

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
AUGUST 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 August 20, 2012.

Present: Brian Bock, Chairman; Walter Petty, Vice Chairman;
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 Carolyn Miller, Human
Resources Director, Acting 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 6:02 PM.

AGENDA AND CONSENT AGENDA

Commissioner Kost asked that the following items be removed from the Consent Agenda and placed on the Regular Agenda for discussion:

Item #7, **Sheriff’s Office Vehicle Contract:** Vote on a request to purchase thirteen new vehicles for the Chatham County Sheriff’s Office on State Contract #070B in the amount of \$423,077.04

Item #8, **Youth Sport Primary Provider Policy:** Vote on a request to approve the Youth Sport Primary Provider Policy

Chairman Bock asked that a special awards presentation by the Chatham County Cooperative Extension be added to the Regular Agenda after the Consent Agenda.

Commissioner Petty asked to renew the discussions on the Green Building and Sustainable Energy (GBASE) and Human Relations Committee (HRC) under Board Priorities.

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

1. **Minutes:** Approval of Board Minutes for the July 17, 2012 Work Session and the July 17, 2012 Regular Session

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

2. **Tax Releases and Refunds:** Vote on a request to approve the tax releases and refunds, attached hereto and by reference made a part hereof.

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

3. **Chatham County Waste Management Competitive Bid Waiver:** Vote on request to waive the competitive bid process, and award the piggyback bid for the purchase of one (1) new model WHD64B Volvo refuse truck and roll-off tarp system for the Chatham County Waste Management Department from Advantage Truck Center in the amount of \$150,249.34

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

4. **DSS Chatham Transit Contract:** Vote to approve Chatham Transit Contract with Social Services for the fiscal year 07/01/2012 to 06/30/2013, attached hereto and by reference made a part hereof.

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

5. **Home Care Community Block Grant Budget:** Vote on a request to accept Home and Community Care Block Grant funds in the amount of \$495,268 to be used according to the committee budget, Agreement and Funding Plan are attached hereto and by reference made a part hereof.

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

6. **Forestry Contract:** Vote on a request to approve agreement with NC Department of Agriculture and Consumer Services for protection, development, and improvement of forest lands in Chatham County

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

- ~~7. **Sheriff's Office Vehicle Contract:** Vote on a request to purchase thirteen new vehicles for the Chatham County Sheriff's Office on State Contract #070B in the amount of \$423,077.04~~

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.

- ~~8. **Youth Sport Primary Provider Policy:** Vote on a request to approve the Youth Sport Primary Provider Policy, attached hereto and by reference made a part hereof.~~

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.

9. **SFR12 and URP12 Housing Rehabilitation Programs:** Vote on a request to approve Project Ordinance, Assistance Policy, and Procurement and Disbursement Policy for the 2012 North Carolina Housing Finance Agency Single Family Rehabilitation and Urgent Repair housing rehabilitation programs, Project Ordinance, Assistance Policy, and Procurement and Disbursement Policy attached hereto and by reference made a part hereof.

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

10. **Annex Renovations Project:** Vote on approval of **Project Ordinance and Resolution to Exempt Architectural Services from GS 143-64.31**, and contract with Hobbs Architects and authorize the County Manager to sign contract, **Project Ordinance, Resolution #2012-43 to Exempt Architectural Services from GS 143-64.31**, and Contract, attached hereto and by reference made a part hereof.

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

11. **Subdivision Final Plat Approval of Briar Chapel Parkway and Boulder Point Drive in Briar Chapel:** Vote on request by Bill Mumford, Assistant Vice President, on behalf of NNP Briar Chapel, LLC for subdivision final plat approval of **“Right-of-Way and Easement Dedication Plat of Briar Chapel – Briar Chapel Parkway and Boulder Point Drive”**, located off Andrews Store Road, SR #1528, and Parker Herndon Road, SR #1526, Baldwin Township

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

12. **Subdivision Final Plat Approval of “Briar Chapel – Phase 6 South”:** Vote on request by Bill Mumford, Assistant Vice President, on behalf of NNP Briar Chapel, LLC for subdivision final plat approval of **“Briar Chapel – Phase 6 South”**, consisting of 138 lots on 51.25 acres, located off Andrews Store Road, SR #1528 and Parker Herndon Road, SR #1526, Baldwin Township

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

13. **Text Amendment to Chatham County Zoning Ordinance:** Vote on request by Strata Solar for a text amendment to the Chatham County Zoning Ordinance, Section 7.2 Definitions, Section 10.13 Table of Permitted Uses, and Section 14.1 Off-street Parking Requirements to allow various provisions for solar energy and adoption of **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof.

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

14. **Planning Board Appointment:** Vote on a request to approve the appointment of Deepa Sanyal to the Chatham County Planning Board for a three-year term by Commissioner Kost

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

15. **Ag Advisory Committee Appointment:** Vote on a request to approve the appointment of Sharon Day to the Chatham County Ag Advisory Committee by Commissioner Kost

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

16. **Environmental Review Committee Appointment:** Vote on a request to approve the appointment of Mary Beth Koza to the Chatham County Environmental Review Committee by Commissioner Kost

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

17. **Assigning Bid to Board of Education:** Vote on a request to adopt **Resolution #2012-44 Assigning Bid to the Chatham County Board of Education**

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

18. **Project Ordinance Budget Amendments:** Vote to approve Project Ordinance Budget Amendments as proposed by Staff, attached hereto and by reference made a part hereof.

