

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
DECEMBER 17, 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 December 7, 2012.

Present: Chairman Walter Petty; Vice Chairman Brian Bock; 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, Sandra B. Sublett, Clerk to the Board; and Lindsay Ray, Deputy Clerk to the Board

INVOCATION AND PLEDGE OF ALLEGIANCE

Chairman Petty stated that at a time when most people celebrate an occasion that was marked in history by an event in which we celebrate peace and joy, there are others in our nation that are experiencing and are burdened by an event that also changed their lives. He asked for a moment of silence for the families and shooting victims of Sandy Hook Elementary School in Newtown, CT.

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

CALL TO ORDER

Chairman Petty welcomed those in attendance and called the meeting to order at 6:00 PM.

APPROVAL OF AGENDA and CONSENT AGENDA

Commissioner Kost asked that Item #13, Vote on a request to appoint a Frances Wilson as the Chatham County Tax Assessor, be removed from the Consent Agenda and placed on the regular agenda for discussion.

Commissioner Kost asked that Item #14, Vote on a request to approve the NC Rural Center Building Reuse Grant Application on behalf of VisionQuest and the Authorizing Resolution, Project Summary and Authorizing Resolution by Governing Body of the Applicant be removed from the consent agenda and placed on the regular agenda for discussion.

Commissioner Kost moved, seconded by Commissioner Bock, to approve the agenda and consent agenda with the noted requests as follows:

1. **Minutes:** Approval of Board Minutes for the November 19, 2012 Work Session and the December 3, 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. **Governor's Village Preliminary and Final Plat Approval:** Vote on a request by Gilda Ehrenfeld on behalf of Entrust Carolinas LLC FBO Gilda Ehrenfeld for preliminary and final plat approval of Governors Village, Parcel "D", consisting of one (1) non-residential lot of 3.97 acres, located off SR #1847, Moring Drive in Williams Township

As per the Planning Department and Planning Board (by a unanimous vote – 9 members present) recommendation, the plat meets the requirements of the Subdivision Regulations and preliminary and final plat approval of Governors Village was approved as submitted.

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

4. **Cooper Subdivision Preliminary Plat Approval Extension:** Vote on a request by Karen M. Kemerait, Attorney-at-Law, on behalf of Contentnea Creek Development Co. for a twenty-four (24) month extension of preliminary plat approval for Cooper Subdivision, consisting of 43 lots on approximately 130 acres, located off SR #1714, Hatley Road, New Hope Township.

As per the Planning Board recommendation, by unanimous vote, the request for a 24-month extension of preliminary plat approval extending the preliminary expiration deadline from June 20, 2013 to June 20, 2015 and approval of the staff request to require the developer to provide staff with copies of any new or renewed permits were approved as requested.

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

5. **Booster Station Analyzers:** Vote on a request to approve the standardization of Chatham County booster station analyzers, award contract for one analyzer in the amount of \$31,950.00 to Applied Spectrometry Associates, Inc as the sole source, and authorize the County Manager to approve the purchase order for the additional analyzers in the informal dollar range when needed.

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

6. **Health Department Funds:** Vote on a request to accept \$2,500 funds awarded to the Health Department from the FDA Voluntary National Retail Food Regulatory Program Standard.

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

7. **Planning Board Re-Appointments:** Vote on a request to approve the following re-appointments to the Planning Board:

Jim Elza by Commissioner Kost to a four year term expiring December 31, 2016
Deepa Sanyal by Commissioner Kost to a four year term expiring December 31, 2016
Cecil Wilson by Commissioner Cross to a four year term expiring December 31, 2016
B.J. Copeland by Commissioner Cross to a four year term expiring December 31, 2016

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

8. **Community Advisory Committee on Nursing Homes and Adult Care Homes Reappointment:** Vote on a request to re-appoint Paula Pier to a three-year term ending November 7, 2015

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

9. **Memorandum of Agreement with the North Carolina Sedimentation Control Commission:** Vote on a request to approve a Memorandum of Agreement for continued Sedimentation and Erosion Control Program Delegation, attached hereto and by reference made a part hereof.

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

10. **Safekeeping Agreement:** Vote on a request to approve the safekeeping agreement with Wells Fargo as recommended by staff, attached hereto and by reference made a part hereof.

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

11. **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).

12. **Project Ordinances Covering Projects Approved in CIP:** Vote to approve project ordinances as proposed by staff, Project Ordinance Gym HVAC, Project Ordinance Roof Replacements non QSCB, Project Ordinance School Stadium Softball Restrooms, attached hereto and by reference made a part hereof.

