

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
FEBRUARY 20, 2012

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, 6:00 PM on February 20, 2012.

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

Staff Present: Charlie Horne, County Manager; Jep Rose, County
Attorney; Renee Paschal, Assistant County Manager; Vicki
McConnell, Finance Officer; and Lindsay Ray, Deputy
Clerk to the Board

INVOCATION AND PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

Chairman Bock welcomed those in attendance, and called the meeting to order at 6:04 PM.

AGENDA AND CONSENT AGENDA

Chairman Bock asked that the January 17, 2012 Work Session Minutes be removed from the Consent Agenda until January 17, 2012 Regular Minutes could be completed and approved at the same time.

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

APPROVAL OF AGENDA and CONSENT AGENDA

1. **Minutes:** Approval of Board Minutes for the Work Session held January 17, 2012

The minutes were removed from the Consent Agenda to be approved at a later date.

2. **Appointments to the Board of Equalization and Review:** Vote on the appointment of Colin Coxall by Commissioner Bock and the re-appointment of Leonard Kriesman as an alternate by the full Board

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

3. **Tax Releases and Refunds:** Vote on a request for approval of tax releases and refunds, attached hereto and by reference made a part hereof.

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

4. **Health Department General Aid-to-County Funds:** Vote on a request to accept funds in the amount of \$3,062 awarded to the Chatham County Health Department in recurring additional General Aid-to-County Funds

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

5. **UNC-Chapel Hill Student Preceptor Program:** Vote on a request to accept funds in the amount of \$337.50 awarded to the Chatham County Health Department from Greensboro AHEC – Office of Regional Primary Care Education (ORPCE) and use the funds for the UNC-Chapel Hill Student Preceptor Program

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

6. **PH Q! 101 Program:** Vote on a request to accept grant funds in the amount of \$1,750 awarded to the Chatham County Health Department from the NC Center for Public Health Quality and use the funds for expenses related to the PH Q! 101 Program project

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

7. **Health Department Funds:** Vote on a request to accept funds in the amount of \$150.00 awarded to the Chatham County Health Department for returning all accelerometers used in the fall 2011 evaluation of the Eat Smart, Move More community grant program

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

8. **Health Promotion State Funding FY11-12:** Vote on a request for a reduction of funds in the amount of \$22,404 from the FY11-12 approved budget of \$34,089

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

9. **Preparedness State Funding FY11-12:** Vote on a request for a reduction of funds in the amount of \$6,126 from the FY11-12 approved budget of \$35,411

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

10. **Health Department State Funding Reduction FY11-12:** Vote on a request for a reduction of funds in the amount of \$13,008 from the FY11-12 approved budget of \$179,079

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

11. **Health Department Infection Control Funds:** Vote on a request to accept \$4,440 Infection Control Funds awarded to the Chatham County Health Department

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

12. **Pittsboro Elementary Outdoor Learning Center Grant:** Vote on a request to approve PES OLC Grant (PES Grant Application, Internal Grant Approval Form)

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

13. **Community Advisory Adult Care & Nursing Homes Committee Appointments:** Vote on re-appointments of the following members for full 2 to 3 year terms:

Michael Levandoski
Carolyn Townsend
Al Mendlovitz
Kelly Ardoin

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

14. **Exemptions to County Bid Process:** Vote on a request to exempt the County from the informal bid process for purchases from Charles R. Underwood for Cla Val products, letter attached

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

15. **Revised Fire Insurance Rated District Maps:** Vote on a request to approve the revised Five (5) and Six (6) Mile Insurance Rated District Maps and Written Descriptions for the:

North Chatham Volunteer Fire Department
Pittsboro Fire & Rescue Department
Goldston Volunteer Fire Department
Northview Volunteer Fire Department

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

16. **Department of Social Services Contract Amendment:** Vote on a request to approve contract amendment to Chatham Transit Network (CTN) contract for the fiscal year 07/01/2011 to 06/30/2012

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

17. **NC DENR DEAO Community Waste Reduction & Recycling Grant:** Vote on a request to approve a grant application for the waste reduction and recycling public awareness project

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

18. **Chatham County Educational Facilities Impact Fee Ordinance Amendment:** Vote on a request to approve the **Ordinance Amending Chatham County Educational Facilities Impact Fee Ordinance To Push Back The Point In The Permitting Process When School Impact Fees Are Collected**, attached hereto and by reference made a part hereof.

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

19. **ETJ Planning Board Appointment:** Vote on a request to approve the appointment of Shannon Plummer to the ETJ Planning Board by the full Board

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Victoria Mazur, 307 East Dolphin Street, Siler City, NC, Chatham County School Teacher and Vice President of the Chatham County Association of Educators, presented her comments to the Board and provided them in their entirety for the record as follows:

“Good evening. I wish to speak about the resolution to support additional charter schools in Chatham County and hope that you will also consider a resolution to support the reform efforts of traditional public schools in our district. Members of the Chatham County Association of Educators attended a forum this weekend on collaborative partnerships for reforming teaching and learning. In the spirit of collaboration, we want to stress that CCAE and our parent organization NCAE are not opposed to charter schools. Many of our members have students enrolled in such schools. In fact, a white paper prepared by NCAE’s Center for Teaching and Learning is available online and states “charter schools can become change agents by exploring a variety of innovative and creative ways of teaching and

learning. This type of exploration, while good for all children, is that much more important for children who have not been successful in the traditional public school setting.” I ask that you encourage this innovation and creativity be distributed for the good of our whole community. A quick glance at the 2010 results of the North Carolina Teacher Working Conditions survey shows some outstanding results on the part of Chatham County’s charter schools. Staff at these schools ranked the teaching and learning environment much higher than the state average, although there are differences between the schools. Rather than open more charters, can we not stop to pause and reflect on the successes of the charters and traditional public schools in our communities? Can we take a beat to honestly look at each other and question, “How are you able to successfully x, y, and z? What have you learned as a result of your charter that can be shared?” When the General Assembly was drafting Senate Bill 8 to lift the cap on charter schools in the state, NCAE requested a provision that best practices correlated with student achievement be identified and disseminated for possible replication in other traditional and charter schools. That provision was rejected in the legislation, but it does not have to be rejected by the people. Many charter schools have been teaching core knowledge as part of the curriculum for years and as traditional public schools prepare to leave the station for the journey, it would seem a prime time to set a precedent for coming together. Your resolution asserts that schools benefit from the competition, but I contend that schools benefit from collaboration. I would remind the Board of one of NCAE’s core values, values that were created and ratified by educator members. We value “partnerships with parents, families and communities, as well as coalitions with other stakeholders because they are essential to quality public education and student success”. This resolution encourages citizens to open more charters. I ask that you resolve to support the reform efforts of the traditional public schools that will also ensure “quality education options” making all of Chatham’s schools those that parents would choose.

SPECIAL PRESENTATIONS

State of the County Address: Highlights of the State of the County Address

Chairman Bock, Chairman of the Chatham County Board of Commissioners, delivered highlights of the State of the County Address as follows:



HIGHLIGHTS:

STATE OF THE COUNTY ADDRESS

Chairman Bock thanked the Staff for their professionalism, patience, and help over the past year.

HOLDING THE LINE ON TAXES

With the economy continuing to limit county revenues, the county took major steps to reduce non-mandated budget items by 15% in FY 2011-12 while maintaining services and meeting new requirements. The County had no tax rate increase in 2011-12.

- Staff estimates that budget cuts in 2011-12 also will help prevent a substantial tax increase in 2012-13, despite the \$1.1 million annual cost to open the new Judicial Center in 2012.

- Commissioners reduced their pay for work sessions.
- The budget adopted for 2011-12 was \$1.5 million less than the originally adopted budget for 2010-11.
- Chatham County Schools was the only department exempt from identifying budget cuts.

SINCE FY 2008-09:

- Excluding debt, the County reduced non-school expenses by 10%, while school funding went up 2% since 2008-09. Funding for school operations increased 7% in this period.
- Some programs and services were reduced or eliminated, but most departments cut unfilled positions and reduced line items, while maintaining service levels.
- During the same period, the County had to increase expenses to open Margaret Pollard Middle School, two community college buildings, a main library and two parks.

OPEN GOVERNMENT

Chatham County took several major steps during 2011 to provide easier public access to important county activities or records, including a new Open Government tab on the County homepage at www.chathamnc.org to make it easier to find these resources. The County has received statewide acclaim for these efforts. Online resources added in 2011 include:

- An online channel for viewing Board of Commissioner meetings, with videos also airing on the Time Warner Cable channel 18 on Tuesdays and Thursdays at 6 PM. The County hopes to expand this to Charter Cable in the Siler City area in 2012.
- Monthly checkbook registers (list of all checks and payees).

Mandated = Services the County is required by the state or federal government to fund, sometimes at specific levels.

Non-Mandated = Services the County is not required to fund but includes critical services, such as computer systems and building maintenance. This category represents just 25% of the current County budget (see below)

Mandated Services--75%

- Resolutions proposed and adopted by the Board of Commissioners.
- A list of County job positions by salary grade.
- Links to other resources, such as state revenue reports for counties, statewide study of county salaries and benefits and the State Transportation Plan for Chatham County.
- Effective January 2012, all contracts and agreements approved by the Board of Commissioners.

CUSTOMER-FRIENDLY PERMITTING

Pre-Application Meetings:

The Chatham County Economic Development Corporation (EDC) met with businesses and found that the County needed to clarify its permitting process. In 2011, the County initiated weekly meetings between County staff from several permitting departments and business owners before any permit applications are filed. The meetings help future applicants understand the overall process and identify potential permit problems early so they can be addressed. Business owners have access to an array of resources in one room. Town planning staff, the EDC and other groups are involved as needed. Thus far, 54 businesses, ranging from an adventure park to an afterschool language program, have participated. If all currently active plans move forward, these projects could create over 250 jobs.

