

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
JANUARY 03, 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 January 03, 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, wished everyone a “Happy New Year”, and called the meeting to order at 6:01 PM.

AGENDA AND CONSENT AGENDA

Commissioner Petty asked that a Closed Session be added to the end of the meeting to discuss an item for the purpose of consulting with the County Attorney on matters within the attorney/client privilege.

Commissioner Petty moved, seconded by Commissioner Cross, 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 Regular Session held December 05, 2011 and for the Work Session held December 05, 2011

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

2. **Fiscal Year 2011-2012 Budget Amendments:** Vote on budget amendments as proposed by staff, attached hereto and by reference made a part hereof.

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

3. **Purchase Agreements with Historic Preservation Foundation Of North Carolina, Inc.:** Vote on Option to Purchase Agreements for the McClenahan House, the Terry-Taylor House, and the Patrick St. Lawrence House and allow the County Manager to sign the agreements on behalf of the County. The total purchase price for the three houses is \$75,000.00. (Option to Purchase Agreement for the McClenahan House, Option to Purchase Agreement for the Terry-Taylor House, Option for Purchase Agreement for the Patrick St. Lawrence House)

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

4. **Health Department General-Aid-to-County Funds:** Vote to accept recurring additional General-Aid-to-County Funds in the amount of \$14,122 awarded to the Health Department

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

5. **Tax Releases and Refunds:** Vote on tax releases and refunds, attached hereto and by reference made a part hereof.

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Elaine Chiosso stated that it was her understanding that with regard to stream buffers it has been decided to eliminate the categories of “seeps and springs”. She asked what problem we are actually solving as we look at the Watershed Ordinance and the buffers. What problem has emerged with the current language? She stated that it seems like it is a more conservative approach to let an ordinance be used and see how the variance process works as that is the first thing one does when there is a problem and an ordinance has the ability for variances. If there seems to be a constant use of variances, then that is the time the language might be changed as most development slowed considerably during that period of time. As we look at springs and seeps, tonight’s abstract said they could be eliminated because they would be covered under “wetland and stream protections”. There is such a functional difference about springs and seeps than especially headwater streams and wetlands which is the groundwater connection. A spring and a seep are both groundwater coming up. A seep does it over a diffused area and a spring comes up from a single point. Ephemeral streams are the first capture of stormwater. She stated that she feels we need to be very careful about protecting the actual effect they have on the landscape and the way they are operating. She stated that she saw, during the time of great development, a historic spring that was bulldozed. She further stated that you can’t build something on a landscape and expect it to go away. The spring came back up. She urged that no “piece-meal” changes be made to the ordinance until everything is considered.

Ms. Chiosso provided written comments provided to the Board of Commissioners on Chatham Stream Buffers as follows:

“I am writing to you to provide more information on the importance of protecting small headwater streams and other waters in Chatham County. As a former member and chair of the Chatham County Environmental Review Board (ERB), I was involved in the development of new riparian buffer standards for Chatham County, tasked with this work by the former Board of Commissioners. Chatham County’s development boom of the mid 2000’s revealed how little protection our streams had when large swaths of land were being bulldozed and disturbed for new golf courses, houses and shopping centers. Under our old Watershed Protection Ordinance only “blue line” streams – perennial and larger intermittent streams mapped by USGS and/or certified by the state were buffered by vegetation, down to the water’s edge. The Haw River Assembly and many local citizens believed that many smaller streams were not being protected that should have been and watched as the ineffective protections resulted in widespread destruction and sedimentation of headwater streams.

An ephemeral stream is the first capture of water on the landscape – when it rains, the ephemeral stream is the natural path that water will take as it flows downhill to meet larger streams, and eventually a river. A channel of an ephemeral stream always lies above the water table and only has water flowing through it during or soon after rainfall. If you stand in a forest hillside in a rainstorm you can watch how water will gather to form a small stream. After the rain, signs of the path the water took remain, by rocks that are now

exposed, or types of plants or small creatures that like the wetter soil there. These “surface water arteries” are extremely important and represent the majority of the stream mileage in any watershed. They play a critical role in removing pollutants from the runoff before it enters larger streams and rivers. Once pollution reaches these larger streams and rivers, it is too late and the damage is done. The damage is directly proportional to the cost of drinking water treatment for the public. Therefore, the less protection of ephemeral buffers, the greater the cost to the public.

Without the kind of buffer protections afforded to larger streams, any ephemeral stream and its associated adjacent woody buffer would be subject to being totally removed from the landscape - piped or excessively crossed by roads, or bulldozed as the land is cleared--without regard to the important role it plays in carrying water off the landscape. That water will still flow downhill to a larger stream, but may now just be a conduit of mud, or polluted stormwater without the natural vegetation that once buffered it, and soil/rock interaction of the original channel. And without those streams and buffers the amount of water the ephemeral stream carries from denuded or disturbed land may far exceed the original velocity, causing scouring and erosion downstream. Property owners downstream may also be faced with flooding on their lands due to this increased stormwater velocity.