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

13. ~~**Appointment of Tax Assessor:** Vote on a request to appoint a Frances Wilson as the Chatham County Tax Assessor~~

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

14. ~~**NC Rural Center Building Reuse Grant:** Vote on a request to approve the NC Rural Center Building Reuse Grant Application on behalf of VisionQuest and the Authorizing Resolution, Project Summary and Authorizing Resolution by Governing Body of the Applicant~~

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Bill Sommers, Fearington Village, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“My name is Bill Sommers. I live in Fearington Village and have worked on a number of County projects. Thanks for the opportunity to discuss outcomes that may plague our county with a WALMART operation at the Chatham-Orange County line.

I believe that WALMART had every right to apply for construction based on the requirements set down by State Supreme Court on its decision of August 1, 2007. Moreover, WALMART proposed operation will increase sales tax income for the

Chatham County budget. There is also the possibility that most, if not all, of the work force needed for WALMART'S operation will come from Chatham County residents.

But WALMART has a very unsatisfactory record in many parts of the United States and overseas based on its illegal manipulations regarding local construction and its employment policy that has focused on low-wage retail workers.

Even as we speak WALMART is undergoing examination of its illegal "pay-off" activities in Mexico, China, India and Brazil, showing clear violation of the United States' "anti-bribery" law. The details of these actions have been clearly examined by the New York Times in their articles in April and November of this year.

We have just seen the disgraceful actions of WALMART during Black Friday incidents revealing that 63 percent of female workers are being paid in the low wage category. And there are many more examples of wage degeneration to their workers.

I ask the County Board to 1) review WALMARTS operation in so far as they fit our zoning and other requirements required by Supreme Court's decision and 2) oversee the hiring and payment of workers and require WALMART to provide a living wage and thus avoid their unfeeling low payments which caused over 500 workers to strike in order to publicize their terrible conditions based on the slave-appliqué of WALMART wages.

I believe the our County should take effective and public action with WALMART management so that our County will not be the "goat" for WALMARTS effort cut the pay of their employees while raising the salaries of their administrators and managers.

With the careful scrutiny of the Board of Commissioners, our County will not be seen as one of WALMARTS profit-against people-operations. We need WALMARTS taxes, we need their help in ameliorating unemployment but we do not need – and should not condone – the activities that have been revealed by the NY Times and the recent debacle of their action during "BLACK FRIDAY."

We must move toward a WALMART that will eliminate BLACK FRIDAY and gives us – for once – a BRIGHT FRIDAY."

Miriam Pollard, 1817 Gade Bryant Road, Moncure, NC, stated that when she leaves the County, people cannot believe she is from Chatham County, because she is not "backwards". She stated that we should commemorate 9/11. We should commemorate First Responders. There is something wrong with the labeling and the consistency. She can't get her black friends to come here. When blacks are not welcome, they are clear about it. She asked how that represents the commemoration of the 9/11. The statue in front of the courthouse doesn't bother her. Most black folks do not appreciate the statue. The reason it is not appreciated is because it commemorates war, what happened during that war, and the slavery. The 9/11 commemoration commemorates not justice, but the loss of justice and the loss of rights. There are a lot of people that are personal to her and Chatham County that could be commemorated. She stated that we need to commemorate something for the Justice Center that is personal to Chatham County.

Michael Birch, Morning Star Law Group, speaking on behalf of Brantley Powell, developer of the Legend Oaks Subdivision, formally requested a twenty-four month time extension for the preliminary plat for Phase 3 of Legend Oaks. He stated that it will provide Mr. Powell with some additional time to plat those lots that have already been approved by the County dating back to 2009. Phases 1 and 2 currently have been or are being developed. The builder who was building in those earlier phases has expressed interest in lots in Phase 3. They anticipate platting about thirteen of the fifty-six lots in Phase 3 in the spring of 2013 and need additional time to plat the remaining lots.

He explained that when the preliminary plat was approved in 2009, there was a builder on board. As things were building momentum from Phases 1 and 2, that builder went bankrupt. The economic environment since that time has not been kind on the

single-family side. He stated that they now have a builder that is expressing interest at this point. Mr. Powell has prepaid the water availability fees in the amount of \$192,500 for Phase 3. They have all the permits in place to execute Phase 3. He also has the grading permit ready to be picked up. They have been diligently pursuing the development of Phase 3. All they need is some additional time to plat those lots. He respectfully requested the approval of the extension for twenty-four months for the preliminary plat.

Kathy Doherty, 300 Legend Oaks Drive, Pittsboro, NC, stated that the Planning Board and the Commissioners have heard from the neighborhood at Legend Oaks. They are very concerned about the traffic safety in their development. They have the potential of almost 120 homes on what will amount to a very long cul-de-sac. Already they have approximately 44 occupied homes. When the extension for the development was approved, the developer rightly requested a second entrance which was denied by the Planning Board and then denied by the Board of Commissioners. Very few people lived in Legend Oaks at that time. Now people are going in and out of the development and it is about to more than double in size. She asked the Board to look at two things: 1) She asked the Board to work with the developer to revisit the idea of a second entrance. 2) Ask the State for a cut in the median in front of Legend Oaks.