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

19. **Recreation Advisory Committee Appointments:** Vote to approve the Recreation Advisory Committee appointments as follows:

District 1 – Tim Mounce
District 2 – Josh Lindren and Megan Lynch
District 3 – Adam Feher
District 4 – Danny Street

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

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

BOARD PRIORITIES

Sheriff's Office Vehicle Contract: Vote on a request to purchase thirteen new vehicles for the Chatham County Sheriff's Office on State Contract #070B in the amount of \$423,077.04

Commissioner Kost questioned why the base price of the vehicles and the upfit is so high.

Renee Paschal, Assistant County Manager, explained that one reason is that the cars are upfitted with cameras. She stated that over the last two to three years, all cars have been upfitted and every car that is purchased with a camera is a substantial expense.

Commissioner Kost asked if all of the other equipment, including radios, was reused when vehicles are replaced.

Ms. Paschal stated that is correct; however, she does not believe that all of the cars have cameras yet.

Commissioner Petty asked how often the vehicles are replaced, their age, the threshold for replacing those vehicles, and what is done with the ones that are replaced.

Ms Paschal explained that of the vehicles being replaced, two are from 2003, three from 2004, two from 2005, four from 2006, and four from 2007. She stated that the number does not include the two left to purchase. At the time the budget was submitted, the vehicles already had more than 100,000 miles on them. Our policy is to generally replace emergency response vehicles only at around 100,000 miles. It is always true of the Sheriff's vehicles as they are requested in March and by the time they are purchased, they have well over the 100,000 mile threshold.

The Finance Officer stated that she would provide the breakdown on the cars to the Board in the form of an email.

Commissioner Kost asked how much they paid per vehicle last year so there will be a year-to-year comparison.

Commissioner Petty moved, seconded by Commissioner Cross, to purchase thirteen new vehicles for the Chatham County Sheriff's Office on State Contract #070B in the amount of \$423,077.04. The motion carried five (5) to zero (0).

Youth Sport Primary Provider Policy: Vote on a request to approve the Youth Sport Primary Provider Policy

Commissioner Kost asked for clarification as to what this is addressing.

Tracy Burnett, Chatham County Recreation Director, explained that the sports provider would be a particular athletic organizational group or programming group that can come into the County and provide one of the services that the County is not already providing, i.e. youth soccer, football and baseball programs. There are other athletic programs such as lacrosse, etc. which have become more popular and are in high demand. Now the County Recreation Department does not register nor run those particular athletic programs (soccer, football, baseball). With the facilities and parks now being developed, there is a high demand from a lot of different groups to use the athletic fields at the parks. We are now being overwhelmed with several groups wanting to use one field so a primary sports provider needs to be established to give the organizational groups a chance to apply to see if they could be the County's primary athletic provider for that particular sport. In return, that would give them first use over that particular athletic field and not have to fight with the other groups coming in to use that particular field or a group from another county. They will be assured that they will have first priority in using that athletic field. The County would not have to pay for running that particular program but would accommodate that particular volunteer group who would run that program, give them the field space, the County would prep the field for them by having the grass mowed, and in return, it would give the volunteer group running that program first priority over the field.

She further stated that the criteria would already be established. There are incidents of others coming into the County to run their own program. There are multiple calls received requesting the limited fields. There has to be a way to prioritize in order to accommodate the schools, County programs, then those primary sports providers, and lastly the others requesting the fields.

Commissioner Kost stated that the policy says "The County will designate no more than one provider in each high school district for a period of three years." She asked if that is one provider per sport so in one high school district there could be the youth soccer, football, and baseball or if there would just be one provider.

Ms. Burnett explained that if it was the Chatham Soccer League, they would be providing that particular sport in multiple high school districts.

Commissioner Kost stated that she felt it should read that "Chatham County will designate no more than one provider per sport in each high school district." She stated that each sport, soccer, football, and baseball, could each operate in Central's district.

Ms. Burnett stated that the intention was one provider per sport.

Chairman Bock stated that the intention is one provider for each particular sport but another provider would be needed for a different sport and a separate provider for the third sport. There would be a soccer primary, a baseball primary, and a football primary.

Ms. Burnett concurred stating multiple sports in multiple districts. She said that she would clarify the document wording.

Commissioner Kost read wording in the document that said, "Registered participants must be guaranteed a minimum level of participation." She clarified the language by stating that if someone is on a team they have to be able to play. Ms. Burnett replied, yes.

Commissioner Kost further clarified wording that stated admission charges are not allowed and in the next sentence stating, "If admission will be charged...." She stated that it had to be one or the other, can't be both, and needs to be clarified.

Ms. Burnett explained that for a tournament setting, admission to attend a regularly scheduled games would not be allowed on County property; however, if a tournament was hosted (All-Star Baseball Tournament), admissions could be charged and would be allowed to pay for tournament officials, etc. She stated that she would clarify the language.

Commissioner Kost read wording in the document under “Review and Removal” that said, “Only the County Manager may remove a provider”. She stated that she would like to see added that “the County Manager would report that to the Board of Commissioners” as she feels it is very important that it be communicated to the Commissioners.