Under the current rules, buffers may be crossed or impacted for the reasonable use of the property, such as road, driveway and utility crossings. The buffer standards do protect streams from total removal. No mitigation is required for losses, so there are no negative financial impacts. The ordinance includes exemptions for existing lots, agricultural and silvaculture use as well as “allowed structures” within the buffer by permit, such as road crossings, utilities, and safety features when there is “no practical alternative”. There is also a process by which landowners can appeal for a variance from the buffer requirements.

Before the current ordinance was passed, other small but critically important waters also did not have any buffer protections under the law, including springs, seeps and wetlands. A spring that is bulldozed in the process of land clearing will still be a conduit of groundwater and may become a serious water problem for what is later built on that site. A wetland without natural vegetative buffers around it may become filled with mud during construction, and lose much of its function as a filter of nutrients and pollution. These buffers protect the “headwater and recharge zones”.

The size and extent of springs, seeps and wetlands that require buffering could be more clearly articulated in the ordinance. For example, a policy decision by the former Chatham County Director of Environmental Resources Division was that if the seep, spring or wetland was less than 500 square feet in area (ie: 20' X 25'), it did not need to be buffered. However if it was a jurisdictional wetland, below this size threshold, the wetland itself would always be protected.

The new buffer ordinance signed into law in Chatham County in January 2008 has the following classifications and sizes:

(D) Buffers by Surface Waters Classification.

1. *Perennial Streams* - The riparian buffer shall be one hundred (100') feet landward, measured horizontally on a line perpendicular from top of bank; this distance shall be measured on all sides of perennial streams, or shall be the full horizontal extent of the Area of Special Flood Hazard ² as most recently mapped by the North Carolina Floodplain Mapping Program, NC Division of Emergency Management, whichever is the greater horizontal distance.
2. *Intermittent Streams* - The riparian buffer shall be fifty (50') feet landward, measured horizontally on a line perpendicular from top of bank; this distance shall be measured on all sides of intermittent streams.
3. *Ephemeral Streams* - The riparian buffer shall be thirty (30') feet landward, measured horizontally on a line perpendicular from top of bank; this distance shall be measured on all sides along all ephemeral streams.
4. *Wetlands* - The riparian buffer shall be fifty (50') feet landward, measured horizontally on a line perpendicular from the delineated boundary, surrounding all features classified as wetlands and linear wetlands.
5. *Seeps and Springs* - The riparian buffer shall be thirty (30') feet landward surrounding all seeps and springs measured horizontally on a line perpendicular from the delineated boundary.

Concerns expressed by developers are that the buffer ordinance would not allow the best placement for a BMP (Best Management Practice) stormwater feature could be addressed through the county's variance procedure, not by eliminating the regulation itself. If it was shown that a BMP placed in the buffer would result in less overall environmental and stream damage, then there might be a better alternative as a variance, as long as the BMP is designed to maintain the right volume and velocity for a storm event.

Reliance on the previous minimum standards to protect our streams, and the ineffective enforcement by the state to make sure even those were followed, brought long-lasting damage to Chatham County. Deep cuts in current state agencies that inspect and enforce water quality protections mean even less oversight is in place. The buffer ordinance is based on sound science and engineering practices. Instead of considering removing buffers for ephemeral streams, wetlands, seeps and springs, it would be better to review the existing buffer ordinance and the variance process and if necessary, provide more clarity and definition.”

Commissioner Petty asked for clarification on the first capture of stormwater. Ms. Chiosso explained that an ephemeral streams are the first capture of stormwater. A seep is a type of spring.

Peter Theye, 1065 Boothe Hill Road, Chapel Hill, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“Good Evening,

Thank you for the opportunity to address the board tonight.

Mike and Sally, these comments are not directed at you. It might be a good time to step out and get some coffee.

This board's dismantling of the environmental protections embedded in our ordinances breaks my heart. I understand why you, Brian, don't value the natural resources of Chatham. You have no real roots here. I don't think you have ever had a job in the county, your pizza place is in Cary, and I doubt you will be buried here.

But you, Brian, Pam and Walter. I don't get it. You had to have seen all the mud being washed into the Haw River and Jordan Lake from developments like Westfall,

Chatham Downs, The Legacy, The Preserve, The Parks at Meadowview, or Chapel Ridge. Eight years ago or so, the part of the county I live was turned into a mud hole. Tons of sediment and turbid water flowed off the development sites and into the streams. Our county and DENR could or would do nothing about the destruction occurring.

