

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
JUNE 20, 2011

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina met in the Agricultural Building Auditorium, 45 South Street, Pittsboro, North Carolina at 3:00 PM on June 20, 2011.

Present: Walter Petty, Vice Chair; Commissioners Mike Cross and Sally Kost

Absent: Brian Bock, Chairman and Commissioner Stewart

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

Work Session

1. **Subdivision Regulations Amendments:** Discuss and review Subdivision Regulations amendments based on direction from Board of Commissioners and schedule public hearing
2. **Discussion of Proposed Watershed Protection Fund Memo and Resolution:** Triangle J Council of Governments recently adopted a resolution (attached) supporting a one-cent per 100 gallon fee to water customers. The effort is to collect funds to protect watershed and water quality in the lower and Upper Cape Fear basins. The funds would be used for efforts to improve water via various methods. Commissioner Mike Cross will be presenting. If approved by the Board of Commissioners, approximately \$70,000 could be collected annually to assist towards the efforts cited above and in the attached information.
3. **Closed Session** to discuss matters of attorney/client privilege, economic development, property acquisition, and personnel

CALL TO ORDER

The Vice Chairman called the Work Session to order at 3:10 PM. He explained that Commissioner Stewart was delayed in traffic and that Chairman Bock would not be in attendance at the day’s meeting.

PUBLIC INPUT SESSION

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

PROPOSED WATERSHED PROTECTION FUND MEMO AND RESOLUTION

Commissioner Cross explained that protection of the Triangle’s water supplies took a step forward on May 25th, when the Board of Delegates of the Triangle J Council of Governments gave its unanimous support to a proposal for locally generated, dedicated funding for watershed protection projects. The proposal, developed by the seven participating land trusts in the Upper Neuse Clean Water Initiative, calls for water users to help pay for protection and restoration of stream buffers and wetlands via a watershed protection fee of one cent per 100 gallons on utility bills, or some other form of dedicated

funding. The program could easily be expanded to the Upper Cape Fear River. One cent on one hundred gallons for the average household would be \$.30 - .50 per month. It would generate approximately \$70,000 per year that could go into this fund. He stated that the main reason he would like to see the Board do this, as it does generate such a small amount of money they probably wouldn't be able to do much the first several years, is to have the surrounding communities actually considering doing this, and for Chatham not to participate, he think would be missing a good opportunity. He stated that they have been talking for a long time about Jordan Lake and how the surrounding folks may or may not do much to protect it. He stated that it is his understanding that Cary puts a million dollars per year into their watershed protection. It can be used in conjunction with Triangle J Land Conservancy and other organizations that help either put land into trusts or purchase it, clean-up or equipment for monitoring. There are a lot of things that could be done with the funding.

Maintaining lands next to waterways in a natural state is an important and cost-effective way to protect the health and safety of the region's reservoirs for drinking water and recreation. If water systems across the region adopt dedicated funding for watershed protection, current efforts in the Upper Neuse River Basin could be expanded into the Upper Cape Fear River Basin, and protection activities in both basins could be increased. The funding could help offset diminishing state funds and provide the local match monies often required for watershed protection grants.

The action of the Triangle J Council of Governments encourages local governments to adopt a dedicated volumetric surcharge or similar funding mechanism to reserve funds for watershed protection. Individual local governments will determine whether and how to participate and how the revenue would be spent. Land for watershed protection would be preserved with the voluntary cooperation of landowners through conservation easements or land acquisitions. He stated that they know each municipality will need to consider this in light of their own situation, but the Board clearly supports the concept. Preventing pollution is 27 times more cost effective than cleaning it up, so it's imperative for local governments to work together.

In May, the City of Raleigh approved a one cent per 100 gallon fee for all users of drinking water produced by the City, which supplies water to approximately 450,000 people in Raleigh, Garner, Wake Forest, Rolesville, Knightdale, Wendell and Zebulon.

Triangle J Council of Governments is a voluntary membership organization comprised of municipal and county governments across a seven-county region. The organization leads regional planning and collaborative efforts in land use, transportation, water resources, energy efficiency, air quality and the provision of services to the aging population, across Chatham, Durham, Lee, Johnston, Moore, Orange and Wake Counties.

He stated that he would like for this Board to meet with Goldston, Siler City, and Pittsboro and see if they would join. Everyone would keep their own funds and control the use. If it came to a project in which they did not wish to participate, they would not have to do so. He stated that the more water hook-ups they sell in the future, the more money they will generate.

Commissioner Petty asked if the uses are already well-defined. Commissioner Cross replied that each entity controls its own money and decides what projects on which it would be spent.