Streamlined Subdivision Process:

In March 2011, planning staff presented options to the Board of Commissioners to reduce the steps and time involved in gaining approval of new subdivisions. In September 2011, commissioners approved the following changes:

- Reduced the number of steps and overall timeframe for major subdivision approval, including a new timeline for review by the Planning Department and the Technical Review Committee. The Planning Board Review was capped at 2 months instead of 4 months, while the Board of Commissioners review period was reduced from 5 meetings to 4 meetings.
- Reduced the timeframe for first plat approval a total of 5 to 8 months.
- Increased the number of lots triggering an environmental impact assessment from 25 to 50 lots.
- Replaced a review by the Environmental Review Board with a peer review paid by the applicant.
- Allowed non-residential subdivisions of five lots or less to follow the less complex process for minor subdivision applications rather than the major subdivision process.
- Exempted agricultural developments without residences from paying the Recreation Fee.

Zoning:

In 2011, the Board of Commissioners amended the Zoning Ordinance so that properties zoned for general use do not have to complete an environmental assessment. The changes also removed the Environmental Review Board from the environmental review process. The county expects more changes to the Zoning Ordinance in 2012 to simplify rezoning requests.

HISTORIC COURTHOUSE

On October 3, 2011, the Board of Commissioners awarded a \$4.41million bid that allowed the reconstruction of the Historic County Courthouse to begin. The courthouse, built in 1881, was badly damaged by fire in March 2010. Insurance coverage is expected to cover the cost of reconstruction, which should be completed by late fall of 2012.

EXPANDED LIBRARY SERVICES

E-Books:

On November 1, 2011, the Chatham County Public Libraries launched e-iNC Library, which provides free-downloads of e-books and audio books for cardholders. Patrons can use various devices, such as computers, iPods and Kindles, to download books. This service is particularly valuable to patrons who have trouble getting to branches, because it provides access to a huge array of books from their homes or workplaces.

Expanded Hours:

In response to requests from patrons, Chatham County expanded hours at all three branches on Saturdays and weekday evening hours at Chatham Community Library in Pittsboro. However, county officials hope to identify funding to continue these expanded hours after July 1, 2012.

CHATHAM'S VISITORS SPENDING MORE

An annual state report released in August 2011 showed that despite the slow economy visitors to Chatham County spent \$25.03 million in 2010, an increase of 4.6% from 2009. In that period, the County's tourism industry directly employed more than 160 people and generated nearly \$480,000 in tax revenues, equal to nearly one penny on the property tax rate.

BUDGET AWARD

For the first time in 14 years, Chatham County received the Distinguished Budget Presentation Award from the Government Finance Officers Association (GFOA) for its 2010-11 budget presentation. The award required the County to meet extensive nationally-recognized requirements that are more difficult for smaller entities like Chatham to meet. The county will continue to use this budget presentation format.

LET'S TALK TRASH!

Chatham County joined with Central Community College (CCCC) and Chatham Conservation Partnership in hosting its first Let's Talk Trash! event on April 30, 2011 as part of Earth Day, focused on giving residents and businesses information on the many ways they can reuse, recycle and compost waste and reduce litter. Held on the Central Carolina Community College Campus, the event involved more than 40 local businesses, artists, and nonprofits in programs and activities. WNCA broadcast live during the event. No event is planned for 2012.

Presentation by Karen Sutton, State Outreach Director and Bill O'Donnell, Education Policy Specialist of Parents for Educational Freedom in NC: Presentation on charter schools as well as parental school choice and its impact on traditional school districts and/or community.

Chairman Bock introduced Karen Sutton, State Outreach Director, and Bill O'Donnell, Education Policy Specialist of Parents for Educational Freedom in NC. He stated that he had asked them to come tonight to present information for consideration on adopting a resolution that was given to the Board at their last meeting supporting charter schools.

Karen Sutton, State Outreach Director, thanked the Board for their invitation and reintroduced Mr. O'Donnell, Education Policy Specialist. She presented a brief overview of public charter schools in a PowerPoint as follows:



PARENTS FOR
EDUCATIONAL FREEDOM
IN NORTH CAROLINA

Vision Statement

Believing that each child is unique and parents should be free to choose an education that best meets the needs of their children, Parents for Educational Freedom in North Carolina (PEFNC) envisions an education system that maximizes parental school choice.



CHATHAM COUNTY COMMISSIONERS MEETING

PARENTS FOR
EDUCATIONAL FREEDOM
IN NORTH CAROLINA


BRIEF OVERVIEW OF PUBLIC CHARTER SCHOOLS

CHATHAM COUNTY COMMISSIONERS MEETING

PARENTS FOR
EDUCATIONAL FREEDOM
IN NORTH CAROLINA

What Are Public Charter Schools?

Public charter schools are independent public schools allowed freedom to be more innovative, while being held accountable for improved student achievement.




CHATHAM COUNTY COMMISSIONERS MEETING

Characteristics of Public Charter Schools


Public charter schools are:

- tuition-free and open to every student;
- publicly funded by local, state and federal tax dollars;
- held accountable to state and federal academic standards;
- able to offer longer school days;
- able to adjust curriculum to meet student needs; and
- public schools chosen by parents, not schools assigned by a system.



CHATHAM COUNTY COMMISSIONERS MEETING

2011 – A Year of Significance for Public Charter Schools in North Carolina



June 17, 2011 – Governor Perdue signed a law to eliminate the cap on the number of public charter schools.

North Carolina became the eighteenth state to remove its cap.


CHATHAM COUNTY COMMISSIONERS MEETING

PUBLIC CHARTER SCHOOL DEMOGRAPHICS AND PERFORMANCE

CHATHAM COUNTY COMMISSIONERS MEETING

Mr. O'Donnell explained Public Charter Performance and Accountability and continued the PowerPoint:

North Carolina Public Charter School Demographics




| Race | Percentage in Traditional Public Schools | Percentage in Public Charter Schools |
|------------------|--|--------------------------------------|
| Asian | 2.5% | 1.9% |
| African-American | 31.2% | 31.5% |
| Hispanic | 10.7% | 4.2% |
| Indian | 1.4% | 1.3% |
| White | 54.2% | 61.2% |

Data from DPI indicates public charter schools are generally serving the same demographics as traditional public schools.

CHATHAM COUNTY COMMISSIONERS MEETING

Public Charter Performance

Percentage of Students Who Passed Both Math and Reading
 End-of-Grade Tests 2010-2011
 (according to DPI)




| Group | Chatham Public Charter School | Chatham Traditional Public Schools | State |
|------------------|-------------------------------|------------------------------------|-------|
| African-American | 55.3 | 48.0 | 48.5 |
| Hispanic | 66.7 | 47.5 | 54.4 |
| White | 84.4 | 80.8 | 79.0 |

By subgroup, Chatham Public Charter School is outperforming traditional Chatham County Public Schools as well as the state average.

CHATHAM COUNTY COMMISSIONERS MEETING

Public Charter School Accountability




Recent data from the North Carolina Department of Public Instruction (DPI) indicate that charter school performance is on an upward trend.

According to DPI, approximately 50% of public charter schools were rated School of Distinction or Higher (at least 80% of students at grade level).

CHATHAM COUNTY COMMISSIONERS MEETING


Adequate Yearly Progress



According to DPI, over 50% of public charter schools made Adequate Yearly Progress (AYP) in the 2010-2011 academic year. Only 28% of traditional public schools made AYP.

CHATHAM COUNTY COMMISSIONERS MEETING

Chatham County Schools Performance Results




Chatham County has a total of 17 Traditional Public schools and 2 Public Charter Schools

| | | |
|--|-----------------------------|--------------------------|
| 7 traditional public schools in Chatham County | Honor Schools of Excellence | ← Woods Charter School |
| | Schools of Excellence | |
| 9 traditional public schools in Chatham County | Schools of Distinction | ← Chatham Charter School |
| | Schools of Progress | |
| | Priority Schools | |
| | Low Performing Schools | |
| | | |

As Reported by the Department of Public Instruction

CHATHAM COUNTY COMMISSIONERS MEETING

Accountability




Public charter schools that show no growth and annual performance composites below 60% in any 2 years in a 3 year period are designated as inadequate.

Charters which are inadequate within their first 5 years are to develop a strategic plan to meet specific student performance goals; the charter may be terminated or non-renewed for failure to meet the strategic plan.


Charters which have been in operation for more than five years and are inadequate may be terminated or non-renewed by State Board of Education.

CHATHAM COUNTY COMMISSIONERS MEETING



PUBLIC CHARTER SCHOOL FUNDING

CHATHAM COUNTY COMMISSIONERS MEETING




Public Charter Schools Funding Sources

State Funds
State Funds include but are not limited to the following: Dollars per Average Daily Membership (ADM), Children with Disabilities (CWD), and Limited English Proficiency (LEP).

Federal Funds
Most federal funds are targeted to specific student populations (i.e. children with disabilities, children in poverty; vocational education)

Local Funds (Per G.S. 115C-238.29H)
The local school administrative unit in which a child resides shall transfer to the charter school an amount equal to the per pupil local current expense appropriation.

CHATHAM COUNTY COMMISSIONERS MEETING




Public Charter Schools in Chatham County Expenditures Per Student (according to DPI)

| Revenue Source | Chatham County Traditional Schools | Woods Charter School | Chatham Charter School |
|----------------|------------------------------------|----------------------|------------------------|
| Local | 2,914.26 | 3,243.00 | 2,396.00 |
| State | 5,060.20 | 4,902.00 | 4,778.00 |
| Federal | 1,443.80 | 743.00 | 688.00 |
| Total | 9,418.26 | 8,889.00 | 7,862.00 |

CHATHAM COUNTY COMMISSIONERS MEETING

Public Charter School Funding




Charter schools use private dollars on low-cost facilities. When students transfer to charter schools, it actually relieves overcrowded school systems and saves them from the cost of building new schools.