Commissioner Cross moved, seconded by Commissioner Kost, to approve the Youth Sport Primary Provider Policy with the noted changes, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

COOPERATIVE EXTENSION SPECIAL AWARDS PRESENTATION

Sam Groce, County Extension Director, stated that he appreciated the opportunity to appear before the Board of Commissioners to make this presentation explaining that the Raleigh administration decided that they wanted to recognize outstanding local partners who had gone above and beyond in support of their local cooperative extension office. He stated that their Chatham County Extension Team decided that they would enter Chatham County Government in the Partnership of Excellence Award competition. He explained the details of the special awards presentation as follows:

“Chatham County Government has a long standing reputation for supporting both the Chatham County Center and North Carolina Cooperative Extension as whole. In the mid-1990’s there was one full time agriculture agent. The County Extension Director served 4-H as well as administration. The county provided space for one full time Family and Consumer Science Agent and for 2 area agents and 3 cross county agents. During the past two decades Chatham County has not only provided county support for but lobbied as well for the addition of positions including a 4-H agent, livestock agent and sustainable agriculture agent. In 2000 when state funding was no longer available for the sustainable agriculture position, the Chatham County Board of Commissioners voted unanimously to fully fund the position. Today the agent in that position is a highly recognized and sought after expert statewide. Even though the position is county funded the county lines have never limited the scope of that position! As recently as June 2012 the Board of Commissioners have continued to demonstrate support not only by voting to fund a 4-H Program Assistant’s position in Cooperative Extension but by introducing it themselves into the county budget. Due to Chatham County’s generosity the Chatham County Center was the first in North Carolina to have county supplied laptops and port replicators on every agent’s desk, a policy that has continued for the past ten years. From portable LCDs, permanently mounted LCDs, high speed CD/DVD duplicator to the best networked printers of any county department, Chatham County has truly recognized our educational mission and has provided us with the technology needed to meet our objectives.

Cooperative Extension is recognized by Chatham County government as a fully equal county department. The County Extension Director is acknowledged and respected as an equal with any other department head in the county. In planning for and conducting the annual Department Head Retreat, the county demonstrates appreciation for Extension’s range of expertise by engaging the Chatham County Team in the planning, execution and evaluation of that event. Members of the Extension Team in Chatham County have facilitated skills/leadership development training for other county departments. Even though Chatham County is a lock in/send in county the county graciously extends discounts that they have negotiated with local businesses to the Extension Team treating us as county employees. To further emphasize our relationship of respect by our county partner they have assigned Extension Team members to serve as the staff liaison with three different Commissioner appointed boards. Extension Team members also serve on several advisory committees of various county departments.

Because our County Manager is a farmer himself, he understands the value of Extension to the community. This understanding is a two-way street in that not only does he recognize the value but he also he understands the mission of Cooperative Extension. As a former 4-H member and an Extension client, he lends his support so that we can meet his high expectations.

During 2011 budget negotiations, the Chatham County Board of Commissioners was the first board in North Carolina to write and pass an action request concerning funding for North Carolina Cooperative Extension and North Carolina Agricultural Research Service expressing the “critical” need for these agencies while stating the limited budget growth compared to overall state spending since 2000 resulting in a call for “more proportionate” budget reductions.

Cooperative Extension in Chatham County does an annual report to our Board of Commissioners. Each year at the conclusion of the program someone from the Board of Commissioners or the County Manager’s Office expresses the sentiment that “we get our money’s worth from Extension.” Without the tremendous support that we receive from our county partner, we would not have the effective impacts that we are able to achieve. Therefore, we respectfully submit the Chatham County Board of Commissioners for consideration of this award.”

Mr. Groce further stated that he was pleased to announce that Chatham County is the winner of the inaugural partnership award with the Extension Service. On behalf of the Chatham County Extension Team, NC State University, and NC A&T University, he stated that they appreciate everything that the Board of Commissioners does for them.

The Board expressed appreciation for the award.

PUBLIC HEARINGS

Stormwater Ordinance Public Hearing: Public hearing to receive public comments on the draft Stormwater Ordinance to comply with the Jordan Lake Rules

Dan LaMontagne, Environmental Quality Director, explained the specifics of the request.

Chairman Bock asked Mr. LaMontagne if he felt that other changes would be made to the Jordan Lake Rules.

Mr. LaMontagne stated that he had received clarification from the Division of Water Quality (DWQ) as he was concerned that there would be additional changes. He stated that they feel very strongly that there are no changes at this time beyond the changing of the date. It is specific to a statement in the law.

Commissioner Petty asked if there was anything that would be affected by these changes.

Commissioner Kost asked if any new development project would be impacted.

Mr. LaMontagne explained that any new development would be impacted; however, none of which he is aware at this point in the near future.

Commissioner Kost asked if tonight’s public hearing on the storage facility would be impacted.

Mr. LaMontagne stated that any who had not submitted stormwater plans to him at this point will be required to do so.

The Chairman opened the floor for public comments.

Elaine Chiosso, Haw Riverkeeper and Executive Director of the Haw River Assembly, 1076 Rock Rest Road, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“The Haw River Assembly is a grassroots, non-profit organization founded in 1982 to protect the Haw River and Jordan Lake. We are based in Chatham County where many of our members live.

We urge you to pass the revised Chatham County Stormwater Ordinance this evening in order to comply with the Jordan Lake Nutrient Management Rules. Even more importantly, passing these rules without delay will demonstrate to both the residents of Chatham County and to our neighboring jurisdictions in our watershed that we realize the value of Jordan Lake. Almost all of the lake is within Chatham County and many of our residents depend on it for drinking water, and many other enjoy it as a place for recreation.

