then they would take 100 acres of it. But, the owner was asking \$4.5 million for the land so they would probably not be getting that piece of land.

Chairman Bock stated he assumed that Mr. Moody and Mr. Logan with the Schools were aware of what they were doing.

Commissioner Cross stated they would need to talk about where the money would come from if they did a park property and a school property.

Chairman Bock stated for now they should focus on park land for the southeast, and ask Commissioner Cross to continue with that and report back when he had something information to provide.

Commissioner Kost stated another issue was a sliding scale for the water availability fee, and staff had highlighted some issues with that including that that fee was paid at the actual time that the subdivision was platted. They had talked about actually basing the fee on the size of the house, which meant a person with a small home would pay a lesser amount than a person with a large home. There were some issues but they were administrative problems, and she believed it was a concept that they should continue to pursue.

Commissioner Kost suggested that they consider a base fee at the time it was platted, and then if more was needed to be charged when they received the permit, then a surcharge could be levied at that point. She believed the concept was one they really needed to pursue.

Commissioner Cross stated there had been some talk about doing it by the number of bedrooms, but that would not work. It needed to be done by the square footage, because you could have a 12 x 70 foot mobile home with three bedrooms.

Chairman Bock stated that increased square footage did not necessarily equate to increased water usage. A three-bedroom mobile home and a 5,000 square foot three-bedroom home could roughly have the same number of people living in it. Mr. Horne stated they could get some data together and get back to the Board.

Commissioner Kost stated she would appreciate that, because this had never been resolved and the concept was a good one in that there was some correlation between the size of a home and the water usage.

Commissioner Kost stated as a reminder that at some point they needed to look at covenants for the business park, because eventually when people moved into that they would want to have provisions in place for all issues. Mr. Horne stated they had done some work on that and he would forward it to the Board.

Commissioner Kost stated they had already talked about internally lit signs, and believed staff would be bringing something back.

Chairman Bock stated he did not know that they had asked that something be brought back; that the Board had just said thank you.

Ms. Paschal stated there had been some issues with the towns because Cary and Siler City were collecting the County's impact fees.

Chairman Bock stated they had not wanted to change that.

Commissioner Cross asked what she would support if Cary would not change their process, because that was what they were really looking at.

Commissioner Kost stated if Cary would not change its process then citizens could come to the County and pay the fees. She believed the reason Cary was collecting the fees in the first place was just as a convenience for those Cary citizens in Chatham County.

Ms. Paschal stated there were some logistical issues they would need to address and then they would have to amend the impact fee ordinance.

Commissioner Kost stated she was only saying she did not believe they had fully explored how they could better control that process. Her next issue was that the Board of Commissioners served as the Board of Adjustment, and she believed those should be separate entities. Mr. Horne stated that if they went to the conditional zoning rather than conditional use district zoning then the necessary work of a Board of Adjustment would reduce considerably. He suggested they wait to talk about that until they got the options on conditional zoning from staff.

Commissioner Cross stated he believed the Manager was correct.

Commissioner Kost stated the next issue was somewhat sensitive but she had to bring it up. She stated last fall they had received a very high number of complaints about the library, not about the physical library but staff complaints. They had left it that they would get an action paper from the Manager's office about what could be done to address that.

Chairman Bock asked had the complaints continued.

Commissioner Kost stated she had received one just the other day.

Chairman Bock asked what the complaint was.

Commissioner Kost stated there were many complaints but mainly that staff was not helpful.

Commissioner Cross stated he was not sure that those complaints were not tied to the art work issue.

Mr. Horne stated they had had a number of discussions with staff about customer service and that sort of thing, but he was not familiar with any recent complaints.

Commissioner Kost stated the complaint was about staff not being very helpful.

Commissioner Cross asked if the Librarian got a copy of those complaints or was notified.

Commissioner Kost stated this complaint was just someone who had called her. She stated the way this issue had been left was that the Manager would develop an action plan to resolve those issues.

Chairman Bock stated what he was not sure of was if the same issues continued to exist, and if they had had as many as ten complaints that would not be unusual based on the number of people who used the library. He wondered if it was the exact same complaint from the same person over and over.

Commissioner Kost stated it was basically about attitude and customer service.

Chairman Bock asked did they need an action plan on that or could they just go to the Librarian and say they needed to make sure that staff was more customer friendly.

Commissioner Stewart stated they also needed to outline any complaints that had been received, because the Librarian may be able to shed some light on some of those.

Commissioner Kost stated that one of the incidents had been overhead by a member of the Friends of the Library who was a big contributor to the library. And when they heard a staff person in the library exhibiting some behavior then they had a problem.

Ms. Paschal stated that most of the library staff were new, so their may be a training issue. When in a position of public service there was a new expectation as to customer service. The best way to move forward was if there was a complaint against a specific employee, then they should deal with that person specifically.

Commissioner Kost stated the next issue was that they were paying to store the copper from the old courthouse and they had decided to surplus most of that. They were going to withhold some amount of it so that the arts community could make artwork and actually sell it with the proceeds contributed back to the County for enhancements to the courthouse or to pay for the documentary that they were going to produce about the old courthouse. Mr. Horne stated that they would be bringing forward a recommendation about that very soon.

Commissioner Kost stated she wanted to make sure that an amount was withheld, noting that when this had first come up there were a number of artists who wanted to participate. Mr. Horne stated if they were going to do it, now was the time because copper was at a premium rate.

Commissioner Stewart asked who the contact was for the arts community. Mr. Horne stated that one of the recommendations the Board would hear when this came back was to sell most of it, and then set up a process on how the rest would be distributed among the artists in the County so that the County was not involved, and perhaps that should be the Arts Council.