On average, that savings accounts for approximately \$1,000 per student.

CHATHAM COUNTY COMMISSIONERS MEETING

Key Public Charter School Points




Performance – the public charter schools in Chatham County are both performing above the state average on the ABCs End-of-Grade Tests.

Diversity – public charter schools are generally serving the same demographics as traditional public schools.

Funding – When all sources of funds are considered, public charter schools are receiving less money than traditional public schools.

CHATHAM COUNTY COMMISSIONERS MEETING



QUESTIONS & ANSWERS

CHATHAM COUNTY COMMISSIONERS MEETING

Chairman Bock asked when all sources of funds were considered and public charter schools receive less money than traditional public schools, if that is due to the debt portion of not building the school itself.

Mr. O'Donnell explained that the facility funding is an important component to that in terms of not receiving the capital funding.

Chairman Bock asked how they are not hurting public schools by funding a public charter schools.

Mr. O'Donnell stated that by having the money go toward funding public schools, you are still establishing the local expense for the per-pupil expenditure for the traditional public schools; cumulatively you are getting less dollars with local, state, and federal on that issue.

Commissioner Petty asked if the money follows the child in exact proportion of dollars that they would receive in the public school system to the charter school.

Chairman Bock asked does each charter set what they are going to offer as far as transportation, extracurricular activities, sports programs, etc.

Mr. O'Donnell stated that the charter school does put things in place in terms of plans as part of their mission which also include requirements by state law.

Ms. Sutton stated that in terms of flexibility, often charter schools have more flexibility in determining how they are going to approach the curriculum they are going to teach. It could be a school focused on creative arts, math, and science, etc. It can vary which is part of the appeal in having more options for families. If there is a child that shows a specific skill-set or strength, having the opportunity to send that child to a school that can further develop that skill and help the child further succeed, is a great thing. That is a great compliment to whatever the traditional system is offering. Having more choices in general is of great benefit. In Mecklenburg County where she is from, she is choosing to utilize an IB option for her child as she is focused on internationals and interested in learning more about different areas. For any child, whether traditional or charter, is not an "us versus them" type of setting. She stated that she feels both can work together to make sure that what is best is done for the child. When the child wins, everyone wins which is the ultimate goal.

Commissioner Kost asked if that is what was meant in the slide where that "charters are allowed to have more freedom to be more innovative" and if that was what was meant by having specialty schools. She asked if there were other examples where charters are given more flexibility that the public schools are not given.

Ms. Sutton explained that they are sometime able to offer longer school days, depending on the area and/or focus. There may even be an opportunity to work on Saturdays and allow those hours to count toward the education of their children. There are a lot of flexible options they can utilize rather than have someone dictate what can or must be done.

Commissioner Kost asked why we then don't give the public schools the same flexibility so that they can do the same thing.

Ms. Sutton stated that was a valid point. Having more discussions where different parties are brought together and discussing them is a wonderful suggestion. She stated that the great work that is being done in Chatham County speaks for itself. Only adding more options can add to the opportunity the chances the students in Chatham County are going to receive a quality education.

Chairman Bock thanked the participants for their presentation and asked if the PowerPoint was available to be posted on the County website and into the minutes of the meeting.

Robert Logan, Chatham County School Superintendent, thanked the Board for the opportunity to respond to the presentation and share some additional information. He stated that he was not in attendance to start a debate about traditional public versus public charter schools; however, stating that he does bring a unique perspective. Prior to accepting his current position, he was a state associate superintendent for North Carolina. In that role, the charter school was one of the areas that reported directly to him. The director for charter schools was under his jurisdiction and responsibility. He pointed out that he is not opposed

to public charter schools. He stated that as a professional educator and as a citizen who understands the importance of a quality education, he wants the best educational opportunities for each and every child, whatever that may be. He stated that his issue resides in, has been, and always will reside in, "How do we make that happen?" For many years as a public educator, he stated that he has felt restricted with regard to what they can do with regard to traditional public education. So many things have been placed upon public schools by publicly elected officials from higher to local levels. He stated that what we do in public education they try to do for all. There is nothing wrong with that, but there is a price for it. Separating out public charters from traditional public also has a price. Looking at it from a philosophical, financial, and accountability standpoints: 1) Philosophically: When the charter school law was passed in North Carolina, he is sure there were good intentions. However, many times good intentions morphed into things than were initially unintended. The initial language of the charter school law states that one of the primary reasons for public charters is to provide an opportunity for innovation for creativity to do the things that the public schools had not been able to do because of the legal restrictions that are placed upon them. If you look at a lot of the public charters, they look just like the traditional public schools. Some of the innovation has not really happened as was intended when the laws were put into place or initiated. He suggested that, rather than a resolution in support of public charters, a resolution be passed for reform for public education in general. We need to work with our legislators and the State Board of Education to seek the lifting of some of the restrictions that now exist upon public schools so that they can be more transformational and reform initiated and innovational. 2) Financially: There are two budgets, operational expenses and facility and capital outlay expenses. The money follows the child as Commissioner Petty asked. Presently, there are a little over six hundred children who are in ten charter schools around the state. Approximately 2.1 million follow those children in our school district. As the 115 school districts around the state have attempted to adjust to this change of funding flow, over a period of time, many adjustments have been made. One concern that superintendents and Boards of Education and others have is with the lifting of the cap, how will it change the financial flow? What is going to happen in this recession? We are looking at the fourth straight year of cuts from the state level for public education. How is that going to impact how money flows into the traditional public schools and how they deal with that impact? They are not only facing a loss of state revenue, but with the creation of more public charters, there is going to be a diminishing of dollars for the traditional public schools. One of the reasons is facilities that current legislation does not require local funding agents to provide facilities. However, there is legislation before the General Assembly for which charters are asking. The public charters are asking for public resources to build public charter schools. That too will create another request at the local level as the state is not providing money for facilities. There is an economy of scale in education. Smaller schools cost more to operate. The ability of the professionals must deliver quality services at an affordable rate to the number of children in the facility. When it is below it, it becomes more expensive. When it is above it, it becomes more difficult to provide quality. There are three areas when considering: 1) Transportation which he considers equity or accessibility. There are many charters that do not provide transportation. If there is not transportation, it means that all children do not have equal access to that charter. 2) School food service is not provided at all charter schools. 3) Extracurricular activities, to a high level degree, are not provided at the smaller charter schools. The request continues to be made to the NC High School Athletic Association to allow charter schools to participate in the high school athletic association stating that it is yet to be resolved. The request is being made to be able to attend a charter school but be able to participate in a sport or extracurricular in a public school. Most athletic programs in Chatham County are funded by the parents, not by the Commissioners and if the charter parents did not participate, it would create a financial hardship. He stated that he realizes that a resolution does not grant any organizational or authoritative power to those requesting the resolution. However, he feels that all will agree that it does indicate a level of support that an organization is giving toward an initiative or request. Even though the passage of a resolution in support of public charters would not in essence be granting anything to them by the Board of Commissioners, he encouraged the Board to consider what he said earlier. Rather than a resolution in support of one particular public service, choice, or entity for public education of children, let's look at a resolution supporting reform and transformation of all public education in schools in Chatham County. Our schools are performing well, both traditional and charter and they

have had a good relationship in the community. They don't want a philosophical, financial, legal battle which serves no one well. Mr. Logan stated that he personally is of the opinion that a resolution in support of one will create the appearance of a division within the ranks.

Chairman Bock asked about the economy of scale and per pupil spending stating that if there are too few students, it costs more, yet every year when the discussion of school funding comes up, the Board gets beaten up because they are told they are not increasing per pupil funding. If we didn't increase per pupil, then would you not ask for more money? He asked why the cost goes up with more students each year.

Mr. Logan explained that it is in the number of people that are provided to work with the children. He stated that the way it is presently handled, when they lose children, the level of service drops. To sustain a level of art, music, health, physical education, foreign language and different programs that they offer the children, could not be offered if there were fewer children to offer the special or elective programs to. They can maintain the core, the language arts, social studies, and math because those staff members are allocated on a state allocation formula. All of the additional subjects that are provided for the children, when the number of children is reduced in the school, they cannot continue to offer the same level. When there are more children, they draw down more state money so they are able to use those additional state dollars for those teachers. When there are fewer children, there is less state money and cuts the total number of dollars they have to utilize on the teachers. The state allocation is enough, when they reach a certain point in children, to provide the special programs.

Commissioner Stewart asked if that was also the case with classroom size, the smaller the class the less funding is received. She asked if that was not the goal to keep classroom sizes small so that the quality is better.

Mr. Logan explained that they do. He stated that presently the reason their class size is so good, is because of the Board of Commissioners' help and the amount of local funding they have in teachers for class sizes and the budget may have to change depending on class size.

David Hamm, Chair of the Board of Education, stated that something of which the Board has already been made aware is the "Parents for Freedom in North Carolina Website", under the section that says, "Who are we?"...it states that parental choice means allowing parents to send their children to their school of choice, public, private, or non-traditional, regardless of address or income. He stated that he feels that statement goes a little deeper than what the charter schools are doing in Chatham County stating that a resolution supporting this, in his view, would be saying that they do not support public education.

Chairman Bock asked if the resolution supporting charter schools would say that. Mr. Hamm replied, no, the resolution supporting this organization.