New development and redevelopment cause many impacts on water quality, including increased flooding, sedimentation in streams, and the conveyance of pollution from built upon area. The more we can do to reduce the nutrient pollution-nitrogen and phosphorus that runs off of new developments, the healthier Jordan Lake will be. Building things right the first time with good landscaping and grading designs and well-planned controls will keep new sources of nutrient pollution out of Jordan Lake. It's the right thing to do. The 1972 Clean Water Act (signed into law by President Nixon years ago recognized that as citizens of the United States, we have a right to clean water. All the laws that issued forth from it, including the requirement to reduce pollution in Jordan Lake and to get the lake off of NC's 'Impaired Waters' list derive from that acknowledged right.

It was very unfortunate that the NC General Assembly chose this summer to be swayed by Greensboro to pass a two-year delay for jurisdictions to adopt the new development nutrient reductions. We applaud Wake County and Durham County and City for choosing to protect Jordan Lake by passing their new stormwater protections instead of waiting more years. Allowing developers to use the older stormwater standards that do not meet the nutrient reduction targets just shifts the cost of reducing pollution in Jordan Lake to the taxpayers. That new pollution will just be added to the mess that has to be cleaned by local governments later on. Once again, we will be asking our children to pay for the pollution we make today.

I look forward to Chatham County joining the other towns and counties that have decided that now is the time to protect Jordan Lake – not in two more years.”

Don Shilesky, 103 Christon Court, Cary, NC, stated that he is very interested in keeping Jordan Lake as pristine and clean as possible. He stated that his background, for forty years, has been in environmental engineering. He understands that the potential nutrient problem that could occur in the lake has to be abated now, not two years out. He stated that Ms. Chiosso gave an excellent dissertation on what is going on and the background that is necessary to maintain it. He stated that he is present to support everything she has said from the eastern side of the County.

Victor D'Amato, Environmental Review Committee Chairman, 160 Crows Creek Road, Pittsboro, NC, stated that the committee unanimously passed a motion recommending not delaying implementation of the revised Stormwater Ordinance. He stated that Jordan Lake is obviously very important to Chatham County and its residents. They did not see any overriding economic reason that they shouldn't adopt the revised ordinance as soon as possible. They saw that there may be some economic incentive to not delay because if the targets are not met, the next time the water quality characteristics are reviewed then retrofits might need to be done that would shift the burden of meeting those water quality standards to the taxpayers.

Chairman Bock asked if they talked about the amount of nutrients waiting two years would cause and are we hurting or helping anything by delaying it.

Mr. LaMontagne stated that currently for the new development is to hold the nutrients going into the lake in check and hope that the lake will adapt and it will remediate itself from the nutrients that are there now, continuing to reduce the amount of nutrients going into the lake. There are no quantifiable numbers as yet; however, they do know the upper New Hope

arm of the lake will be tested in 2014. If they don't show improvement, then existing development rules will be developed where all the communities will have to do retrofits and reduce nutrients from the existing developments if the new development rules do not work. In the Haw arm, the test of the lake will be done in 2017. They are developing a model now through the Nutrient Scientific Advisory Board which has gone out bid to see what can be done for the existing development Stage 2.

Chairman Bock asked what the new rules do as opposed to the existing rules with regard to what needs to be put into place and expenses associated with it.

Mr. LaMontagne stated that with new development for the nutrient rules, many of the same best management practices for stormwater will still be used. The State has assigned certain reduction values/reduction efficiencies for giving best management practices. They determine how much nutrient is coming from the project. They will assign a stormwater management practice to that project to reduce that nutrient down to the levels shown on the table. For various sub-water sheds, there are different levels. If they cannot put devices in place that will remedy it and get them to those levels, there is an option to buy down. They can buy out of that which goes to the EEP where they will do some retrofits and some other measures to reduce nutrients.

Chairman Bock asked about the "buy down" and if they can pay some money and put some nutrients in the lake. Mr. LaMontagne replied, yes.

Commissioner Kost stated that she thought they did an exchange/trading program.

Mr. LaMontagne stated that trading is done on the wastewater side. If it is done, it will be done through the EEP.

Chairman Bock asked if there were significant additional devices that would need to be put into place to meet the new rules.

Mr. LaMontagne stated that because our rules are so stringent and we do require that they remove 85% total suspended solids, we require reduction in the peak flows to predevelopment flows for the one, two, five, and ten years storms which is more than the State requires. Also because we have such low density requirements in this County, he does not see that it will be a big change for the Stormwater Management Plans. He stated that he thinks that meeting the current rules, will handle most of the nutrients. The exception may be in the upper New Hope area where it is much more stringent.

Commissioner Kost stated at the Water Resources Committee meeting last week, the engineers were saying that if we don't do this and the existing development rules kick in, it could increase the cost for the taxpayer. She stated that she believes that one of the reasons Wake County and Durham adopted the rules, so that the taxpayer is being protected

Chairman Bock asked whether they are adopted or not, they can still return in 2017 and say "You didn't do enough."

Mr. LaMontagne concurred, stating that it will affect existing development and that generally would fall to the taxpayers to retrofit existing development.

Commissioner Kost stated that we are talking about any new development between now and 2014 that if we had to apply existing development rules, then the taxpayers would have to pay for retrofitting in that new development.

Mr. LaMontagne stated that those retrofits could be the result of not implementing it early. He stated that he was unsure how the rules were going to work with Stage 2 since they have not yet been developed, but if Greensboro does not enact now and others do, how will it be viewed when the new rules come out for retrofits?