Chairman Bock asked how much money were they talking about if they sold most of it, and how much copper was there. Mr. Horne stated he believed it was about 40,000 pounds. Chairman Bock stated if they assumed it was 40,000 pounds and the amount they allocated for use by artists was about 35,000 pounds, could they instead sell the copper and use the proceeds for their arts allocation this year.

Commissioner Kost stated what they had originally thought to do was use it to pay for a documentary on the old courthouse. They had already collected some footage because there had been some concern that it would be a lost opportunity if they did not collect all that footage. They had developed a scope for a documentary, and then the proceeds from the art that the artists would sell would pay for that documentary.

Commissioner Kost stated that yesterday there had been discussion about the process for advisory board appointments. At this point the Library Board was a point of focus, and they had had only one application for that vacancy.

Chairman Bock stated they had advertised for that position; that was how they had gotten that application.

Commissioner Kost stated they needed to develop a better process on how they went about making those appointments.

Commissioner Kost stated another issue she wanted to bring up was merging of the Tourism Board with the EDC.

Chairman Bock stated the Board had talked about that in the past, and asked what her feeling was.

Commissioner Kost stated to her it made a whole lot of sense. Mr. Horne stated he did not believe the two boards had met.

Commissioner Cross stated it was his understanding that the EDC was moving to the Performance building, and he had heard that the Tourism group had said to the architects that they did not need a public space in the courthouse for that because they did not have customers, although he had not heard the conversation himself. He stated it had originally been mentioned

that Tourism would be located on the bottom floor of the courthouse, but that might change if Tourism merged with the EDC in they might have other ideas of what that group should be doing.

Mr. Horne stated they would just continue the discussions and see what it went.

Chairman Bock stated then should the just direct that the two boards meet and figure out how to make that merger happen. Mr. Horne stated that the board were two required boards with different money, so they had to figure out how to possibly fold it over into the EDC Board, but he was not sure how that would need to be done.

Commissioner Cross stated that someone would have to be in charge of that so that the two groups did not go off in different directions. They would need to have some leadership from both boards in order to consolidate the two. Mr. Horne stated if the County were ever to do an occupancy tax, then they would have to have a more formal board or authority for tourism to distribute those funds.

Ms. McConnell suggested the Board might want to hear from the Tourism Board before moving forward.

Chairman Bock agreed that was the best approach.

Commissioner Petty asked didn't tourism and the districts really fall under the economic umbrella.

Commissioner Cross stated in theory, yes.

Commissioner Petty stated then he would move to place tourism under the EDC. Commissioner Cross seconded.

Dianne Reid stated that there was a statutory requirement for a Tourism Board and any additional taxation was another issue. There were ways to do it but it would take some research.

Commissioner Petty withdrew his motion, and Commissioner Cross withdrew his second.

Commissioner Kost stated the new issue was that the Board had charged the Ag Advisory Board to come up with a preservation plan, and the Board had adopted the plan but had not talked about how they would implement it. One issue was the portrait, and asked was that moving forward. Mr. Horne stated they had already contacted an artist and it would be ready when the building was ready.

Commissioner Kost stated the next issue was a goal of the Board that dealt with planning issues and buffers. She stated there had been an issue when Goodwill Industries had come in. They had directed staff to look at that and she wanted to make sure they followed up on it because they had made a commitment to the nearby homeowners. Mr. Horne stated he would check into that and see where they were.

Chairman Bock stated he was okay with that but did not want that to detract from what they had asked Mr. Sullivan to do today.

Commissioner Kost stated she believed there was some urgency to develop a process to look at the whole issue of redrawing districts. She was concerned that they were not moving forward with that. She was also curious about what the reorganization would look like with the former Sustainable Communities Department and its new structure. She was hoping they would find that it created greater efficiency but that was not known now.

Commissioner Kost stated that this was the time of year when they considered and asked were if they doing that.

Commissioner Kost stated she wanted to reiterate what would trigger the need, i.e. the number of students, for the new high school; and, how that new high school would be paid for. She did not want that to fall off the radar when they were developing the CIP.

Commissioner Kost stated that normally in January they held a legislative breakfast with their local delegation but they had not done that, but she believed there was some benefit with meeting with that delegation so they could tell the County what was happening in the General Assembly and the County could talk to them about what their challenges were.

Commissioner Kost stated the next issue was about reprinting the bike map which would be about \$1,500, and wanted to make sure the Board was okay with that.

Commissioner Cross stated they could not do it, because they had been told that the material was copyrighted and it could not be reprinted.

Mr. Horne stated they were trying to coordinate with the Chamber, the Tourism Board and others to create something similar.

Commissioner Kost stated her last issue was the documentary for the old courthouse. Commissioner Kost stated that once the opportunity was gone it was gone, and this was an historic event. Perhaps what they should do was to do something publicly and let the people in the County know they had all this footage. She believed it would be a tremendous asset to have the documentary for the courthouse as well as the schools to have.

Commissioner Stewart requested that at some point that they as a Board discuss the whole Western Wake Partners issue and all of the pros and cons that they had heard.

Chairman Bock stated that was on their schedule for the next meeting, and once it was discussed they needed to vote on it. He stated they needed to vote on it at a regular meeting.

ADJOURNMENT

Commissioner Kost moved, seconded by Commissioner Petty, to adjourn the meeting. The motion carried five (5) to zero (0) and the meeting adjourned at 3:07 PM.

Brian Bock, Chair

ATTEST:

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