Lesley Landis, 21 Randolph Court, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“My name is Lesley Landis. I live at 21 Randolph Court, Pittsboro, NC 27312. I've come to speak about the proposed site of the proposed 9/11 memorial. I speak as a resident of Pittsboro and your constituent, and not as a representative of any board or organization that I am affiliated with.

Two quick notes to preface my remarks:

My father, now retired, was for 35 years a trauma surgeon in 2 major hospitals in New York. In collaboration with police, fire fighters and EMTs, my dad made his living saving people lives and their limbs. His best buddies and partners in life-saving were the local Emergency First Responders. They formed an alliance of honor and respect forged from bloody and horrible circumstances.

One July 4th, in the mid-70's my step-father's boat engine exploded with 11 people aboard including me, my mother and my brother. The boat caught fire and sank. Several people on the boat sustained terrible burns for which they were treated by EMTs. They had to be hospitalized for weeks due to their injuries.

I mention these to acknowledge the work that First Responders do and with my deep appreciation and utmost respect for the harrowing things this band of brothers and sisters see and face on a daily basis.

That said, the Chatham County Justice Center is not the right place for a 9/11 memorial to First Responders.

Over the past 14 days, since you first took public input on this issue, our nation has recognized Pearl Harbor Day. But does Chatham County have a memorial to Pearl Harbor? It does not and that's appropriate.

We've also all been shocked by the shootings in Newtown, CT. Many of us are, no doubt, still thinking about that horrible tragedy and the brave police officers and fire fighters who responded to the 9-1-1 calls from the school administrators. Will Chatham County have a memorial to the Sandy Hook school gun tragedy? Not likely and that's appropriate.

These 2 aforementioned tragedies have touched our nation and us as Americans, but they didn't occur in Chatham County and have no direct connection to Chatham

County history, our community, or our culture. As a result, the lack of a memorial in Chatham County for these 2 events is reasonable and appropriate.

If you believe that a memorial to the First Responders of 9/11 is necessary, please consider a locating it at a firehouse, sheriff's office, or a hospital.

The Justice Center is not the appropriate place for a memorial to First Responders. Please reconsider the proposal.

Cheryl Martin, 71 Grassy Creek Way, Chapel Hill, NC, resident of Legend Oaks Subdivision, stated that she spoke to the Board at the last meeting regarding the proposal to extend the development into Phase 3. She reiterated the concerns expressed by Ms. Doherty regarding the traffic situation and encouraged the Board to work with Mr. Powell to see if there is another solution to allow a second entrance. She stated that there is a dangerous backup of traffic on 15-501. With an additional seventy homes in Legend Oaks, there will be significant traffic with numerous accidents. She asked the Board of Commissioners to request a second entrance to Legend Oaks.

Tom Glendinning, 160 Eddie Perry Road, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows: Regarding the pollution on the S T Wooten site on Mount Gilead Road:

“The affects of groundwater infiltration of the pollutant trichloroethylene (TCE) has been noted by DENR Water Quality Division test wells on the site. The pollution began in 1974 when Sanford Grading leased the property for an asphalt plant.

No state environmental rules governed such pollution until 1984 when NC laws were passed. Federal laws applying were RCRA and CERCLA.

The county cannot and should not afford the costs of a remedy recorded years ago. It should request help from a superfund, EPA and/or DENR. The pollution plume according to the map proposed by DENR WQ Division is approximately 800 feet long. Over the thirty-eight years of site history, the plume has moved at twenty-one feet per year.

Note: no private well infiltration has occurred according to state well testing. Metals and other pollutants mentioned in comments of local well test results are common in NC well water. These test results show lead, arsenic, chromium, manganese, copper, iron, zinc, nitrate, sulfate and ammonia at minimal levels. From research, there is no medical pathological proof that pollutants cause cancer. There is, however, epidemiological statistical evidence linking exposure to disease. It is measured in percentages, the basis of epidemiology, in number of cases per one hundred thousand citizens. In most rare cancers, those caused by volatile organic compounds (VOC's), Chatham would not qualify for that number as a denominator having only sixty-three thousand residents.”