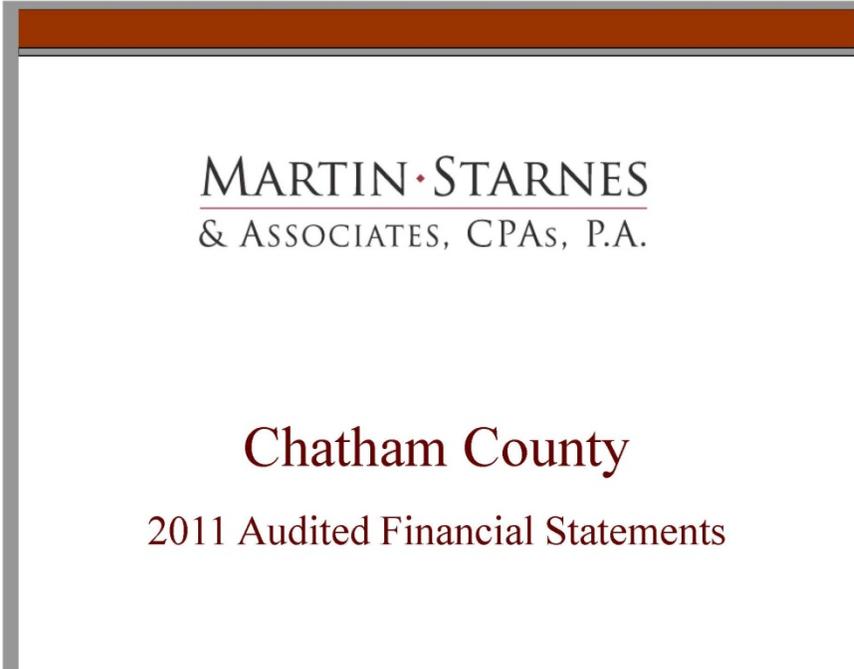
Just recently, next door, Lystra Preserve was developed and put on the market. It was done wonderfully. Seeps and springs were located and buffered. The Soil and Erosion Control Plan reviewed and approved by county staff was implemented and maintained by the grading contractor. I monitored this site closely and never observed any negative offsite impacts. What nice a change from before.

Pam, you and Walter are aware that the southwest corner of Chatham will very likely be impacted by growth coming to Fort Bragg. It may not happen while you are on this board, but your decisions now, will guide those future developments. Do you really think these future developments won't happen if you protect seeps, springs, and ephemerals? Come on you two. This is our home."

BOARD PRIORITIES:

Presentation of Fiscal Year 2010-2011 Comprehensive Annual Financial Report:
Presentation of annual audit report

Vicki McConnell, Chatham County Finance Officer introduced Mr. Shane Fox with Martin Starnes & Associates who presented a PowerPoint on the Chatham County 2010-2011 Comprehensive Annual Financial Report as follows:



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& ASSOCIATES, CPAs, P.A.

Chatham County
2011 Audited Financial Statements

Audit Highlights

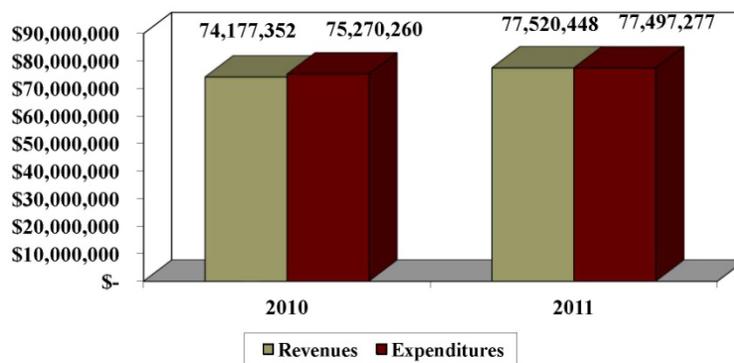
- Unqualified Opinion
- No findings or questioned costs
- No material internal control weaknesses identified
- Cooperative staff

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Audit Process

- Planning and risk assessment
- Interim procedures
- Final procedures
- Year-round process

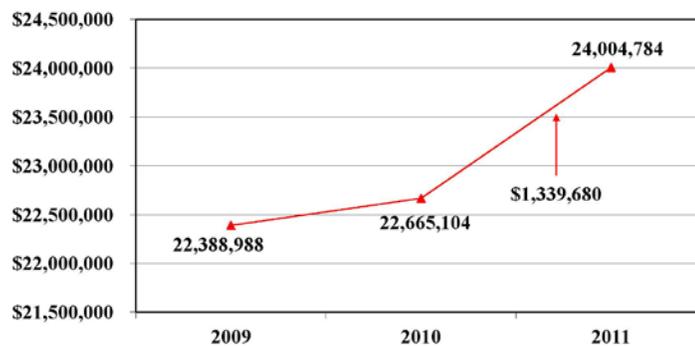
General Fund Summary



Fund Balance

- Serves as a measure of the County's financial resources available.
 - Assets – Liabilities = Fund Balance
- 5 Classifications:**
 - **Non spendable** - not in cash form
 - **Restricted** - external restrictions (laws, grantors)
 - **Committed** - internal constraints at the highest (Board) level-do not expire, require Board action to undo
 - **Assigned** - internal constraints, lower level than committed
 - **Unassigned** - no external or internal constraints