Commissioner Cross stated that we know where a lot of the pollution is coming from and he agrees that it should be adopted tonight.

The Chairman closed the floor for public comments.

Commissioner Petty moved, seconded by Commissioner Kost, to adopt the Stormwater Ordinance as proposed, attached hereto and by reference made a part hereof. . The motion carried five (5) to zero (0).

Legislative Request:

Rezoning of Acreage on Beaver Creek Road: Public hearing to receive public comments on a request by Walter Lewis to rezone approximately 3.415 acres, Parcel #17717, located on Beaver Creek Road, New Hope Township, from Residential (R1) to Conditional Neighborhood Business Zoning District (CD-NB) to construct a RV and Boat Storage facility

Angela Birchett, Land Use Administrator II, reviewed the specifics of the request.

The Chairman opened the floor for public comments.

Suzanne Dixon, 48 Tody Goodwin Road, Apex, NC, asked the Board of Commissioners to not rezone this property into some type of community business or commercial property stating they are a small community of families with small children. She stated that this community will not use this business. It will only be used by strangers coming into the community and not being built by someone that lives in the community. It will lower the resale value of their home. She stated that she feels it will eventually change their tax rate. It will open the floodgates to a lot of other undeveloped property in the area. They would like to see it stay residential as they do not want commercial, and that she wishes they would reconsider.

Walt Lewis, 109 Tropez Lane, Cary, NC, stated that he is the owner of the Extra Garage storage facility on Highway #64. They have been open for five years and been full for 3.5 years. He has been waiting for the right opportunity, piece of land, and economic conditions to expand. The land is appealing because it is super close to the lake. He stated that he was under the impression that this location would not perk for a septic system and would not be good for residential. The location is great and designed well. They plan to be a good neighbor. There have been zero problems at their current location. They are very sensitive to the residential input and tried to lay out a well designed plan. He presented a letter from one of his neighbors, Mike Poe, and read the letter in its entirety in support of the new business. He stated that they are utilizing the same planning and development team from the first venture.

Jerry Turner, 905 Jones Franklin Road, Apex, NC, land planner and architect, stated that the site is surrounded on two sides by Poplar Point Campground which has 578 camp sites. He stated it doesn't require sewer or a septic tank. The visual impact of the facility will be minimal as each unit is accessed from the interior courtyard with garage doors not visible from Beaver Creek Road. Each unit consists of a paved parking area with remote control garage doors. They have revised their plan to reflect the recommendation of the Chatham County Appearance Commission to change the building color from beige to green which matches the roof. They have added additional trees as requested along the landscape buffer. They have received preliminary approval from NCDOT for their driveway permit and entrance road onto Beaver Creek Road. At their recommendation, they have increased the turning radius of the drive from 20' to 50' and provided a 50' stacking lane within the property so that vehicles do not back up onto Beaver Creek Road. The planning includes two retention basins which will include plantings and will provide excellent stormwater protection as well as meet County ordinances. Their civil engineer has coordinated with the County Staff to ensure that they meet the conditions of the ordinances. They have done erosion control and stormwater planning. This facility, as planned, will provide additional tax revenue for Chatham County with an increase of approximately 500% in tax revenue from what is now collected.

Jason Sullivan, Planning Director, stated that he spoke with Mr. LaMontagne and as far as the implementation of the new standards, they would not affect this particular site since they were already in the approval review process as part of the conditional zoning district.

The Chairman closed the floor for public comments and referred this item to the Planning Board.

Quasi-Judicial Request:

Revision to Existing Conditional Use Permit for Cole Place: Public hearing to receive public comments on a request by IS Development Company, LLC for a revision to an existing conditional use permit for Cole Place on Parcel #65804 to remove and transfer 3.22 acres from the existing CUP to an adjacent parcel and transfer the remainder of the residual property subject to the existing CUP to the Townhomes at Cole Place Owners Association, Inc.

The chairman administered the oath to those present who wished to make comments.

Angela Birchett, Land Use Administrator II, explained the specifics of the request.

Commissioner Kost asked how the land is now zoned.

Ms. Birchett stated that it was residential conditional use. She stated that we have several other projects in the County that have split zoning. They were allowed to retain the residential land to use for their impervious surface calculation.

Commissioner Kost asked if he just needed this piece of land to develop the other one to meet the impervious surface requirement in the watershed. Ms. Birchett stated, yes.

David Holdaway, 301 Booth Road, Chapel Hill, NC, member, Townhomes at Cole Place Board of Directors, presented his comments to the Board and provided them in their entirety for the record as follows:

“I wish to submit a request for your consideration regarding the CUP modification involving IS Development and Townhomes at Cole Place.

There are three items that the Townhomes at Cole Place HOA Board of Directors wishes Chatham County to consider relative to this topic.

On part of the land that is being considered for transfer to the Townhomes at Cole Place Owners Association there is a large amount of material/rubble that we respectfully request to be removed prior to the transfer. This material includes large pieces of broken concrete, fencing, steel from playground equipment and other assorted materials. It is our concern that this material could present a safety liability and a health hazard to residents and guests of Townhomes at Cole Place.