Randy Voller, 21 Randolph Court, Pittsboro, NC, wished the Board of Commissioners and Staff a Merry Christmas and a Happy Holiday Season. He stated for Commissioner Cross, he wishes health and flowing water down in the southeast that he has been working on for as many years as he has known him; for Commissioner Stewart, may we find a way for a public/private partnership to extend broadband to Chatham businesses and citizens and may this happen in 2013; for Chairman Petty, good luck and may we find projects to work together that will benefit the citizens like a new water connection between Siler City, Chatham, and Pittsboro, which he thinks with the drought conditions in Siler City, may prove to be a wise investment for all; for Commissioner Bock, may your business prosper and may pizza continue to be popular in 2013 as it has been for 2011 and 2012 and every other year; and for Commissioner Kost, may your new year continue to be filled with people who love and support you and may she see some votes where she is in the majority three to two, four to one, or five to zero or may he still be dreaming, He said, “Happy New Year to all and may all have a safe holiday season!”

BOARD PRIORITIES

Appointment of Tax Assessor: Vote on a request to appoint Frances Wilson as the Chatham County Tax Assessor

Commissioner Kost stated that she wanted to take the opportunity to say publicly what a valuable employee and incredibly good assessor Tina Stone has been. She stated that during the last revaluation when many of the new residents of Cary/Chatham were very upset about their valuations, Tina and she spent two days in Amberly talking to the residents. Even though the people did not agree with what she said and the outcome, she heard appreciation from all the citizens for the way she handled herself and the way she communicated. She stated that we will miss her tremendously in Chatham County

Commissioner Kost moved, seconded by Commissioner Cross, to appoint Frances Wilson as the Chatham County Tax Assessor. The motion carried five (5) to zero (0).

NC Rural Center Building Reuse Grant: Vote on a request to approve the NC Rural Center Building Reuse Grant Application on behalf of VisionQuest and the Authorizing Resolution, Project Summary and Authorizing Resolution by Governing Body of the Applicant

Commissioner Kost stated that she was contacted by a citizen who wished to make comments on this item.

Diana Hales, 528 Will Be Lane, Siler City, NC, stated that she asked for the opportunity to speak, not in opposition to the proposal, but for the Board to have a full understanding of the fact that this particular property, the former Hill Forest Rest Home off Highway 421 uses a package wastewater treatment which is enormously problematic.

She presented her comments to the Board and provided them in their entirety for the record as follows:

HILL FOREST REST HOME, Highway 421, Goldsboro

“Former owner Warren Gold, operating as Goldco, LLC.

License revoked March 29, 2011; stayed in operation until August, 2011 when DHHS closed them.

NPDES Permit NC0038849 (expired 10/31/2011) No current permit listed at DWQ.

History of wastewater treatment permit, using a package plant (septic tank, sand filter bed, with UV system chamber) had a direct discharge of effluent into Bear Creek. This permit allowed for 3,000 gallons per day of waste to be treated through their system, and then discharged. But, this system was never properly maintained, or not working. The effluent was not disinfected before release into Bear Creek, a tributary of the Rocky River. This resulted in extremely poor water quality and put this segment on the State’s list of Impaired Streams.

Time of non-compliance. I started tracking records on violations thru Central Records at the Division of Water Quality in 2006. This file represents 5 years of chronic violations, almost monthly with fines, appeals to the fines, little fixes, and lots of foot-dragging. It shows Mr. Gold’s unwillingness to fix a bad situation. This also represents THOUSANDS of tax dollars spent trying to make the owner fix the problem as crap, literally, flowed into Bear Creek.

What were the Discharges into Bear Creek? The violations included ammonia nitrogen, fecal coli form, excessive dissolved oxygen, excessive biochemical oxygen demand (BOD) that is really bad; and not reporting as required, and not performing disinfection functions...like replacing UV bulbs. This was a poorly functioning system that was not monitored, and improperly staffed.

Solution

Request that the EDC and VisionQuest's application to the Rural Center consider alternative waste handling for this facility. The current system is totally inadequate as seen by the volume of violations on file. Instead of pursuing a new NPDES permit for this facility, it would be advisable to pipe the VisionQuest wastewater directly into the Goldston wastewater system under construction, at whatever the cost. That should be reflected in any grant going before the Rural Center for consideration. In addition, the proposal says the VisionQuest population to be served is young men who are in therapy for various substance abuse and mental disorders, which means that in addition to therapy, there will be lots of medications used. The wastewater will carry those pharmaceutical substances. This is another compelling reason to insist that this waste go into the Goldston sewer system for eventual treatment at the Lee County wastewater treatment plant. That waste should not be processed through a package plant that has already shown inability to treat any waste."

Commissioner Kost asked if this facility would be in the route where it could hook into the Goldston sewer.

Chairman Petty stated it was approximately one and one half mile.

Commissioner Bock confirmed that it was about one and one half miles across the road stating it was a long way.

Chairman Petty stated that he thought they were well-aware of some of the problems and are already in the process of addressing it. That was one of the options they were considering.