Chairman Bock stated that the resolution is not on this organization. Mr. Hamm stated that he was unsure if Chatham Charter School Headmaster or Woods Charter School Headmaster were in attendance.

Chairman Bock asked Mr. Hamm if he was saying that, in his opinion, if the resolution was adopted as written by the Board of Commissioners would send a message that they do not support education in the County. Mr. Hamm stated that he felt it was an unspoken statement.

Ms. Sutton stated that they are an organization that supports any type of education for any child as long as it is quality. It can be private, public charter, traditional, or home school. She stated that they favor and support of any option for any child that works. In relation to public charter schools, currently only 47 of 100 counties have public charter schools. There are 30,000 families on waiting lists to get into public charter schools. She reiterated that every parent should have the right to send their child to the school of their choice that best

meets their needs. It is in collaboration and partnership with the great work that is already being done in Chatham County and can further enhance the students' quality of life.

PUBLIC HEARINGS

Watershed Protection Ordinance: Public hearing to receive public comments on proposed revisions to the Watershed Protection Ordinance

Dan LaMontagne, gave a brief overview of the changes to the Watershed Protection Ordinance as follows:

1. Definition of "Ephemeral Stream" - Refinement of the definition to identify the origination of ephemeral streams at a score of "15" on the NCDWQ Stream Identification Form.

Ephemeral (storm water) Stream. A physically visible feature in the form of a natural channel that conveys water only in direct response to precipitation during or shortly after precipitation events. For the purposes of this Ordinance, an ephemeral (storm water) stream is a well-defined channel which ~~scores between "3-18" points~~ has a minimum score of "15" on the NCDWQ Stream Identification Form, to distinguish it from an intermittent or perennial stream. (See, most recent version of Identification Methods for the Origins of Intermittent and Perennial Streams, NCDWQ, Version 3.1, 2006). An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with continuous or intermittent conveyance of water.

2. Definition of "Seeps and Springs" – Removal of the definition and all references to "Seeps and Springs" from the Ordinance as they relate to buffers.
3. An additional item added to the Table of Uses in the Ordinance - Requested by the NC Division of Water Quality. This item was inadvertently omitted from the state rules as an exempt activity:

"Drainage of a pond in a natural drainage way provided that a new riparian buffer that meets the requirements of Section 304 of this rule is established adjacent to the new channel."

4. Definition of "Lot" – Clarification of the definition as it relates to properties with multiple zoning classifications.

Lot. A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same. A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to an approved use, together with the customary accessories and open spaces belonging to the same, is a "Lot" under this Ordinance irrespective of whether the parcel has multiple zoning classifications.

The Chairman opened the floor for public comments.

Elaine Chiosso, Haw Riverkeeper for the Haw River Assembly, presented her comments to the Board and provided them in their entirety for the record as follows:

Comments in Proposed Changes to the WPO Buffer Rules

"The Haw River Assembly urges the Chatham County Board of Commissioners to make no changes to the current Watershed Protection Ordinance in regards to the stream buffers.

We do not agree that the proposed changes to remove definitions and specific protection of springs and seeps and adding them to the wetlands buffer section is simply a terminology issue. Springs and Seeps are ground-waters intersecting at the surface, either seasonally or permanently and may be features overlooked in a property undergoing development approval if not specifically named and protected.

We strongly disagree with the proposal to only require stream buffers for ephemeral streams that rank 15 points or higher on stream identification rating. The current ordinance protects ephemeral streams that have a ranking of 3 points and ALSO meet requirements for stream channel and water conveyance. This is a practical system and is combined with procedures for exemptions, allowable structures where there is no alternative, and a variance appeal process. These rules have not had time to be tested, since they were put in place at the time when the recession began, and building slowed to a near halt.

We must not forget why these rules were put into place to begin with. In the building boom years of 2004- 2008 in Chatham County, nearly every creek impacted by a building project was running the color of red clay. The Haw River and Jordan Lake were the receiving waters for this mud, and citizens complained to the state and county on a constant basis. Many of the developments being built were taking advantage of Chatham's minimal stream buffer protections and its lack of a local sedimentation erosion control program to lay waste to large tracts of land, without considering the effects on nearby waters.

When headwater streams – the ephemeral, and springs and seeps and their natural surrounding buffers are destroyed, we lose the best protection for keeping mud and other pollutants out of our streams. If these small streams and their buffers are protected from land disturbance, they will do the job best of keeping mud out of the downstream waters. With the natural capillaries and arteries of a waterway in place, we do not have to depend solely on technology, maintenance and enforcement systems to keep our waters clean, systems that have failed much too often.

The photos on the following page give you an idea of what happened in Chatham County during the development boom

The mud in these photos began from land in Chatham County where the small headwater streams were disturbed or bulldozed. Failures of the best management practices for sediment and erosion control for storm waters (that had once been part of headwater stream systems) carried this mud into the next larger stream and then into Haw River and into Jordan Lake. You can see the damage created by this mud to the downstream waters.



The Consequences of Not Protecting Our Headwaters

Photos from Chatham County
2005 - 2007

Northeast Creek entering Jordan Lake 4/07



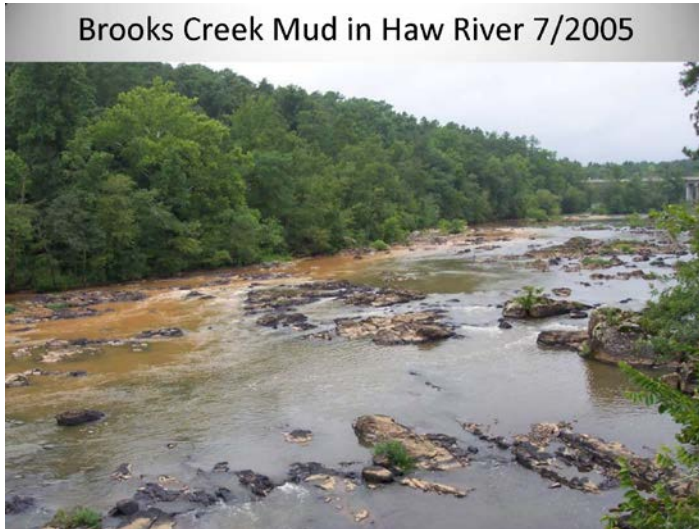
Parkers Creek, Jordan Lake 4/2007



Haw River, Chicken Bridge 5/2005



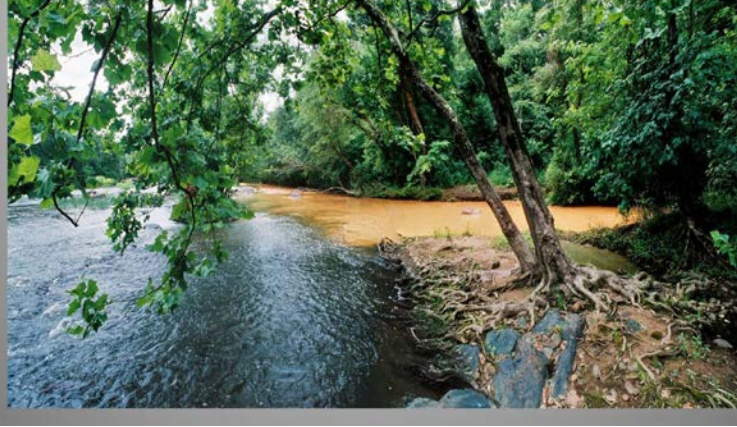
Brooks Creek Mud in Haw River 7/2005



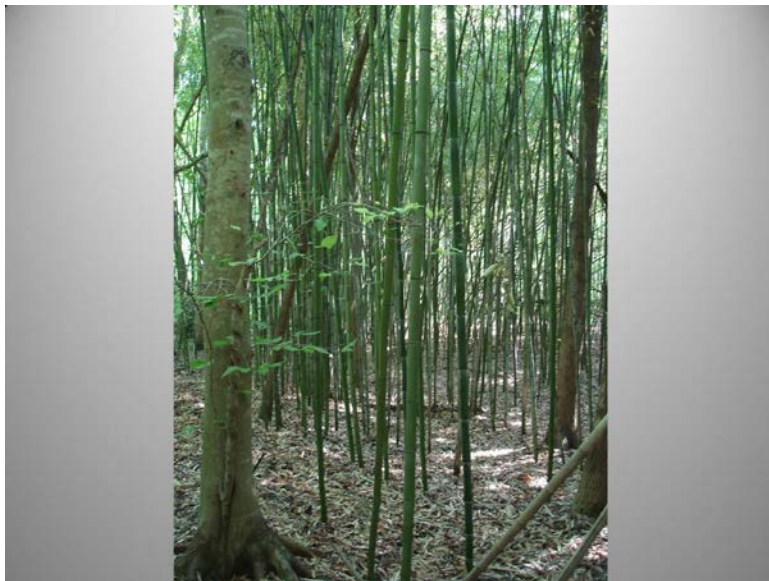
**Mud in Brooks Creek 10/2006
(Parks at Meadowview NOV)**



Dry Creek entering Haw River 7/2005



Dry Creek Mud from Chapel Ridge 2007
(NOV)



Laurel Ridge 5/2007



Haw River Algae Bloom



Construction, Big Woods Road



Un-Named Tributary from Legacy into Jordan Lake 3/17/2007



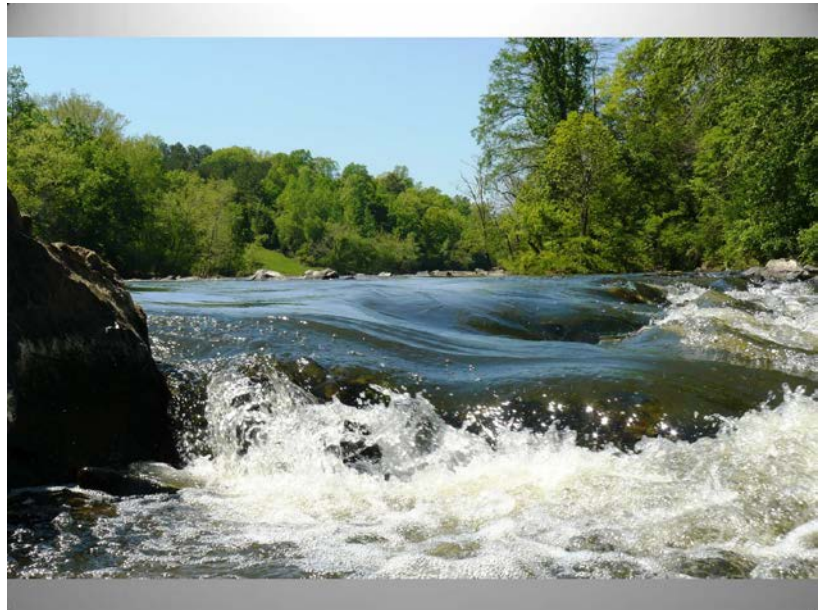
Herndon Creek mud 4/2007
Westfall Development NOV (3/2007)



Jordan Lake algae bloom



Why Protection Matters:
Protect the headwaters for clean
water downstream.