Total Fund Balance General Fund



Fund Balance

Available fund balance as defined by the Local Government Commission (LGC) is calculated as follows:

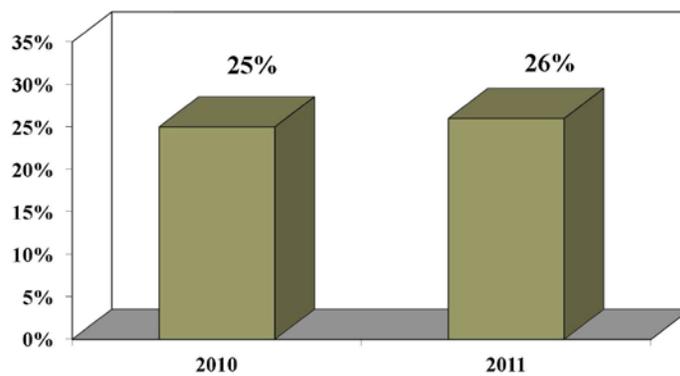
Total Fund Balance
Less: Non spendable (not in cash form, not available)
Less: Stabilization by State Statute (by state law, not available)
Available Fund Balance

This is the calculation utilized as the basis for comparing you to other units and calculating your fund balance percentages.

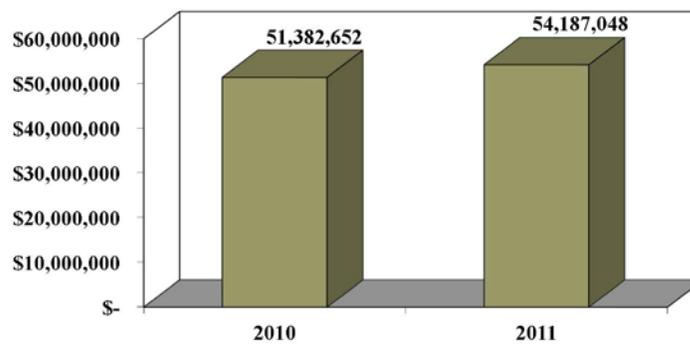
Fund Balance Position General Fund

□ Total Fund Balance	\$24,004,784
□ Non spendable	- -0-
□ Stabilization by State Statute	<u>- 3,703,273</u>
□ Available Fund Balance	\$20,301,511
□ Available Fund Balance 2010	\$18,917,356
□ Increase in Available FB	\$ 1,384,155

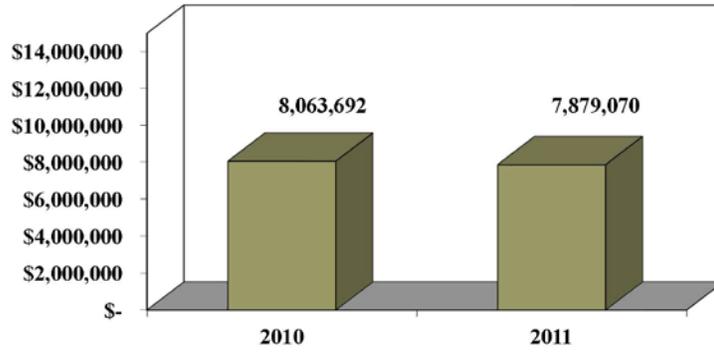
Available Fund Balance as a Percentage of Expenditures – General Fund