Commissioner Bock asked if all of Mr. Gold's violations were associated with VisionQuest.

Chairman Petty stated no.

Commissioner Kost stated that some of the violations could have been the system and some could have been the operations. She asked about the financing of the project stating that she thought the County would not be responsible for the money, but then in the resolution, it states that the County is responsible.

Dianne Reid explained that there is a requirement by the Rural Center that a local match of 5% be provided as part of the grant program. She stated that this is the first Rural Center Grant that they have brought to the County. They have been done previously with the Town of Pittsboro and Siler City. Like the County, those Towns did not have money set aside to be a local match for any projects. The arrangement they have worked out with the applicants in those cases is that they give 5% to the County which then goes into the project. It is basically a pass-through. It is under a contract between the local government and the business.

Commissioner Kost asked how long the building had been vacant.

An unidentified man said that it had been vacant two years.

Ms. Reid said that the average salary would be \$32,000 and a minimum of 44 full-time jobs would be created.

Commissioner Bock moved, seconded by Commissioner Cross to approve a request to approve the NC Rural Center Building Reuse Grant Application on behalf of VisionQuest and the **Authorizing Resolution #2012 - _____ Project Summary and Authorizing Resolution by Governing Body of the Applicant**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

BOARD PRIORITIES

Legend Oaks Preliminary Plat Approval Extension: Vote on a request by Brantley Powell, HPB Properties, for a twenty-four (24) month extension of preliminary plat approval for Legend Oaks, Phase III, consisting of 56 lots on 99.23 acres, located off 15-501 North, Williams Township to extend the preliminary plat submittal deadline from July 1, 2013 to July 1, 2015

Jason Sullivan, Chatham County Planning Director, explained the specifics of the request on a map and as follows:

Legend Oaks Subdivision is reviewed under the Subdivision Regulations and the Watershed Ordinance in effect prior to December, 2008. Legend Oaks consist of three (3) phases. Phases I consisting of 31 lots received final plat approval on 7/17/06 and Phase II, consisting of 27 lots received final plat approval on August 20, 2007. There are completed homes as well as homes under construction in these phases. Phase III, consisting of 56 lots received preliminary plat approval on August 17, 2009. Senate Bill 831, The Permit Extension Act of 2009, "AN ACT TO EXTEND CERTAIN GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE, states in Section 4 "For any development approval that is current and valid at any point during the period beginning January 1, 2008 and ending December 31, 2010, the running of the period of the development approval and any associated vested right under G. S. 153A-344.1 or G.S. 160A-385.1 is suspended during the period beginning January 1, 2008, and ending December 31, 2010. In 2010, Session Law 2010 -177 (H683) extended Senate Bill 831 for an additional one year period.

Based on the Permit Extension Act of 2009 and 2010, the preliminary plat approval for Phase III will expire on July 1, 2013 unless a request for final plat approval has been submitted on or prior to said date or an extension of time has been granted by the Board of County Commissioners.

The developer, Brantley Powell, has submitted a request for a twenty-four (24) month extension of preliminary plat approval which, if approved, will extend the preliminary plat expiration deadline for all of Phase III (56 lots) from July 1, 2013 to July 1, 2015. See attachment # 1. Per Mr. Powell's letter, he is planning to submit a request for final plat review and approval of 13 of the 56 remaining lots in the near future, but, is concerned that the development of the balance of the lots may not occur prior to the expiration date.

Trenton Stewart, PE, Arcadia Consulting Engineers, PLLC, has provided information on the expiration dates of the existing permits which are required for preliminary plat approval. See attachment # 2. As stated in the letter from the engineer, dated October 3, 2012, the Soil Erosion and Sedimentation Control Permit and the NCDENR Public Water Supply Permit will both expire prior to July 1, 2015. The developer will renew these two permits prior to the expiration date. If the extension request is approved by the Board of County Commissioners, it is staff's recommendation that the developer provide staff with a copy of the new/renewed permits. Water availability fees in the amount of \$192,500.00 have been paid to Chatham County. As stated in his letter, the developer has a substantial financial investment in the project and plans to bring the balance of the lots for final plat approval as the economy permits. As part of a mitigation process between the developer and Chatham County, additional buffers were added along water features that were not required by the Watershed Ordinance in effect prior to December, 2008.

If the extension request is denied and the final plat submittal for the balance of the 56 remaining lots is not received on or before July 1, 2013, the preliminary plat will expire. Any future requests would then be reviewed and processed under the current Subdivision Regulations and Watershed Regulations.