Mud in Dry Creek conveyed from headwater streams at Chapel Ridge 2007

The mud from Dry Creek flowing into the Haw River, 2007

Muddy Haw River

I urge you not to make changes in our effective Watershed Protection Ordinance - the current language was put there to prevent a repeat of the very great destruction to Chatham County's streams."

Maja Kricker, 224 Buteo Ridge, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

"I am Maja Kricker. I live at 224 Buteo Ridge, Pittsboro. I am a volunteer with Haw River Assembly River Watch, a citizen's monitoring project to detect water quality issues. I have been monitoring a variety of streams throughout the watershed, including Roberson Creek, Dry Creek, Redbud Creek, Temple Creek which are two headwater streams, and the Haw River at various locations. All of these streams feed the Haw and ultimately Jordan Lake and supply drinking and household water. We fish in these waters, we swim in these waters, and they supply the quality of life we expect in Chatham County.

All of these waters are showing increased impairment compared to last year. We are seeing reduced flow due to drought. We are seeing increased sediment, clearly from construction projects. We are seeing increased pH and algal growth indicating increased nutrients entering the water supply.

The primary thing that keeps these waters from becoming dead zones are the extensive riparian buffers along much of their length, limiting sediment and filtering nutrients. Riparian buffers also recharge streams and ground water by preventing rapid runoff of storm waters.

If you reduce riparian buffers for streams, springs and seeps, the effects of drought conditions will be increased, resulting in less ground water for our wells, less retained surface water entering reservoirs, creek and streams. Greater runoff will bring in sediment and with it PCBs, other chemicals, pesticides and herbicides into our water supply.

The consequences give a poor prognosis for the future development of our community :

1. Increased risk of cancer, immune system disruption and other health problems that contaminated water can bring. Families pay the price.
2. Decreased water supply resulting in less well water and water for farms, vineyards and other businesses that are part of economic development for our county.
3. Loss of recreational opportunities and tourism.

4. Loss of a beautiful natural environment important to our quality of life.

Chatham County residents pay the price.

I am asking that you maintain or increase the current riparian buffer requirements for ephemeral streams, springs and seeps. Chatham County needs to look forward to a brighter, cleaner, healthier future. The history of public health has shown that a nation or a county is only as prosperous as the purity of its water supply.

Judith Butt, 112 Stone Edge, Pittsboro, NC, stated that proposed changes to our watershed will weaken the protection of our water supply. These proposed changes, if adopted, will remove protections for ephemeral streams and will result in degrading of our valuable water supply. Ephemeral or headwater streams are areas where stormwater flows during sustained or heavy rainfall events. Unlike intermittent or perennial streams, these streams are not fed by ground water so for most of the year they are dry. However, this does not decrease their importance. Ephemeral streams are the main entry point for sediment and other pollution that is being carried in stormwater runoff. Protecting the areas surrounding these streams helps to filter the pollutants before they can reach our water supply. Under the proposed changes to the ordinance, not only will these buffers be removed, but the streams themselves will be subject to no regulation. We have all seen the result of this in the past with our rivers and streams turning red or brown following every big rain event. Buffers and regulation of ephemeral streams are necessary to protect our water supply.

Kathleen Hundley, 136 Rocky Falls Sanford, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“Currently there is great public and private concern over the need to decrease costs associated with delivery of services and products to citizens, businesses and government. Tonight you will hear ample evidence that maintaining natural streams, including ephemeral streams and their buffers, is an extremely cost-effective way for local governments to protect and enhance our private and public economic wellbeing. Without great care, as areas become developed, stream banks and beds become unstable and stream bank trees are uprooted and fall, causing debris dams that result in further stream bank erosion and deposition of sediments. Also, toppled trees are often washed downstream, accumulating in culvert openings or bridge support structures, increasing public or private costs of culvert openings or bridge maintenance or replacement. One way to prevent this process is to maintain wooded buffers on ephemeral, intermittent and perennial streams that help keep microclimates along streams at lower temperatures and higher humidities than surrounding landscapes. These conditions are essential in maintaining the health of associated plant and animal communities in our biota, a concern that we all need to be committed to protecting. For these reasons and without reservation, I recommend that the Board of Commissioners maintain currently required buffers on streams, including ephemeral streams.

Sonny Kiesler, 3006 River Forks Road, Sanford, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“I am here tonight to ask the Commissioners to keep the existing Watershed Protection Ordinance and to strengthen the ordinance. The ordinance can be strengthened by doing a better job of explaining to developers both (a) the variance provisions available to them and (b) the uses that are permitted in stream buffers such as utilities and road crossings. This should help developers reduce the cost of complying with the ordinance.

Weakening the ordinance by reducing the number of headwater streams covered by its provisions will lead to a wide variety of health and economic costs for the average Chatham resident. As Chatham becomes more urbanized these costs will become increasingly obvious including increased surface water runoff, increased flooding, reduced ground water and well water supplies, more streams filled with sediment, more polluted drinking water supplies, and increased stream bank erosion resulting in more damage to water and sewer lines and increased public costs of maintaining the same.

Headwater streams typically account for 53% of any watershed area. As such, they play a major role in replenishing groundwater supplies, reducing downstream flooding, filtering pollutants and improving the quality of surface water used for recreation and drinking water. For these reasons, protection of headwater streams is vitally important.

In addition, as climate change bears down on Chatham County protecting headwater streams will become even more important. This is true because, over the coming decades, climate change can be expected to bring much higher temperatures, more surface water evaporation, and more extensive droughts followed by more extreme rainfall events. If headwater streams are not protected these climate change impacts will become even more damaging and will result in more flooding, more polluted drinking water and more severe water shortages.

As concerns water shortages, the Commissioners should realize that over the past 35 years overall flows in the Haw River have declined by one-third. Similar conditions exist in the Deep River and the Rocky River. As such, weakening headwater protections will exaggerate the stream flow reductions we already are experiencing in our watersheds.

In summary, weakening watershed protections will not benefit most people in Chatham County. It might benefit a handful of developers by increasing the number of buildable lots they can create ... but this will come at a price that should not be asked of everyone else in the County.”

Diana Hales, 528 Will Be Lane, Siler City, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“At the January 3, 2012 Commissioners meeting you heard from knowledgeable citizens who said the existing 30-foot buffer requirement for ephemeral streams in the Watershed Protection Ordinance helps remove pollutants before storm runoff enters perennial streams. Landscape buffers around ephemeral streams can decrease the loading of nutrients and sediments that rush into County public water supplies during a rain event. Damage to these ephemeral streams, by not requiring a buffer during development, will lead to more downstream flooding, stream bank erosion, and higher infrastructure maintenance costs and more expensive water treatment for taxpayers.

At the January 3rd presentation, Dan LaMontagne, head of the County’s Department of Environmental Quality said that point system developed by the State’s Division of Water Quality established a scoring range for ephemeral streams from 3 to 18 pts.

LaMontagne said the county’s Environmental Review Committee had recommended that 30-ft buffers be required for any ephemeral stream that scores above 10 pts on this scale. Commissioner Petty, who has a degree in agriculture, not biology, suggested a higher threshold for buffering ephemerals, at 15 points. Why this particular number?

We should make rules based on an accumulated knowledge base, not opinion. We have information today that reveals consequences of good and bad land management practices. Why not make smart policy, now?

Your job is complicated by requests from a few big developers that see these ephemeral stream channels as raw land waiting for the bulldozer. Water always flows downhill. We can control some of the sediment and nutrient laden runoff flowing into our public water supply by continuing this important protection of ephemerals.

Maintain the existing ordinance and save taxpayer money.”

Jeff Starkweather, 590 Old Goldston Road Pittsboro, NC, stated that he supports keeping the County’s science-based ephemeral stream buffer requirements. The proposed revisions are a solution in search of a problem. From his perspective, they stem from an erroneous theory of economic development. First we have had zero problems with our

current stream buffer requirements because we have had virtually no development since they were enacted in 2008. The conservative or pragmatic approach would be to wait until we have some real on-the-ground complaint from actual development requests. Any developer can seek a variance that would allow him or her to vary from the specific buffer requirements if they use best management practice that they could show cause less disturbance and preserve aquatic life and habitat in protected water quality. If we see an on-going problem, then it would be time to consider modifying the ordinance. He specifically challenges that the stream buffers have a negative impact on property values or sustainable economic development (ability to support local businesses and attract new ones). There is plenty of research showing that protecting watersheds, streams, rivers, and water quality enhances economic attractiveness of a community. The recent Chatham park video shown to the Economic Development Corporation made it clear it is Chatham's rural character and environmental quality that are the principle assets developers are using to promote and attract RTP-type, high-tech companies to this area. Moreover, economic cost benefit studies have found that stream buffers and other environmental protections increase property values for landowners and residents.