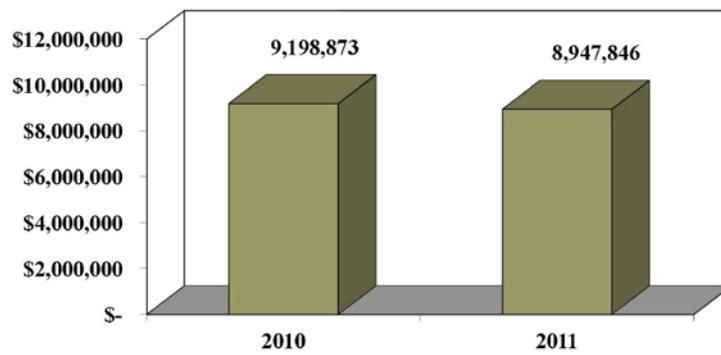
Property Tax



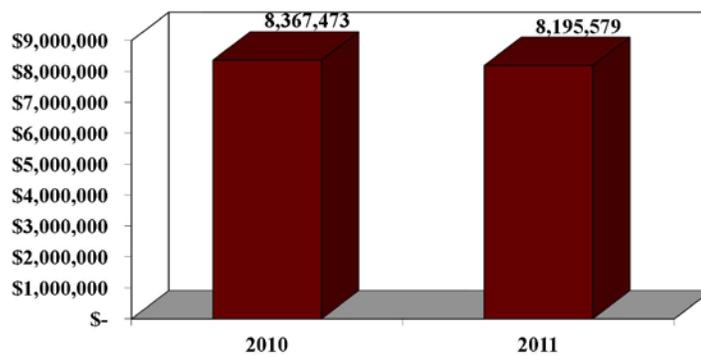
Sales Tax

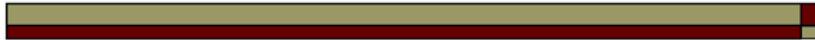


Restricted Intergovernmental

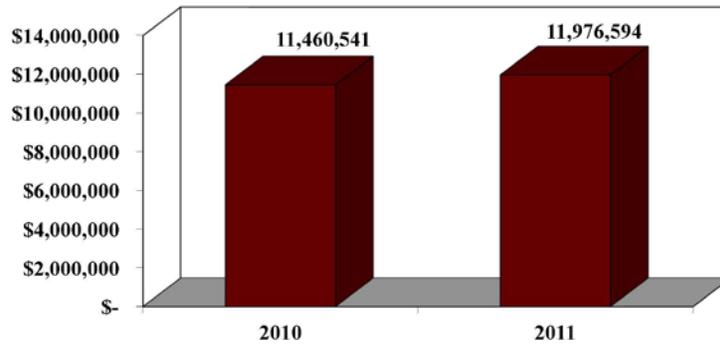


General Government

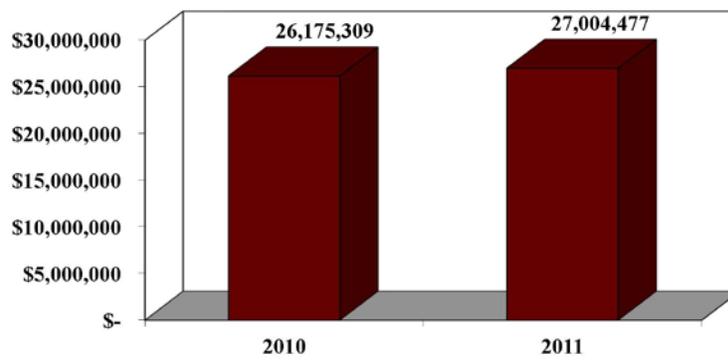




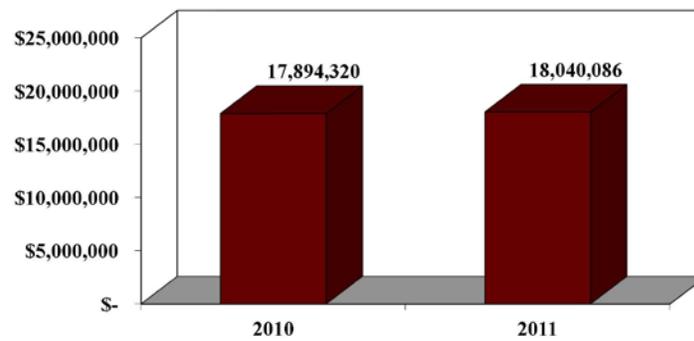
Public Safety



Education



Human Services





Debt Position
Governmental and Business-Type Activities

- Outstanding debt at 6/30/11: \$ 119,616,341

- Debt Margin at 6/30/11: \$ 695,485,964



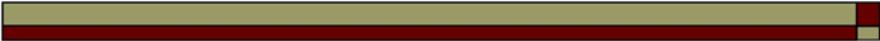
Enterprise Funds

	<u>Cash</u>	<u>Net Assets</u>	<u>Cash Provided From Operations</u>
□ Utility	\$20,774,798	\$49,944,393	\$1,872,786
□ Southeast Water District	\$ 435,573	\$ 732,609	\$ 202,735
□ Solid Waste Management	\$ 3,814,610	\$ 5,087,062	\$ 259,779
<i>Comparison to June 30, 2010</i>			
□ Utility	\$21,612,228	\$49,016,976	\$2,271,303
□ Southeast Water District	\$ 635,171	\$ 652,657	\$ 285,398
□ Solid Waste Management	\$ 3,333,094	\$ 4,801,975	\$ 412,697



Enterprise Funds
Operating Income or (Loss)

	<u>Revenues</u>	<u>Expenses</u>	<u>Income (Loss)</u>
□ Utility	\$6,065,705	\$4,699,046	\$ 1,366,659
□ Southeast Water District	\$ 588,714	\$ 318,756	\$ 269,958
□ Solid Waste Management	\$3,087,163	\$2,860,614	\$ 226,549
<i>Comparison to June 30, 2010</i>			
□ Utility	\$5,445,328	\$4,606,157	\$ 839,171
□ Southeast Water District	\$ 469,586	\$ 1,749	\$ 467,837
□ Solid Waste Management	\$2,804,645	\$2,614,383	\$ 190,262



Discussion & Questions



Chatham County

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Ms. McConnell and Mr. Fox answered questions from the Board.