The Planning Board discussed the request at their December 4, 2012 meeting. Brantley Powell, developer, Michael Birch, Attorney-at-Law, and Trenton Stewart, PE, attended the meeting to answer any question from the Board. Mr. Birch gave a brief history of the development and explained the extension request. He stated that Mr. Powell plans to submit a request for final plat approval of 13 of the remaining 56 lots early next year and the balance of the lots would be brought for final plat approval as the economy allows. Trenton Stewart, PE stated that two permits, Soil Erosion and Sedimentation Control and NCDENR Construction Plan Approval (water) that are scheduled to expire prior to July, 2015 will be renewed and he would provide staff copies of the renewed permits.

Several homeowners from Legend Oaks attended the meeting to voice their concerns (during public input) regarding the lack of a second entrance to the development, and stated that it is a safety concern for the residents and that they would like to see a second entrance established. They also stated that the additional traffic generated when Phase III is developed will cause additional safety impacts without a second entrance. The residents submitted a petition, see attachment #3. During the Planning Board discussion, Karl Ernst, Planning Board Chairman, stated that the roadway issue in Legend Oaks is a separate issue and was not part of the request before the Board. The residents stated that they understood, but, that they wanted the Board to be aware of their concerns. Michael Birch, Attorney, stated that the original sketch design plan included a second entrance out to Lystra Road, but that design was denied by the Board of County Commissioners and as part of a mediation, the second entrance was eliminated. He stated that at the that time Mr. Powell only had an option to purchase the property where the second entrance was to be located and that Mr. Powell does not currently own additional land that could provide a second entrance. Mr. Birch also pointed out that there is an existing stub road to the adjacent property to the north and that in the future if that property were to be developed, a second entrance would then be provided. The Planning Board briefly discussed the safety issues of only having one entrance to a subdivision.

The Planning Department did not make a recommendation on the request as this is a policy decision to be made by the Board of County Commissioners. If the request is approved, the Planning Department recommends that the developer provide staff with copies of any new or renewed permits.

The Planning Board recommended approval by a vote of 7-2 of the request for a 24-month extension of preliminary plat approval to extend the preliminary plat expiration date from July 1, 2013 to July 1, 2015 and approve staff's request to be provide copies of all renewed permits.

Commissioner Kost stated that she realized it was two separate issues in dealing with the traffic problem and the roads and the extension. She asked if Mr. Sullivan would explain when Polk Center went to congestion management and they told about the stoplight. She stated she felt that would have an impact on traffic.

Mr. Sullivan stated that there were a number of projects that were approved since 2005. In 2005 Williams Corner was approved as a mixed-use project on the east side of Highway 15-501. In 2006 Polk Center was approved. Both of the projects, when they submitted for their NCDOT permitting, ended up going to Raleigh to the Congestion Management Division because Highway 15-501 is what is called a Strategic Highway Corridor so it had statewide significance. Congestion Management looked at both of the projects together instead of as separate, independent projects. They ended up not having the traditional intersection whenever the stoplight is eventually installed. There will not be "full movement" to the intersection. That is one of the things they looked at in that particular area. There will be two stoplights staggered to serve the two projects. They will not have any affect as far as having a crossover installed for Legend Oaks Drive; however, ultimately the Legend Oaks residents will be able to tie into the round-about that has been installed and ultimately access the stoplight that will eventually be installed for Williams Corner.

Commissioner Kost asked if there would be a crossover for Williams Corner with a traffic signal and through the roundabout, the folks in Legend Oaks could enter the subdivision that way.

Mr. Sullivan stated that was correct. Eventually, they could tie into Lystra Road if and when Williams Corner is constructed and the internal road network is developed.

Commissioner Kost stated that she pulled up the regulations on how to get a crossover. The State guidelines state is that a crossover has to be requested and paid for by the developer. Knowing how close the other crossovers are, she stated that she seriously doubted that NCDOT would put a crossover for Legend Oaks.

Chairman Petty asked where the current entrance is located.

Mr. Sullivan stated that the only entrance they presently have is the access off Highway 15-501. When Phase 3 was originally submitted for sketch approval, the developer had an option to purchase another track of land. At that time, there was a proposal to run an additional road through to Lystra Road. The Board of Commissioners denied that request for the sketch design approval. They ended up going into litigation and then mediation. As part of the mediated settlement, the access was eliminated and some stream buffers were added to streams within the development. That access went away. There are stub-outs that are approved as part of Phase 3 mediation and the others as part of the original submittal. If the adjoining properties are developed in this area, there is the potential for other accesses if it makes it back to Old Lystra Road, but there is no guarantee that will happen or when.

Commissioner Stewart asked if the original proposal by the developer was willing to purchase and put in a second entrance, but that was denied.

Mr. Sullivan stated that was correct. He stated that Phases 1 and 2 came in separately and were approved in 2005. The final plats were approved in 2006 and 2007. They went through sketch preliminary and then the final plat recording. The roundabout has already been constructed and the right-of-way is dedicated so it already immediately joins and touches the property and is ready to be accessed. He stated that the plat references that there is future access to the project.