Beyond these technical arguments, this issue is personal. He stated that he has two intrepid granddaughters (ages 6 and 4) who live with his daughter and son-in-law in north Chatham where their water source is Jordan Lake. Buffers around ephemeral streams are needed to protect and safe-guard their health and the health of thousands of residents and tourists living and recreating in the Jordan Lake Watershed Area. These girls also love to play in our creeks and rivers. Those buffers are needed there because they act as filters to keep them clean.

He stated that his wife and he and other residents and tourists enjoy biking and hiking on these streams and rivers because they enjoy the wildlife and natural beauty that you can see on the waters. Beautiful streams and rivers do not protect themselves in the midst of development pressures. They require the type of community protection enhancement our current ordinance ensures. If it ain't broke, don't fix it. Please maintain our pragmatic stream buffer requirements.

Rita Spina, 12 Fearington Post Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

"I support keeping Chatham County's ephemeral stream buffer requirements as currently required. My only drinking water source is Jordan Lake. Buffers around ephemeral streams slow storm water down, help to remove sediment and other pollutants, and allow recharge of our aquifers. Recharge of aquifers is essential to maintaining flows in creeks which drain to Jordan Lake during drought periods. Buffers are described in the Oxford Dictionary as "a person or thing that lessens the impact of harmful effects.

I wish all citizens of Chatham could visit the Water Department Facility that is responsible for the quality of water we all drink. For the past 7 years with Citizens College, many citizens and I have had the privilege to hear and see and taste how this is accomplished. The entire process of maintaining quality and safety of our water is in the hands of these specialists.

As described to us, it was amazing to learn what is necessary to process water. Citizens should know that all sorts of debris, garbage, etc. that collect along our streams can affect the quality of what we drink. The major way we can continue to make sure our water is of the highest quality in our county is not just HOW we process, it is also critical that we reduce "the waste and sediment" that comes from the land into our streams. There have been many stories in the news of how there are streams that are constantly filled with unsafe detritus of all sorts....used hospital materials, dumped garbage, etc. WITHOUT buffers, WE WOULD BE FURTHER exposed to all of this even with the most efficient processing at the water plant.

What drains into the Haw River and into Jordan Lake...becomes our drinking water....you must be the protectors of our waters. Retain our buffer rules on ephemeral streams, thereby protecting all of us who drink those waters."

Caroline Severson, 5560 Castle Rock Farm Road, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“I am speaking on behalf of Chatham Citizens for Effective Communities. On a personal note, an intermittent and a perennial stream run through my land. Buffers around ephemeral streams on upstream properties slow storm water down and allow recharge of the aquifers. Increased flashy flows from un-buffered ephemerals contribute to stream bank erosion. This erosion decreases the aesthetic quality of property. Without adequate recharge of groundwater supplies, my streams will likely dry up during the warmer months of the year. I consider my streams an asset to my property value.

Our watershed rules concerning ephemeral streams were developed for a reason. Prior to the current rules, the detrimental effects on unprotected streams from upstream construction projects are well documented and undeniable from a scientific perspective. Downstream properties saw the effects of increased sedimentation and erosion. The rules were implemented after careful deliberation by an Environmental Review Board with considerable scientific credentials.

This request to change the requirement for buffering ephemeral streams from a rating of 3 to a rating of 15 seems arbitrary and not based on science. Staff recommendation of a rating of 10 was based on scientific studies by the state.

The request for this change came from a respected developer who is well established in the county. Not changing this would not cause him to avoid building in Chatham County. There is a variance provision in the ordinance; existent lots, agriculture and forestry are exempt from these rules. The Board of Commissioners’ responsibility is to protect the water resources of Chatham County, not to maximize the profits of developers.

At your June 6th 2011 meeting Commissioner Petty assured citizens that even though the ERB would no longer be a part of the review process, environmental protections would not be lessened. Therefore, CCEC is disappointed with this requested change. One that we believe will lessen protection of our streams, rivers and our lake. The Jordan Lake Rules require Chatham County to meet requirements to reduce the amount of nutrients reaching the lake; state and federal protections are being reduced and unfunded. Now more than ever, we need to protect our precious and finite water resources. That is why CCEC asks the Board of Commissioners to maintain the current rules for buffering ephemeral streams.

George Lucier, 628 Redbud Road, Pittsboro, NC, stated that he agrees with many of the comments that have been made by the previous speakers regarding the importance of ephemeral streams in our Watershed Ordinance; he supports the comments and maintenance of that ordinance. He stated that there is clear and compelling and significant scientific information that ephemeral stream buffers minimize the release the nitrogen and phosphorus from ephemeral streams and prevent the release of that into our waterways, rivers, streams, and into Jordan Lake. There is a vast amount of scientific information to document this which was the basis for the formation of that ordinance two or three years ago. Jordan Lake is a water supply. It is close to impaired. This is because of the amount of nitrogen and phosphorus. We need to do everything we can as a County to minimize the release of these nutrients into our waterways, particularly ephemeral streams.

With regard to the history of the ephemeral stream buffers, they were originally developed when he was chair of the Planning Board in 2003-2004 as part of the Compact Communities Ordinance. The current stream buffer regulations are based on what was done with that ordinance. This is when Tommy Emerson and Bunkey Morgan were chairs of the Board of Commissioners. When they first developed this ordinance, Briar Chapel who was then in the course of applying for application for their compact community of 2,500 houses on 1,500 acres, said that this might not allow them to do the development. They were asked to map out the ephemeral streams and see what it might do and if it was a problem. They did it and said that it wasn’t a problem. This is the largest development that has ever been approved in Chatham County. It is a compact development which is more dense than any

other development in Chatham County, and it was not a problem for them. The whole idea that this is preventing development in Chatham County is a bogus argument. It needs to be rejected. He stated that it was his opinion, and that of many Chatham County Citizens, that it is far better to prevent a problem to pay the costly-cost to solve a problem once it has occurred. The whole purpose of ephemeral stream buffers is to prevent problems. He feels that scientific evidence indicates that it does work. We have not had much experience here in Chatham County, but other areas in this country have. We need to maintain our current stream buffers.

Martha Giralami, 472 Mt. Pisgah Church Road, Apex, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“I am very concerned about Jordan Lake’s future. Without proper management of storm water and maintenance of buffers on all streams, sedimentation from tributary streams into Jordan Lake will increase. Thus, Jordan Lake will more rapidly fill up with sediment and will lose its beauty and degrade its water. Given the increasing use of the lake water by municipalities and citizens for drinking and recreation, it is critical that we protect this resource from sedimentation. You have said you value revenue from travel and tourism...well then protect the beauty of Jordan Lake and its tributaries.

Therefore, I recommend that the Board of Commissioners not weaken the protection of ephemeral streams in the Watershed Protection Ordinance. The Board of Commissioners should retain the ephemeral stream size ranking of 3 points and keep the 30 feet buffer for these streams.

Please remember that you Commissioners are protectors of our natural resources here in Chatham and you cannot reduce stream protection without causing harm to the Lake. This will rob our children and grandchildren of their rightful legacy of clean water and beautiful and healthy Lake Jordan. Thank you.”

Emily Lancaster, 1000 Jay Shambley Road, Pittsboro, NC, stated that she is present to speak against the proposed amendment to the Watershed Ordinance. As a taxpaying, water-drinking, citizen in Chatham County, she does not feel that this action would have any benefit to her or her community. On the contrary, she sees numerous potential threats to water quality that have been so well-documented by speakers before her. She is extremely curious about two things. 1) What prompted the revision in the first place? 2) How did someone come up with the number 15 as the minimum score for an ephemeral stream to be buffered? The original minimum was three. At the Board’s request, County staff offered ten as a new minimum. In response, the Board suggested 15 as a compromise. She stated that unless her math or English skills are lacking, she has to conclude that there is another perspective being taken into account which is not in the public record. In the spirit of open-government, she stated that she would appreciate the opportunity to evaluate the source for herself. As a citizen, she is concerned that the policies of the new Board majority show an inability to discern the difference between aiding the private sector and looking out for the citizens it represents. The proposed amendment ignores the expertise of the ordinance’s original creators. It ignores the recommendation of the Watershed Review Board, and it ignores the citizens of Chatham County. Therefore, she stated that she was respectfully requesting that the Board of Commissioners scrap the proposed amendment and retain the protections our County currently enjoys.

Jerry Markatos, 800 Rock Rest Road, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“Good evening, Commissioners.

As a parent and grandparent, I often travel to visit grandchildren in Carrboro, and on my way I drive past University Lake. Are any of you familiar with that road?

One thing that impresses me about the view at the lake is that much of the lake, for much of the time, is now a dry mud flat. Dams and lakes fill up with sediment.

As I waited my turn to speak, I used my cell phone and the wi-fi system here to look up how many lakes and reservoirs across the country have become unusable or had their capacity severely reduced because of sediment accumulation. Literally hundreds!

The mud flat part of University Lake is pretty ugly to look at.

We here in Chatham are lucky to have Jordan Lake as a water supply. But if we reduce the protections we have in place for the lake, we will fill the lake faster with mud. When we need to argue for more responsible action from the communities upstream on the river, why would they listen to us?

The increasing population in our area is already making greater demands on the lake for water.

Do we want the traffic on highway 64 to see Jordan Lake looking like University Lake?