Resolution with Town of Goldston: Vote on adoption of Resolution Authorizing the Finance Director to Purchase a Bond Anticipation Note Issued by the Town of Goldston

Vicki McConnell explained that on December 05, 2011, Tim Cunnup, Mayor of Goldston, came before the Board of Commissioners with a request to borrow \$700,000 for the County to aid with soft costs associated with installing a sewer line from Sanford to Goldston. Mr. Cunnup stated that they have permanent funding in place but that funding was not available at the present time to pay for engineering services that would be required to move forward with the project.

She stated that Chatham County will purchase a bond anticipation note issued by the Town of Goldston. After the project is designed and bid, the preliminary note purchased by the County will be paid off with a new BAN expected to be sold to a financial institution for the entire project. The Town has received a commitment from USDA for permanent financing. The County has agreed to a 0% interest rate with the understanding that all fees and costs associated with this transaction will be paid for by the Town of Goldston. The BAN will mature on August 30, 2012. The approval of the bond anticipation note is scheduled for approval by the Local Government Commission on January 20, 2012.

Commissioner Petty moved, seconded by Commissioner Cross, to adopt **Resolution #2012-01 of the Board of Commissioners of the County of Chatham, North Carolina Authorizing the Assistant County Manager & Finance Director to Purchase a Bond Anticipation Note Issued by the Town of Goldston, North Carolina**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Watershed Protection Ordinance Revisions: Update the Board of Commissioners on changes to the Watershed Protection Ordinance as it relates to buffers

Dan LaMontagne, Environmental Quality Director, explained that at the November 21, 2011 Work Session, the Board of Commissioners requested that the Watershed Protection Ordinance be modified to eliminate the categories of “Seeps and Springs” because these features are already regulated as either “Wetlands” or “Streams”. The Board also requested that a refined definition of “Ephemeral Streams” be developed.

This topic was presented to the Environmental Review Advisory Committee (ERC) which also serves as the Watershed Review Board (WRB) at the December 15, 2011 meeting. After discussion, the consensus of the ERC was to support the Commissioners' request.

At this point, staff needs direction from the Commissioners prior to finalizing the definition for ephemeral streams. While the State has no current plans to implement ephemeral stream buffers, they have collected data to identify the origination of these features. He stated that they have received data collected by staff at the NC Division of Water Quality regarding research being performed.

An additional item has been added to the Table of Uses in the Ordinance at the request of the NC DWQ. 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.”

Upon completion of the requested changes to the ordinance, staff will submit the revised ordinance to the WRB for review and recommendations as required by Section 503 of the Ordinance. Upon receipt of a recommendation from the WRB, the revised Ordinance will be presented to the Board of Commissioners and a public hearing will be scheduled. After approval by the Board, the revised ordinance will need to be submitted to the NC Division of Water Quality to ensure compliance with the Jordan Lake Rules. This review could take up to three weeks.

Commissioner Kost reiterated that there really is no change in “Seeps and Springs” and what is being protected, but that the definitions are causing confusion not that the protections are not being lessened.

Mr. LaMontagne stated that the seeps will be categorized as a wetland. If it is a significant seep, it will have hydrant soils which will define it as a “wetland”. Significant springs would also feed an intermittent stream.

Commissioner Kost stated that when Ms. Chiosso asked, “What problem are we solving?”, the answer is...

Mr. LaMontagne stated that they were looking at it as a redundancy within the ordinance.

Commissioner Kost stated that the question then was if we could use variances to address this issue, but Mr. LaMontagne is saying that we are not weakening it, so it really doesn't come into play.

Mr. LaMontagne stated that he thought it was causing confusion within the development community. Variances are always an option. Due to the lack of development, variance procedures are remaining in the ordinance.

Commissioner Kost asked if the springs would still be protected. Mr. LaMontagne stated that if it was a "spring", it would still be protected. It would conceivably continue to feed water and you would have another feature develop.

Commissioner Petty stated that as far as the timeline for the event Ms. Chiosso mentioned occurred, was it before anything was put into place?

Commissioner Kost stated that it was prior to a lot of the development along Old Graham Road.

Mr. LaMontagne stated that their intent was to clearly define it; that they questioned the Division of Water Quality (DWQ) as they knew that they were continuing to perform some research; however, they are not continuing to buffer those features at this time. He stated that they gathered the data and have gone through it; they have the stream identification sheets that they discussed to determine an intermittent or perennial stream; there are different individuals with individual water quality in the Piedmont area of North Carolina; the points have been assigned; and they derived the average score for the origin of an ephemeral stream of 9.8 points. It appears that a 10 is a good average number for the origin of an ephemeral stream. He stated that in order to check it, they went out into the field and looked at some features.

Mr. LaMontagne and Chris Hopper showed pictures, reviewed the scores of the features to show the various ranges of the scores, and answered questions from the Board.

Mr. LaMontagne stated that at this point, they have determined the average for the origin of ephemeral streams based on what the DWQ found. They verified some of the numbers to see really looked like the type of channel would be at a 10. He stated that they see this as a good number if it is the desire of the Board.