Commissioner Kost asked if Durham, Lee, and Wake are participating. Commissioner Cross replied that Raleigh, Durham, and Wake are participating. He is unsure of the others. He stated that the object of the presentation is for the Triangle J to extend this information to the counties that are a part of the Triangle J including Lee, Moore, Johnston, Orange, Durham, Wake and Chatham Counties.

Commissioner Kost stated they would like to see the people upstream participate.

Commissioner Petty asked if they can have the dialog with the other municipalities. Commissioner Cross stated that he was trying to generate some interest and he feels they

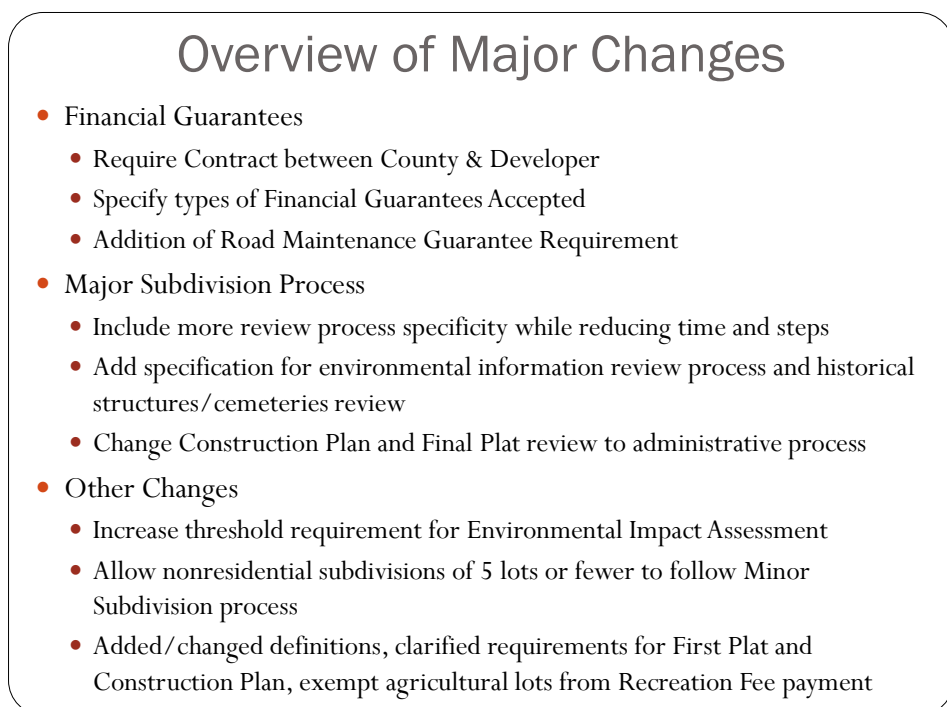
should have the dialog with them. He stated that he believes that if they are going to do an addition to water cost, he thinks they should have a public hearing.

Commissioner Kost asked if it could be used for trying to keep animals out of the rivers and the streams, constructing wells for farmers, and those types of projects for which the funding would be used. Commissioner Cross stated that it was his understanding that the funds could be used for anything that is considered as watershed protection.

Commissioner Kost stated that she would like to hear from the Soil and Water Board. She asked how much it would be per month for a typical water user. Commissioner Cross replied, \$.30 - .50 per month.

SUBDIVISION REGULATIONS AMENDMENTS

Ben Howell, Chatham County Planner, reviewed the Subdivision Regulations Amendments – 2011, gave an overview of major changes, financial guarantees, major subdivision process, environmental review, and other changes and provided the following PowerPoint presentation:



Financial Guarantees - Changes

- Add requirement for Contract for County acceptance of Financial Guarantees
 - County has required this since 2010 by Policy
- Increase required amount of Financial Guarantees
 - County has used 140% of total cost in past – increased to 150%
 - Clarify threshold at which Financial Guarantee can be requested:
 - 75% of improvements based on the total estimated cost of improvements to be installed have been completed, and all-weather access for emergency vehicles is provided
- Specify types of Financial Guarantees accepted:
 - Surety Performance Bond, Cash or Equivalent Security (i.e. L.O.C.)
- Road Maintenance Guarantee
 - Required for all public roads to be accepted by NCDOT
 - Initial term of 2 years with 2 year renewals

Major Subdivision Process

- First Plat
 - Specify process for review of Environmental Documentation (30 days) or Environmental Impact Assessment (60 days)
 - Environmental Documentation review is administrative
 - EIA is peer-reviewed – applicant pays for review
 - Clarify Chatham County Historical Association review process
 - Include 14-day sufficiency review period for staff
 - Reduce number of required days/times for site visits to 2
 - Add ability for Planning staff to postpone Planning Board review for 1 month
 - Reduce time of Planning Board review to 2 months
 - Keep Planning Board Public Hearing requirement – included in 2 months
 - Board of Commissioners review reduced from 5 to 4 months