It's time to guard the protections we now have in place, not strip them.

Leave the watershed protection rules as they are! Don't weaken them!"

Pamela Hawe, 1976 Wade Paschal Road, Siler City, NC, stated that she had not been there before, and to be honest, she considers it to be a waste of energy because she has seen how things have gone before and how it turns out when they come to talk to the Board about these things and try to pour out all the facts needed to make the decisions and then it gets overridden anyway. She wonders where all this is going. This morning, she stated that she heard a conservative view that put things in perspective when she was listening to Rick Santorum talk about how he was upset that President Obama was putting the earth before people. She stated that she thought it was an interesting statement. So people are more important than the earth but, without the earth she asked, where are the people? She stated that she is interested in where all of this is going. Unless there is a really good plan out there to where you can trash this and somehow benefit from it, she is trying to figure out what the whole concept is about and why you would want to do that. As a citizen, she stated that she would like to live. She would like to be healthy. She would like to enjoy this thing that God gave us. She would like to believe it would have a future and they might be part of it. But with the things she sees going on, she has her doubts about all of that. This isn't about the facts. The Board has heard all the good reasons why we shouldn't do this. As a citizen, she stated that she would like to make a plea for some common sense and some responsibility as to what is trying to sustain us in the best way it knows how in spite of our stupidity. This is something that she begs the Board to consider and not to relax the rules but, if anything, try to do better to promote more responsibility to this planet.

The Chairman closed the public hearing.

Mr. LaMontagne reiterated the "red-line" changes recommended by the Watershed Review Board.

Chairman Bock stated that there were lots of comments about buffering, seeps, springs, and streams. He stated that nothing they are doing tonight affects any of that. Where we may have some disagreement, is in the ephemeral area. There were lots of discussions about things that are not in this portion which he feels is important to point out. He stated that they are not changing erosion control rules. Developers are still going to have to do everything they are currently doing when it comes to erosion control. He stated that they have pretty much agreement, among the Board of Commissioners, on all the points except the scoring of the ephemeral stream.

Commissioner Kost stated that it looked to be consistent with the Watershed Review Board recommendation. Chairman Bock confirmed that was correct.

Chairman Bock stated that to address the Jordan Lake Rules, these are in effect when you buffer ephemerals at all and are stronger than the Jordan Lake Rules. Jordan Lake Rules

do not address ephemerals. What they are looking at, and based on the presentation received at the last meeting, it showed them what the different ephemerals looked like with the different scores. That is the compromise. Buffer ephemerals at all or lower than at a lower score; not buffer them between three and ten and compromise a fifteen.

Commissioner Petty stated that the state range was 3 to 18 so the compromise was not choosing fifteen; that was within the state range; based on the presentation that night, that is how fifteen was chosen. A lot of the things that were presented tonight make it sound like it is about this one document, but it was not. It was about a lot of things besides this one document. That needs to be kept in mind when they are discussing it stating that they were not doing anything, in the broad scheme of things to reduce the protections that are in place. They are rescoring the ephemerals. The fifteen is in range of the three to eighteen that the state recommended. And that is how they arrived at that number.

Chairman Bock stated that based on the presentation, he didn't feel that there was anything magic about ten either. It just happened to fall in between three and eighteen.

Commissioner Stewart stated that quite a bit of data was presented and showed examples of each of these points. The Board had quite a bit of discussion about this as they were asked how they came up with this recommendation. She stated that the number was not just pulled out. She stated that they looked at all of the data and reviewed the pictures and measurements that were taken.

Commissioner Kost stated that with all due respect to Commissioner Petty, he did pull the number out of the air. We just held a public hearing with fourteen speakers and the score is fourteen who want to keep the ephemerals at a score of three. There were no speakers who spoke to change it to fifteen, ten, five, or completely get rid of it. A lot of the folks have scientific backgrounds. Dr. Lucier is a scientist and knows what he is talking about. This was science based information. You can talk that if the Board passes it, they are not going to hurt the environment. The truth is that it will. Environmental protections will be weakened in Chatham County. Saying it over and over will not make it so.

Chairman Bock stated that if you say the other enough times, doesn't change it either. Commissioner Kost is saying things that are facts that are her opinion. This state has a range of three to eighteen for ephemeral streams. We looked at what the Environmental Review Board had to say. They looked at the Jordan Lake Rules and fifteen falls within it. It is Commissioner Kost's opinion that buffering anything above a three is going to weaken it. It is not a fact.

Commissioner Stewart asked if anything they did wouldn't weaken it stating that building would weaken it. She asked what was realistic.

Vic D'Mato, 160 Crows Creek Road, Pittsboro, NC, Environmental Review Board Chairman, stated that he had been anxiously listening to all the comments. He clarified that what is in the distributed report, there was disagreement. There was a very lively but friendly discussion. In honest disagreement where half of the community members agreed with staff's recommendation of ten and half looked at the data that Mr. LaMontagne had presented before that showed that ephemeral streams go down to three. It was unanimous to everyone on the Environmental Review Board that they did not want to weaken anything. With that in mind, some chose a more conservative response which was five at the bottom part of the graph which is what they felt they needed to do to protect the ephemerals.

Mr. LaMontagne clarified that the data that was presented from DWQ was from five to about sixteen and one-half. The reason they went with ten was that 9.8 was the average of the data set that they had.

Commissioner Petty moved to accept the recommendation of the Watershed Review Board.

Further comments ensued with regard to the recommendation.

Mr. LaMontagne explained that the Watershed Review Board was divided on that one item stating that half voted for five and half were for ten. He stated that the item that was proposed and in bold under each item above was what the Watershed Review Board recommended and the vote that accompanied it.

Chairman Bock recommended that the points on which the Board agrees is to look at each one individually rather than vote on it as a whole. He expressed concern that there would be those voting "no" on the entire thing if it was voted on that way as opposed to voting on sections.

Commissioner Kost stated that was correct, but that is true of a lot of what the Board does. She stated that she would not support fifteen because Mr. Keisler said that 53% of our ephemeral streams are part of the complete water shed. She stated that she didn't know if it was bumped up to fifteen, how many ephemerals that will not be protected or buffered, but it has to be a pretty large number if only those between fifteen and eighteen are to be buffered. She stated that was her point about it weakening the environmental protections which was based on the math.

Chairman Bock stated that there were a lot of opinions being stated. It isn't opinion that global warming is going to increase temperatures by 10-15 degrees. He stated that they have to be careful if someone has a "doctor" behind their name. Very educated people can have a different opinion based on the same data.

Commissioner Petty reiterated his motion to accept the Watershed Review Board recommendation with a change of a minimum score of fifteen on the ephemeral streams. Commissioner Stewart seconded the motion.

Commissioner Kost reiterated that there were nineteen speakers who spoke in favor of keeping a much more stringent ephemeral stream buffer than fifteen. Zero spoke in favor of the proposed motion. She agreed with Ms. Hawe and asked why they even bothered.

Chairman Bock asked if twenty-five people had shown up and supported fifteen, would Commissioner Kost have voted for fifteen. Commissioner Kost stated that she would have listened to them.

Chairman Bock called the question. The motion carried three (3) to two (2) with Commissioners Kost and Cross opposing.

Commissioner Stewart stated that they want to be serious about the water quality and where the most damage is coming from. It is from the tributaries that are coming in from outside of Chatham County. There is a lot of pollution that comes in that affects our water quality.

BREAK

Chairman Bock called for a short break.

Commissioner Kost moved to reconsider the vote that was just taken regarding the changes to the Watershed Protection Ordinance. Commissioner Cross seconded the motion.

The County Attorney stated that the motion should be made by someone who voted in the majority.

Commissioner Petty stated that during the break, he had a chance to speak with the County Attorney. When they were unable to break it apart and deal with it on an item by item basis, he didn't want to vote against the whole report. After seeking guidance from the County Attorney, he was told that he could make a motion to reconsider at a level of ten rather than fifteen.

The County Attorney explained that what the Board is voting on now is whether to reconsider the motion.

Commissioner Petty moved, seconded by Commissioner Kost, to reconsider the motion. The motion carried five (5) to zero (0).

Commissioner Petty moved to accept the Watershed Review Board recommendation with a change of a minimum score of ten on the ephemeral streams. Commissioner Kost seconded the motion. The motion carried five (5) to zero (0).

Public hearing to receive public comments concerning the execution and delivery of an installment financing contract refinancing two previous installment contracts with RBC Bank. Vote on a request to approve a resolution pertaining to refinancing of an installment contract with RBC Bank

Vicki McConnell, Assistant County Manager and Finance Director explained the specifics of the request as follows:

The Chairman opened the floor for public comments.

George Lucier, 628 Redbud, Pittsboro, NC, stated that he supports the refinancing as it will save almost \$100,000. He also thanked the Finance Officer who has worked on these efforts many times before and is always looking to save the County money. He stated that the County has continually received great audits. The Finance Office get awards, the audits are great, there never seems to be an issue when we try to upgrade our bond ratings and a lot of the credit goes to Vicki McConnell and Renee Paschal.

Chairman Bock reiterated that every refinancing saves approximately \$90,000.

The Chairman closed the public hearing.

Commissioner Petty moved, seconded by Commissioner Stewart, to adopt **Resolution #2012-____ of the Board of Commissioner of the County of Chatham, North Carolina, Approving a Contract and the Delivery Thereof and Providing for Certain Other Related Matters**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

BOARD PRIORITIES:

Resolution Supporting Charter Schools in Chatham County: Vote on Resolution Supporting Charter Schools in Chatham County

Chairman Bock stated that there were a lot of good comments during the discussion regarding the resolution. He asked if it would be possible to amend the resolution.