Chairman Bock thanked Mr. LaMontagne for all of the information. He asked if there is a development and the land is disturbed, if we require that they build a device or a basin, and if the basin is there to capture stormwater.

Mr. LaMontagne stated that there is an Erosion Control Plan to prevent the sediments from leaving the site. It is then converted to stormwater management after it is stabilized.

Commissioner Petty asked if the practices were in place in which the area that Peter Theye spoke. Mr. LaMontagne stated that he didn't believe they were, but he was uncertain.

Chairman Bock asked when we have a development and require the devices to be in place, if they then act as an ephemeral stream would act. Mr. LaMontagne explained that they capture the runoff from the site as an ephemeral stream does. The ephemeral buffers are mainly for phosphorus removal which is generally attached to sediment. There is not a lot of evidence for nitrogen removal from ephemeral buffers. The stormwater devices do remove phosphorus and nitrogen.

Chairman Bock asked if we were really installing an ephemeral stream in a pond format. Mr. LaMontagne stated that was a fair assumption.

Commissioner Kost asked if that was for all development.

Mr. LaMontagne stated that it was for anyone disturbed over 20,000 square feet.

Commissioner Kost asked if we just weakened the square footage from 20,000 to 40,000 square feet. Commissioner Cross stated that that strengthened it. Mr. LaMontagne confirmed that they strengthened it stating that it was 25,000 and went to 20,000.

Chairman Bock stated that an ephemeral stream could be created by almost anything from water flows. He stated that what the Board directs Staff to do on ephemeral streams will not have an impact on erosion control.

Mr. LaMontagne stated that if we go to a score of 10 on ephemerals, it will free up the other areas in the low parts of the development to be used for sediment basins. It will not have an impact on the erosion control other than allowing basins in places where they are not currently allowed.

Chairman Bock stated that he could see the emotional appeal to buffer these streams. Mr. LaMontagne stated that it captures the stormwater leaving the site, treats it for nutrients, and releases it into the same area.

Commissioner Stewart asked if this should be confused with an intermittent type stream of water, as it would be a seasonal body of water that stays in place longer than an ephemeral stream stays in place. Mr. LaMontagne stated that was true.

Commissioner Kost stated that she thought the Board had directed Erosion Control Staff to come back with a change in the ordinance from 20,000 to 40,000 square feet.

Chairman Bock stated that the Board had changed the Environmental Impact Study requirement. He stated that they had discussed erosion control numerous times, but they have always left saying they are not changing it. The purpose of the ephemeral, the device does the same thing as the ephemeral, but he doesn't understand why there is a separate category for ephemeral buffering

Commissioner Petty stated that he doesn't think it becomes an issue until it gets up in the 15 category.

Mr. Hopper stated that in a lot of ways, they provide different functions. One focuses water to treat it. The other spreads it out so that it is allowed to percolate down into the soil. By freeing up the 3 to 9.75 features, you free up a lot of space to accommodate them.

Mr. LaMontagne stated that they have tried to come up with a compromise that is acceptable and protects the head-waters of the intermittent and perennial streams and at the same time, frees up land for some features to be developed in those areas that are natural drainage areas on the site.

Chairman Bock stated that he is having trouble giving directions to buffer ephemeral streams as we are already buffering the wetlands and streams.

Commissioner Kost disagreed stating that it is an environmental issue. She stated that there is a lot of hard science behind it. She stated that she wasn't a Commissioner when this was done, but she was on the Planning Board and attended all the Environmental Review Board meetings at the time. She stated that there was a lot of science and discussion behind it and the impact of protecting ephemerals and the impact on water quality. If we don't protect ephemerals, we are weakening our environmental protections.

Commissioner Petty stated that if we are providing the stormwater devices, are we not protecting the streams without buffering them.

Commissioner Kost stated that not all developments were going to have those stormwater devices.

Commissioner Cross stated that it does provide some protection. The ponds are for heavy rain and a lot of water at one time in order to direct it to that point which does help the ephemeral because it doesn't all hit it at one time. It does take out some nutrients. There is no one in their right mind going to build anything on it anyway. The more protection we have, the better off we're going to be in the long run.

Commissioner Petty stated that by at least raising the level, the point system opens up some more area without sacrificing anything as the stormwater devices are in place to provide what it being taken away.

Commissioner Cross asked if there could be a buffer but not quite as large.

Mr. LaMontagne stated that the buffer is thirty feet on each side.

Chairman Bock asked if there could be compromise between level 3 and no buffer.

Commissioner Kost stated that she could not say what the point number should be because she would like the technical committee, which they asked to look at it, to make a recommendation. Staff is saying 10 as a compromise, but she would like the Environmental Review Board to look at it and make a recommendation.

Chairman Bock stated that the idea is to give direction to Mr. LaMontagne to take to the Environmental Review Advisory Committee. Mr. LaMontagne stated that they did go to the Environmental Review Board about this topic and talk about the DWQ having done the data gathering throughout the Piedmont, which is probably the best data that they are going to get regarding the origin of the ephemeral streams in North Carolina and the Piedmont. He stated that the Environmental Review Board concurred with it.