Secondly, on the southern border of this property, adjacent to the trailer park, is a 12 foot high wooden fence. We believe that this fence will be part of the property being considered for transfer to Townhomes at Cole Place. This fence is currently heavily encumbered with large poison ivy vines. The weight of these vines has caused sections of the fence to collapse. Townhomes at Cole Place HOA is concerned that this represents a safety hazard as the fence could easily collapse onto children who live in this area and may happen to be playing along the fence. The HOA respectfully requests that the fence be repaired and made structurally sound, with the poison ivy removed prior to the transfer to Townhomes at Cole Place HOA.

Third, there is a stand of large pine trees on one section of the property that is being considered for transfer to Townhomes at Cole Place HOA. One large tree has collapsed due to insect damage and is leaning against another tree. Townhomes at Cole Place HOA is concerned that this tree, and any other tree that may suffer similar damage, represent a

significant safety hazard and that they also present a risk of property damage should any of these trees fall onto a building or car. The HOA is respectfully requesting that the damaged tree be taken down and removed, and that other trees be examined for similar damage and if found to be at risk, they shall also be taken down and removed prior to the transfer of property to the HOA.

Thank you for the opportunity to present our concerns regarding this matter.”

Ms. Birchett stated that she thought the items that Mr. Holdaway is talking about are going to be issues between him and Mr. Isenhour because they were unaware of these issues and at this time, it is under Mr. Isenhour’s ownership as it was never transferred to the homeowners association.

Chairman Bock asked if approval or non-approval of the request had an impact in transferring that land to the homeowners association.

Mr. Sullivan explained that they could not be forced to accept the property. The issue is between the homeowners association and Mr. Isenhour about whether it is transferred or it remains the way it is.

Ms. Birchett stated that Mr. Isenhour has been the one paying the taxes on the open space land, not the homeowners association at this point.

Greg Isenhour, owner representative, stated that he was present to answer questions and stated that they were not constructing anything new. He stated that one of the problems they are trying to address now is that in the process of developing Cole Place, they did not leave enough land with the property to meet the conditions of its conditional use permit of impervious surface. There is a certain amount of land that needs to be provided to the homeowners association at Cole Park so that Cole Place, under its conditional use permit, will be under the guidelines of the ordinance. There are approximately seven to seven and one-half acres of land that is currently held under the name of IS Development Company. Under the process, they are proposing to transfer 3.2 acres out that would be retained by IS Development Company with the other part submitted to the homeowners association. They submitted quite a bit of property during the regular course of development as they created a total of three phases in the development. There has been property that has already been submitted to the HOA and this is additional property so that they will be in compliance within the ordinance.

Commissioner Kost asked about the specific concerns that Mr. Holdaway mentioned.

Mr. Isenhour stated that he was happy to address the tree. If it needs to come down, they will take it down. He stated that they inherited a playground when they purchased the property. It had a one hundred year lease from one of the property owners that was adjacent to their property. They were supposed to cleanup everything from the playground when it was taken out. He stated that he would be back in touch with them to find out why it had not been cleaned up. With regard to the wooden fence, he stated that he is unsure if it is his. The wooden fence was erected probably in the early to mid 1980’s when the original property was developed. They were the third developer. He again stated that he was not sure if the fence was on his property; if so, it was a very short piece.

BOARD PRIORITIES

Budget Critique for FY 2012-2013: Staff seeks feedback on improvements for the FY 2013-2014 budget process and document

Renee Paschal, Assistant County Manager, explained details on improvements for the FY 2013-2014 budget process and document as follows:

Each year, following completion of the budget, commissioners give staff feedback on how the process and document could be improved. Last year, Commissioners identified the following issues to address during the critique:

1. The retreat should focus on goal-setting by the Board of Commissioners and the board may want to hire an outside facilitator to assist.
2. The retreat should not include a discussion of the Capital Improvements Program (CIP).
3. The Board of Commissioners should focus more on future issues during the retreat.
4. The budget should show the dollar variance, in addition to the percent change, in the budget summary.
5. The highlight section should be improved to explain the cuts in department budgets.

Item 1: An outside facilitator led a goal-setting session at the retreat, and goals were adopted.

Item 2: The retreat did not include a discussion of the CIP. The CIP was adopted prior to the retreat. This change allowed staff-time to produce an approved CIP document.

Item 3: During the retreat the board adopted three long-range goals and strategies to be addressed in the coming fiscal year.

Item 4: Staff included the dollar variance in every budget (see column J in the FY 2012-2013 Approved Budget).

Item 5: Staff included a summary of cuts in department budgets (see page 10 in the FY 2012-2103 Approved Budget).

Commissioners adopted the following calendar for preparation of the FY 2012-2013 budget:

Deadline	Actions
7 November 2011	<ul style="list-style-type: none"> • Manager submits recommended CIP to the Board of Commissioners
21 November 2011	<ul style="list-style-type: none"> • Hold public hearing on the proposed CIP
5 December 2011	<ul style="list-style-type: none"> • Board adopts CIP
21 December 2011	<ul style="list-style-type: none"> • Budget summit materials (survey results, financial trends, and departmental "Heads Up" document) submitted to Board of Commissioners • Work plan and new position forms distributed to departments
11, 12, and 19 January 2012	<ul style="list-style-type: none"> • Budget Summit: Board of Commissioners sets goals and guidelines for FY 2013 budget
31 January 2012	<ul style="list-style-type: none"> • Budget kickoff meeting
8 March 2012	<ul style="list-style-type: none"> • Budgets due from departments and agencies (except schools)
15 April 2012	<ul style="list-style-type: none"> • Budget due from schools
7 May 2012	<ul style="list-style-type: none"> • Budget submitted to Board of Commissioners and public
May 21 and 22, 2012	<ul style="list-style-type: none"> • Official public hearings held in Pittsboro and Siler City
24 May 2012	<ul style="list-style-type: none"> • Board of Commissioners holds budget work session
18 June 2012	<ul style="list-style-type: none"> • Board of Commissioners adopts budget

In addition to the dates above, staff met one-on-one with commissioners to review the recommended budget immediately prior to submission. Finally, commissioners asked that staff produce a seven-year Capital Improvements Program for FY 2013-2019.