Commissioner Bock asked if the roundabout was at the beginning.

Mr. Sullivan stated that when you turn in, you run directly into the roundabout at the entrance.

Commissioner Bock stated that if there was a problem at the entrance, you are still going to have issues with safety vehicles or people trying to get in and out of the subdivision.

Mr. Sullivan showed the submittal in 2006 for sketch design for Phase 3. He stated that it shows all of the phases together for an overall snapshot.

Commissioner Bock stated that he has tried to read everything available on this. He asked if the Planning Board recommended it not be approved as originally submitted and the Planning Staff recommended approval.

Mr. Sullivan stated that was correct.

Commissioner Kost stated that she was on the Planning Board at that time. It was put together before the new Board of Commissioners took office and came during the last meeting in November before the new Board was seated. There were some stream calls that were missed and errors in the soils. Everything was not done in the original submittal as it looked as though it was done in a hasty fashion. She stated that she felt it was important to say why the Planning Board recommended denial.

Commissioner Bock stated that he agrees with everything that the people who live there have said and the safety issue is important. Unfortunately, at this point, he doesn't know that either approving or disapproving will fix the problem. It probably would not fix the problem. It is frustrating that it appears that if this particular neighborhood got caught up in the politics of the time. He stated that he felt he tried to do the right thing as he tried to have a second exit and it would have been safer for everyone involved. When it was mentioned that there were additional streams that needed to be buffered, he feels that could have been worked out. He stated that he believes Mr. Powell asked for additional time to come back to the Board with solutions and he was denied. He stated that he read more in the minutes talking about the streams, and it says that a LIDAR technique was used to identify streams and it said that they were fairly certain that the streams were there as they are showing on the map. But they couldn't be certain. He stated that it looks like he should have had more time to look at that before he was turned down. He stated that he thinks it was politics that got involved in it, and it is too bad for the residents and the developer. He stated that he cannot see any reason that they would not support approving the request. If it was turned down, he could rush through and get it platted in the six months he has left or he could resubmit it. It meets all the current ordinances so they would probably approve it, thus, he might be set back a little. He stated that he has trouble punishing him for trying to do the right thing.

Chairman Petty stated that he agrees it is two separate issues; however, he feels it is a shame to be dealing with something now that could have initially been fixed. He stated that he thinks he is correct in stating that the extra property is not available as it was earlier. The possibility of putting the road in no longer exists. If we give an extension, it may give time for the owner to work out some alternatives that they have not discussed or know about. He stated that he does not personally feel the Board should hold him up and hold him hostage any longer. He also has \$192,500 invested for Phase 3 for water rights. He stated that he doesn't feel like it is right to delay him any longer in trying to cover his investment in the property. He said extending it would allow him to properly plan, design, and address some of the issues that some of the citizens have mentioned. He asked the developer if, in the design, there is any way to address those issues, he do so as it would be very much appreciated by all those involved.

Commissioner Bock stated that maybe it could be looked at again with the additional houses, but it is a request that they can look at and it can't hurt to check.

Chairman Petty stated that he thought they were still well within NCDOT's guidelines as far as the number of dwelling units per entrance.

Mr. Sullivan replied that the ultimate buildout will be 115 lots; however, NCDOT did approve the construction drawings for Phase 3. The approved set of plans is in the file.

Commissioner Kost stated that she is going to support the extension, but she thinks that Mr. Powell will want to do what he can to alleviate this problem because if he is selling any of these lots to someone coming from Chapel Hill and they have to do the loop-around to get there, they are going to think twice about buying there. From a marketability standpoint, he thinks he would want to fix the problem. She stated that she was not on the Board at the time and she wouldn't blame politics for a decision of which she was not a part and she doesn't think it is fair to say that it was done for political purposes when other Board members were not there and did not see the original plans.

Commissioner Bock moved, seconded by Commissioner Stewart, to approve the request for a 24-month extension of preliminary plat approval to extend the preliminary plat expiration date from July 1, 2013 to July 1, 2015 and to approve Staff's request to be provided copies of all renewed permits. The motion carried five (5) to zero (0).

Commissioners' Liaison Assignments to Boards and Committees:

Commissioner Bock stated that they also needed to have a discussion with regard to the Affordable Housing Committee.

Commissioner Cross stated that the Board had already declared that the money could only be used for construction of affordable housing or the purchase property for future affordable housing. He stated that he didn't know that they needed a committee for that.

The County Manager stated they received a \$900,000 check today.

Commissioner Kost asked if they were going to develop a process as to how the money will be spent.