Commissioner Petty stated that the compromise is a good idea. He stated that he is comfortable with making 15 the set point based on what has been presented.

Commissioner Cross clarified that his 20 was not referring to the skill. He stated that rather than not have a buffer at all on ephemeral streams, he could compromise for a 20 foot instead of a 30 foot, but he would still like to have a buffer.

Commissioner Petty moved, seconded by Commissioner Stewart, to define an ephemeral streams with a score of 15 (where we are currently using 3). The motion carried three (3) to two (2) with Commissioners Cross and Kost opposing.

Chairman Bock clarified that the guidance is to change the definition of ephemeral stream to 15 and to not dismantle all of the protections for water.

Mr. LaMontagne stated that they will make those changes to the ordinance, will get with the Environmental Review Committee for their recommendation, and will bring it back to the Board of Commissioners and at that point, schedule a public hearing.

MANAGER' S REPORTS

The County Manager reported on the following:

Audit Clarification:

Ms. McConnell stated that the schedule on page 122 is actually the water vehicle replacement reserve. The General Fund transfer is on page 118 where they transferred \$452,000.

Commissioner Kost congratulated the Finance Office Staff for their outstanding job.

COMMISSIONERS' REPORTS

Fracking Dates:

Commissioner Kost stated that the DEHNR public hearing dates on fracking are as follows:

March 20, 2012 6:30-9:30 PM Sanford

March 27, 2012

6:30-9:30 PM

East Chapel Hill High School

She stated that fracking is a big concern for many of the residents in Chatham County. She stated that the State of North Carolina should have held a public hearing or should schedule one in Chatham County as opposed to having one in Orange and Lee Counties. It is our citizens that are being impacted. She asked the Board of Commissioners to consider writing a letter to the State requesting that a third public hearing be held in Chatham County for the citizens who live here.

By consensus, the Board agreed.

Commissioner Kost asked that the County Manager review his notes and report on her past requests.

Verizon:

Commissioner Stewart stated that it appears that Verizon is expanding its offering on home/internet wireless telephone service. She stated that her Dad had been offered long distance and local calling through Verizon instead of CenturyLink. She stated that he didn't believe it would work, so he was sent a little black box which he plugged in to power. It is not connected to a phone line/jack and goes directly into the power. He now has service at his home through a phone and wireless internet. She stated that when she called about it, she was told that they are expanding this offer.

Commissioner Petty asked if Verizon would make it available to everyone as it is utilizing power utilities.

Commissioner Kost asked if the MIS Staff could get with Verizon and look into this.

Commissioner Stewart stated that she had already done so. She stated that they are expanding this service and are contacting people. She also stated that she had asked a Verizon representative to call.

Commissioner Kost stated that she would like to know the overall plan, how fast they're going to roll it out, and where it will be located.

Parker Farm Land:

Commissioner Cross stated that the Board needs to clarify that in Paul Messick's email, where the Parker Family discounted \$20,000 if the County uses the "Parker" name in the facility of whatever was built there, was actually "Parker Ridge". He also stated, as discussed in previous meetings, Tim Parker who lives adjacent to the property would like to lease the forty plus acres of fields to farm at a rate of \$50.00 per acre to Gary Thomas who farms.

Commissioner Kost asked if the Board should consider other offers.

The County Attorney stated that the Board did not have to do that, but they do have to give a notice that they intend to enter into a lease on a certain date and publish it.

Commissioner Cross stated that five years would be short term for a farmer.

The County Attorney explained that it could be done year-to-year.

Commissioner Cross stated that he would file every year with Co-Operative Extension who was farming the land. He asked for a contract date for the purpose of advertising.

The County Attorney explained that it had to be advertised for ten days in the newspaper prior.

Co-Operative Extension Luncheon:

The annual Co-Operative Extension luncheon for the Board of Commissioners to receive their annual report will be held on February 06, 2012.

Public Hearing on Chatham-Cary Land Use Plan:

Commissioner Kost asked that the Chatham County Planning Staff use the Cary mailing list to notify the Chatham citizens of the public hearing on the Chatham-Cary Land Use Plan to be held in Cary.

Parker Farm Land:

Commissioner Cross clarified that the notice in the newspaper is an intent to enter into a lease. The County Attorney explained that it would be up to the Board, and that they would not be obligated to go with a higher bidder.

CLOSED SESSION

Commissioner Petty moved, seconded by Commissioner Stewart, to go out of Regular Session and convene in Closed Session for the purpose of consulting with the County Attorney on matters within the attorney/client privilege under GS 143-318 11(a) (3). The motion carried five (5) to zero (0).

REGULAR SESSION

Commissioner Petty moved, seconded by Commissioner Stewart, to adjourn the Closed Session and reconvene in Regular Session. The motion carried five (5) to zero (0).

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 7:45 PM.

Brian Bock, Chairman

ATTEST:

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