At their budget retreat commissioners directed staff to implement the 2008 pay study to the extent possible, and they identified several “targeted budget reductions”. Implementation of these targeted reductions is discussed in the Targeted Budget Reductions section of the Budget Message. See pages 7-10 in the FY 2012-2103 Approved Budget.

She stated that staff requests feedback on:

Document:

- Are the recommended operating and CIP documents effective?
- Are the department work plans included in the document effective for informing commissioner decisions? Departmental goals, objectives, and measures are necessary to meet GFOA requirements.
- What additional changes do Commissioners want to see in FY 2013-2014?

Process:

- Was the calendar that was followed effective?
- Is the Heads Up document produced before the retreat effective for informing Commissioner priorities? Could this document be improved?
- What additional changes do Commissioners think would make the process more effective or efficient?

She asked that the Board give staff direction on improvements to:

- Process
- Document

Commissioner Kost stated that the calendar, taking the CIP out of the retreat, worked very well. From a document standpoint, she stated that she would like to see some information about the actual tax base, the assessed values, and the assumptions taken. She stated that she thought the budget message was by far the best. It was very well written and very informative. She stated that she would like to see the percentages of utilities, real property, motor vehicles, etc. stating that she wants the budget document to be a reference tool that she can go to when someone asks her a question.

Ms. Paschal stated that that information is already produced for the retreat so it is no problem to place it in the document. She stated that the calendar, and changes to the non-profit process, would be returned to the Board in September.

Commissioner Kost stated that there were some issues with the write-ups regarding non-profits. She stated that she felt that section of the budget could be improved and the fire departments could use a little more information.

County Property Purchase Policy: Vote to approve the proposed County Property Purchase Policy

Ms. Paschal thanked Dan LaMontagne, Environmental Quality with the County and Randy Drumheller with Chatham County Schools for their help with the County Property Purchase Policy.

She explained details on the proposed County Property Purchase Policy as follows:

The County currently lacks a framework for purchase of buildings and land. Negotiations are sometimes handled differently in different circumstances. The Board has discussed the need for a standard policy. Staff is recommending adoption of the policy.

Key components of the policy include:

- In cases where the County is seeking property, a real estate agent who is experienced with commercial property will be hired by the County Manager.
- All property will be evaluated by staff utilizing the Chatham County property purchase evaluation and score sheet and scored in a pre-application development meeting. This process ensures that knowledgeable Staff participates in a full technical review of the property so that the County has the best information about potential problems. We are not asking the board to approve the evaluation and score sheet, as we would like the flexibility to continue refining it.
- The policy makes clear who is responsible for negotiations (County Manager with the help of a real estate agent in cases where the County is seeking property), with approvals needed from the Board of Commissioners at the various steps of the process.
- Finally, the policy sets out clear due-diligence requirements.

The evaluation and score sheet was recently tested during the purchase of the Steele Property. All participants agreed that the process was very helpful in identifying potential issues.

Commissioner Cross moved, seconded by Commissioner Petty, to approve the County Property Purchase Policy.

Commissioner Kost asked if this would only apply to property that the County is buying, stating if we are appropriating money for a school site, it would not apply. She stated that she wanted it clarified that the school board makes the actual decisions, but the Board of Commissioners appropriates the money.

Ms. Paschal stated that it would not apply. She stated that she had talked with Randy Drumheller who likes the policy and what has been done with the score sheet. She stated that she plans to send the information to the schools. She stated that she thinks the school system would be willing to go through the pre-ap and the score, but is uncertain if they want to adopt a similar policy.

Chairman Bock called the question. The motion carried five (5) to zero (0). The County Property Purchase Policy is attached hereto and by reference made a part hereof.

GREEN BUILDING AND SUSTAINABLE ENERGY (GBASE) AND HUMAN RELATIONS COMMITTEES DISCUSSIONS

Commissioner Petty stated that the discussion of continuing both committees had been left open-ended. He stated that it was his understanding that they had had no more interest and he felt the Board should reach a decision as to what they wanted to do.

Commissioner Kost asked if he was talking about GBASE and HRC. She asked if the Human Relations Committee had been re-advertised.

Chairman Bock stated that it had been advertised multiple times.

Debra Henzey, Director of Community Relations, stated that the Deputy Clerk who handled "Boards and Committees" is out sick and there needs to be an update. She stated that she had trouble reaching the three people who expressed interest in serving on the HRC.

Commissioner Kost reiterated that the HRC was to be re-advertised for the positions.

Ms. Henzey stated that their understanding was to check on the three persons expressing interest in serving on the board first prior to advertising.

Commissioner Stewart stated that there was a discussion that we needed to verify that we did not lose any of the ones we had in addition to advertising.

Commissioner Kost stated that Ms. Smith was in attendance at the Board meeting, but was now gone; however, she did talk with Mr. Richardson and he was still interested.