Chairman Bock read resolution in its entirety. He asked if the resolution could be amended to include that it encourages collaboration between the Chatham County Board of Education and the charter public schools. He asked if everyone would be okay with that change.

Commissioner Kost stated that the resolution could be changed, but she still would be unable to vote for it. She prefaced her comments by stating that this in no way reflects on Woods Charter or Chatham Charter, but her main issue is the way that charter schools were set up in North Carolina. She stated that right now, our budget process is such that that the Chatham County Board of Education has to come to the Board of Commissioners and justify their budget. Last year, they were put through the “ringer”. A lot of questions were asked about their budget and the funding. Then the Board of Commissioners turned around and had to return the money to the charter schools without them having to provide any type of justification. This is taxpayer’s money. The Board of Education is elected. The charter school boards are appointed. She stated that her issue is one of accountability to the Chatham County taxpayers. The charter schools do not have an elected board who is reviewing how those local funds are spent and how they are used.

Commissioner Kost further stated that another concern is one of diversity. She stated that she believes if Chatham Charter is reviewed, they don’t have the diversity. Part of the issue is what Mr. Logan referred to when he spoke about the issues of transportation. Many of the points that were made by Mr. Logan she supports. She asked if there are these

obstacles in the public school system that are preventing the traditional public schools to succeed, then why are we not passing resolutions to get rid of the obstacles as opposed to passing a resolution saying we want more charter schools. She stated that her issue is to get rid of the “straps” and restrictions so that all of the public schools can be successful stating that until that is done, she cannot support the resolution that will encourage more charter schools.

Chairman Bock stated that, based on those comments, the Board probably does not need to revise the existing resolution. He stated that he would like to work with Ms. Maser on a separate resolution that does exactly what Commissioner Kost said. He stated that the Board of Commissioners has very little impact on changing the traditional public school and the restraints that they have on them.

Commissioner Petty moved, seconded by Commissioner Stewart, to adopt the current resolution as written. The motion carried three (3) to two (2) with Commissioners Kost and Cross opposing.

Planning Board 2011 Annual Report

Planning Board Chairman, Karl Ernst, presented the 2011 Annual Report to the Board of Commissioners as follows:

CHATHAM COUNTY PLANNING BOARD ANNUAL REPORT – 2011

Mission and Goals –

The mission of the Planning Board is defined in “AN ORDINANCE ESTABLISHING A PLANNING BOARD FOR CHATHAM COUNTY, NC”. Key goals are to provide the best analysis of pending planning issues resulting in considerate recommendations to the Board of Commissioners (BOC) to assist in their decision-making process.

Summary –

For the past year, the Planning Board’s primary objective for planning has focused on revitalization of Chatham County’s economy through practical use of ordinances and regulations to nurture responsible growth in the County. The Planning Board plans to continue pursuit of this objective in concert with the BOC, Planning Department Staff, and County Residents during the coming year.

Eight new members were appointed to the Board in 2011. In September, Vice Chairman Karl Ernst assumed the Chairmanship due to the resignation of the current Chairman. In October, Mr. B.J. Copeland was elected Vice Chairman.

The Board revised its “Rules of Procedure” to facilitate smoother processes and more efficient operation. The Board met 11 times during the year, considered 7 major subdivision applications, 5 text amendments, 1 subdivision variance request, and 16 zoning amendments. Board members also attended 6 public hearings.

Based on research and development by Staff, the Planning Board recommended text amendments to subdivision and zoning ordinances. These revisions were aimed at reducing time requirements for the application process and duplication of efforts.

In support of the objective for economic revitalization, the Planning Board met with the Chatham County Economic Development Corporation (EDC) to discuss ways to realize that objective through the planning process. An EDC-commissioned “Economic Development Strategic Plan” has been developed for guidance.

Priorities for 2012 –

The Planning Board is approaching 2012 by indentifying several issues requiring consideration and development including:

- Land-Use planning and mapping, including the Joint Land Use Plan with the Town of Cary
- Re-examination of Conditional Use Permits – format and process
- Continue review of subdivision and zoning ordinances to ensure responsible development while streamlining procedures and eliminating conflicts between processes
- Evaluation of infrastructure needs for economic development- e.g. water and sewer needs

Chairman Bock asked what challenges the Planning Board expects to have with which the Board of Commissioners can expect to help.

Mr. Ernst stated that the challenges as far as economic revitalization is somehow “jump starting” what they have in place to get it back to where growth is again in front of them. He stated that growth means not just having more developments, its bringing industry and businesses into the County. We have got to approach a practical viewpoint. We have good things here. There is a workforce that is “top of the heap” regarding capabilities. He stated that if they had a choice, he is certain that they had rather not have to commute. If whatever they can do to turn it around, the Planning Board is solidly behind it. He asked that the Board of Commissioners continue to support the Planning Board in what they do, and in turn, they will support the Board of Commissioners.

Chairman Bock asked if Mr. Ernst was aware of the date of the next Joint Land Use Subcommittee Meeting with Cary stating that it was April 12, 2012. He stated that the Board of Commissioners would like to have a recommendation from the Planning Board prior to that date.

Pittsboro Fire Department Medical Response Vehicle: Vote on a request to assist Pittsboro Fire Department with a purchase of a medical response vehicle in the amount of \$24,976.89 (Pittsboro Fire Letter, State Contract, Specifications, Resolution)

Darrell Griffin, Pittsboro Fire Department Chief, stated that the Asbury Fire Station is now up and running. In 2009, they were given an extra \$200,000 from 3M. At this time, they were looking for land on which to build a new fire station. The federal government opened a station grant process for the first time. They applied and were awarded the grant. Between the \$200,000 from which they purchased trucks and land, they had to put \$100,000 with the grant into the purchase of two trucks at the worst economical time. He stated that call-volume has increased. There is one person on staff during the day and two on the weekends. They are now running all medical calls with their engine. There are some areas that do not have medical coverage, only fire coverage. He stated that they had areas within two miles that are in the Goldston Fire Department District. In 2009, they asked the Emergency Operations Director for possible help with a truck. At this time, they are asking for \$24,976.89 for help with this truck

Chairman Kost asked if this pot of money is set aside for this purpose.

The Finance Officer explained when this fund was first set up, it was when the County had active rescue squads when they didn’t have First Health; therefore, they helped the rescue squads purchase vehicles.

Chairman Bock asked if the Board would have to buy more vehicles for the two new fire stations in the east. Mr. Griffin replied that there would be four trucks needed in north Chatham.

Chairman Bock asked if the request was not granted, what would happen. Mr. Griffin explained that it would be put in next year's budget.

Commissioner Kost stated that she looked at their budget during the budget cycle and at that time, they were worried about it. She stated that it was a pretty tight budget, especially with a new station opening.

Mr. Griffin stated that all of their extra money went to staffing and they are staffing three stations with six people.

Commissioner Kost moved, seconded by Commissioner Cross, to approve the assistance for the Pittsboro Fire Department with a purchase of a medical response vehicle in the amount of \$24,976.89. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

The County Manager reported on the following:

Retreat Priorities:

During the retreat, the Board of Commissioners established some Board priorities and staff is developing strategies on which they are working. It is not yet ready for presentation, but will be ready in the near future.

COMMISSIONERS' REPORTS

Monthly Board of Commissioners' Meetings:

Chairman Bock explained that during the retreat, the Board discussed various ways to save money out of next year's budget. He stated that there was a discussion regarding holding one meeting per month instead of two meetings per month. He stated that it would save a lot of money per year; however, he doesn't feel that they have done a good job in letting people know what it would be with regard to workloads, money savings, etc. He recommended that it not be implemented the one meeting per month until the next fiscal year beginning July, 2012.

Commissioner Cross stated that he understands we have eleven public hearings next month.

The County Manager explained that the Board would have had those meetings even if they had held two meetings.

Chairman Bock asked if everyone is okay with the implementation of one meeting per month until July, 2012.

Commissioner Kost stated that she would like to see an estimate of how much would be saved with holding one meeting per month.

Commissioner Cross moved, seconded by Commissioner Petty, to implement the one meeting per month until July, 2012. The motion carried five (5) to zero (0).

The County Attorney explained that a new calendar would need to be adopted at the next meeting.

Black History Month:

Commissioner Kost stated that February is "Black History Month" and normally a resolution is adopted. She stated that on Sunday, February 26, 2012, the Chatham Arts Council is showing two films in celebration of "Black History Month". It will be held at Farrington at 2:00 PM.

RPO Meeting:

Commissioner Kost stated that she attended the RPO meeting last week. One of the handouts, "The RPO as a Regional Planning Organization for Transportation", had an article that stated when they start this next long-range plan for the entire state, they are starting with level of service (LOS) of a Grade C and we are still forty-five billion dollars in the hole. She asked that the Deputy Clerk distribute a copy of the PowerPoint to the Board of Commissioners as she thinks there is information of which the Board needs to be aware.

Sierra Club:

Commissioner Kost stated that she had had a request from the Sierra Club to have a presentation regarding where we are now with fracking, the potential benefits, and potential impacts on the environment. She asked that it be placed on the second April meeting of the Board of Commissioners.

The County Manager reminded the Board that that was the same meeting at which eleven public hearings were scheduled to be held.

Commissioner Kost suggested holding it during the first Board of Commissioners' meeting in April.

Chairman Bock stated that they would work on something.

TJCOG:

Commissioner Cross stated that the TJCOG and NCACC are working to put together some information on fracking. He stated that staff might wish to check to see when that would be ready.

Chairman Bock suggested that both be done at the same time.

ADJOURNMENT

Commissioner Petty moved, seconded by Commissioner Cross, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 8:36 PM.

Brian Bock, Chairman

ATTEST:

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