Major Subdivision Process - Continued

- Construction Plan
 - Administrative Review – If Significant Change, PB/BOC Review
 - Detail step-by-step process for administrative review – include TRC
 - Significant Change(s) trigger PB/BOC Review process:
 - Increased Lots, Increased stream crossings, Increased road lanes, Increased road length, Discovery of Historical Structures/Cemeteries that alter layout
 - Detail process for PB and BOC review if necessary
 - Submittal deadline, sufficiency review, TRC review, PB and BOC review
- Final Plat
 - Administrative Review
 - Detail step-by-step process for administrative review – include TRC
 - If Final Plat not in substantial compliance with approved Construction Plan, Denial
 - Denial by staff may be appealed to PB/BOC
 - Detailed Appeal procedure – also used for Minor Subdivisions

Environmental Review

- Increased threshold for Environmental Impact Assessment – if under threshold, Environmental Documentation required
 - 50 Lots or more require EIA
 - Under 50 Lots, Environmental Documentation required
- Formalized step-by-step process for review of required Environmental Information at First Plat – prior to submittal to Planning Department
 - Environmental Documentation – Administrative Review within 30 days
 - Environmental Impact Assessment – Peer Review within 60 days
 - Applicant charged cost of Peer Review
 - Clarified Environmental Documentation requirement – previously not specified in Regulations
 - Clarified requirement for USACE or NC DWQ Permits/Certifications
 - No longer require permit/certification or letter stating no permit needed at First Plat – permits required prior to Construction Plan approval

Other Changes

- Clarified historical information to be shown on First Plat
- Removed requirement for Stormwater & Sedimentation/Erosion Control Plans at First Plat
 - Add requirement to show stormwater devices and easements on Plat
- Remove references to Steep Slopes
 - Previously required to show on Plat, remove from Useable Lot Area
 - Steep Slopes are protected in SESC Ordinance – disturbance allowed with limits
- Specify information to be shown on Construction Plan
- Add requirement to show historical information on Final Plat
 - Existing structures to remain that are 50+ years old
 - Cemeteries – include provision for access from public road

Other Changes – Continued

- Delete requirement that land platted for commercial, institutional or industrial purposes follow major subdivision process
 - Allow those that meet definition to follow minor subdivision process
- Clarify and add exemption to Recreation Exaction Fee requirement
 - Specify that all non-residential and family subdivisions are exempt from Recreation Exaction fee
- Non-residential subdivision definition – include lots used for bona-fide farm activities with no residence
- Define residential subdivision and bona-fide farm activities
- Add Certification for staff – Exempt Subdivisions

Next Step

Schedule Public Hearing for July 18, 2011
Board of Commissioners Meeting

Mr. Howell answered questions from the Board. He asked that a date be set on which to hold a public hearing on the Subdivision Regulations Amendments.

Commissioner Cross moved, seconded by Commissioner Petty, to set July 18, 2011 as the date on which to hold a public hearing on the Subdivision Regulations Amendments.

Commissioner Kost stated that there were certain things that she did not like; therefore, she would not vote for the motion. She explained that she is not happy with the environmental assessment and the way it is being handled. She stated that we have had some pretty controversial subdivisions over the last seven or eight years that she did not like. One of the provisions was to allow the Board of Commissioners some flexibility, if they wanted the review of a subdivision to come back before the public. This would be eliminating that, as once a project is approved, it doesn't come back unless there are major changes. Major changes mean rerouting of roads, etc. She stated that she thinks a lot happens in the process. Changes happen and unless it comes back into a public forum, the citizens and the neighbors aren't going to know what is going on. She thinks it is as much for the public as it is for the Commissioners and she feels strongly about it. She stated that she would have to vote against the motion.

Commissioner Cross stated that they were just taking it to public hearing. Mr. Howell confirmed that was correct.

The Vice Chair called the question. The motion carried two (2) to one (1) with Commissioner Kost opposing.

CLOSED SESSION

Commissioner Kost moved, seconded by Commissioner Cross, to go out of Work Session and convene in Closed Session for the purpose of discussing matters within the attorney/client privilege, economic development, property acquisition, and personnel. The motion carried three (3) to zero (0).

Commissioner Stewart entered the meeting during the Closed Session.

WORK SESSION

Commissioner Kost moved, seconded by Commissioner Cross, to adjourn the Closed Session and reconvene in Work Session. The motion carried four (4) to zero (0).

ADJOURNMENT

Commissioner Kost moved, seconded by Commissioner Cross, to adjourn the meeting. The motion carried four (4) to zero (0), and the meeting was adjourned at 4:51 PM.

Brian Bock, Chairman

ATTEST:

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