Chairman Bock stated that part of the discussion was that there was no defined purpose for either one of the two committees. We could advertise again, but we may or may not get anyone to volunteer to serve on the committees. He stated that he thought they were going to disband themselves, but apparently decided not to do so. He stated that he would like to see the Board of Commissioners suspend both committees and move on. He stated that they keep discussing them, but have no purpose for them. No one has been interested in serving on the HRC and GBASE doesn't have a purpose. He asked why the Board is spending time getting people on the committee that none of them think they need.

Commissioner Kost stated that the approved minutes state that GBASE, as with the Affordable Housing Committee, was asked to go back and report back to the Board of Commissioners. It was discussed at the last meeting and she is unsure that that has happened.

Chairman Bock stated that he did not know if that is necessary at this point.

The County Manager stated that a GBASE meeting was called; however, there were not enough people to have a quorum so the meeting was cancelled.

Commissioner Kost expressed concern that it was summertime which could have been a reason for lack of attendance and therefore not a lack of interest in the committee.

Commissioner Petty asked if the committee was suspended, could it not be recalled when there was a need.

Commissioner Stewart stated that they could reactivate the committee when the need arises.

Chairman Bock stated that if the Board majority decides that the committees are needed, they can always reestablish it. He stated that he would entertain a motion to suspend both advisory committees.

Commissioner Stewart moved, seconded by Commissioner Petty, to suspend the Green Building and Sustainable Energy (GBASE) Committee and the Human Relations Committee indefinitely. The motion carried three (3) to two (2) with Commissioners Cross and Kost opposing.

MANAGER' S REPORTS

The County Manager reported on the following:

County Property Purchase Policy:

The County Property Purchase Policy was used for a trial run for the Steele Property next to the Central Carolina Community College. They thought it worked well and that property now belongs to the County.

Commissioner Stewart asked when a discussion could begin as to the use of the property stating that they had discussed building a new Agricultural Center on the site.

The County Manager stated that Staff vantage point, they need to review the Capital Projects Plan to see how it falls into place.

Commissioner Kost asked how many acres there are.

The County Manager stated approximately 97.7.

Partnership Agreement with Board of Education for Fuel:

A partnership agreement has been adopted with the Chatham County Board of Education for the purchasing of fuel for emergencies.

Haw River Connection:

Commissioner Kost asked for an update on the Haw River Connection.

The County Attorney stated that he believes that the Public Works Director is getting some prices on what it will cost to get the connection completed.

Commissioner Kost stated that it was her understanding that they were going to write up the specifics, get ready to bid it ourselves, and get it done.

The County Manager stated that he did not have the status on the connection, but that he would get it and send it to the Board.

Commissioner Kost asked that the Public Works Director update the Board on that project.

COMMISSIONERS' REPORTS

Kost Planning Board Appointment:

Commissioner Kost stated that she wished to correct something that the Chairman said at the last meeting. She continued by stating that the Chairman said that she was appointed to the Planning Board when the Planning Board was replaced which was incorrect. She stated that she was appointed to the Planning Board prior to that time.

Business Park Sign:

Commissioner Kost stated that it is time for them to put the steps in place to erect a sign at the Business Park in Siler City. If Staff would outline what needs to happen in order to get a sign placed, she feels that the wait has been long enough. We need to figure out what needs to be done in order to have the sign erected. If the property is to be marketed, there needs to be a better and more proper entranceway.

Ticks:

Commissioner Kost reported that she attended a workshop on ticks at Ferrington Village last month. She stated that she was thrilled that the Health Department worked with Judy Anderson to make it happen. She stated that the meeting was well attended and there was standing room only. She stated that she was hopeful that they would do something like that every year as it is a problem in Chatham County.

911 Steel Placement:

Commissioner Kost stated that she would like to have a discussion of the "911 steel" placement put on a future agenda. She stated that placing it in front of the new judicial center in the courtyard needs to be discussed by the Board and that they are moving in that direction without a full Board discussion and community involvement.

Commissioner Stewart stated that the Public Works Director had presented some ideas to the committee. The committee will come forward with a presentation to be placed on the agenda.

Commissioner Kost stated that she had heard different things which she felt needed to be discussed by the entire Board.

911-919 Dialing:

Chairman Bock stated that he had met with the Sheriff regarding 911-919 dialing. He stated that apparently they are receiving approximately one thousand extra 911 calls per month to which the Sheriff responds. The Sheriff explained why he has to respond to it. It is obvious that we do not have enough deputies to respond and address that call volume. If there is some way that the County could perform some kind of educational process to stop it, it is greatly needed as it is expensive.

Ms. Henzey stated that this is a nationwide issue as there are some similar things going on in other areas that happen to have 811 as their number. It has received a lot of media attention. She stated that they have been talking with folks already about some ideas on this.

Kost Planning Board Appointment:

Chairman Bock stated that the minutes say that the entire Planning Board was removed and a new board was established. At that time, the members who were appointed during the February, 2009 meeting were listed. He stated that that might not be correct, but it is stated in the minutes. He stated that he didn't know if Commissioner Kost's term started from that time again, but it is what the minutes reflect.

Commissioner Kost stated that the point she wanted to make was that she was originally appointed to the Planning Board before that and she wanted to clarify that it was earlier.

ADJOURNMENT

Commissioner Cross moved, seconded by Commissioner Stewart, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 7:39 PM.

Brian Bock, Chairman

ATTEST:

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