Commissioner Cross stated that they discussed before that any reputable affordable housing builder could submit a proposal which would come to the Board. Whether or not the Board accepted it would be up to them.

Commissioner Bock stated that he agrees that they do not need a committee, but he would support task force using those same members.

Commissioner Cross stated that he did not have a problem with that. He stated that they have already specified what the money will be used for, so he would not like to see a committee with twenty new ideas on how to spend the money.

Commissioner Kost moved, seconded by Commissioner Bock, to develop a task force to develop guidelines including criteria on how the \$900,000 that was received from Briar Chapel will be used and administered in affordable housing and further that they would ask the current members of the suspended Affordable Housing Task Force to serve in that capacity.

Chairman Petty stated that the Affordable Housing Task Force needs to understand that the guidelines have already been established as to how the money will be used.

Chairman Petty called the question. The motion carried five (5) to zero (0).

Commissioner Bock offered to become the liaison to the Affordable Housing Task Force.

By consensus, the Board agreed.

Commissioner Kost clarified that she was serving on the Juvenile Crime Prevention Council and is a voting member. She stated that she was also a voting member on the Mental Health Advisory Committee.

Commissioner Stewart stated that she would like to give up the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization position.

Commissioner Cross stated that he had already served his term on that board.

Commissioner Kost stated that she could not serve on that board as she is on the RPO and that she has also served on the Durham-Chapel Hill-Carrboro Metropolitan Organization. She stated that she was contacted by a member of that group who was concerned by Chatham's lack of presence there.

Commissioner Stewart stated that is the reason she needed to give it up as it usually falls at a bad time and date during the month and it is almost impossible for her to attend.

Commissioner Cross stated that the membership is not really the problem. It was the formula they used to determine voting capacities.

Commissioner Kost stated that in the two years she was on the board, they never used weighted voting. They always voted with straight votes.

Commissioner Cross expressed his displeasure at the way voting was done by that board with regard to a driveway into Chatham County for an Orange County WalMart. He stated that he did not have a desire to serve on that committee again. He stated that they could send a representative as it did not have to be a Commissioner.

Chairman Petty asked to place a temporary hold on that committee and to move forward with the more difficult ones.

Commissioner Kost stated that she felt it would be awkward to have a staff person on a board when there are elected officials on the board from all of the other jurisdictions. She stated that if you are not at the table and they are allocating money, then you are left out as this is a decision-making body. She stated that while sitting at the table, she was able to get some money for some very much needed improvements for parking along the Tobacco Trail. She stated that some of the improvements could be in Durham or Orange Counties, but might have a direct impact on Chatham County citizens.

Chairman Petty asked if there were any other changes to the committees needed. He stated that with the exception of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, could they approve the committee assignments as discussed.

Commissioner Bock moved, seconded by Commissioner Cross, to approve the committee assignments as discussed.

Commissioner Stewart asked if Grand Trees was still a committee.

Commissioner Kost stated that it was; however, it was not a nonprofit.

Chairman Petty called the question. The motion carried five (5) to zero (0).

NCACC Voting Delegate and Legislative Goals:

The County Manager explained that the Board would need to nominate a Board member to be a voting delegate for the North Carolina Association of County Commissioners for the conference to be held January 24-25, 2013. He stated if there were items or input on the legislative goals that has already been proffered, the delegate would discuss them.

Commissioner Bock moved, seconded by Commissioner Stewart, to appoint Commissioner Cross as the NCACC Voting Delegate. The motion carried five (5) to zero (0).

Renee Paschal, Assistant County Manager, stated that she had a suggestion for the Board to consider as a legislative issue aside from sales tax which is a perennial problem and asking the State to better account for sales tax collected locally. A second issue is how the State is handling Medicaid transportation that will affect Chatham Transit and also has the potential to affect many of the nonprofit agencies with which we work. The State is moving to a brokerage system and has already issued the RFP. They will probably hire the broker in a few months. That means that either the broker will skim off the Medicaid transportation (which is about 20% of Chatham Transit's revenue) or Chatham Transit will provide the service but they will pay them less than what they are now receiving. It is a State-wide problem, but it will affect Chatham Transit dramatically.

Commissioner Cross stated that any goal issued at this point would have to affect all counties in the State. The procedure for that would be to fill out in detail what you want and then submit it from the County Manager's Office or he can deliver it on the morning of the first day of the conference. On the evening after the first day, roughly 5:30 PM, the executive committee, co-chairs of the legislative goals and all the subcommittee chairmen meet and discuss it. Someone has to be there to discuss it with them. Then they decide whether it goes on the floor the next day. This process starts early in the year, so there is usually not a big percentage that will go to the floor.

Chairman Petty stated that he would like to go with Commissioner Cross. He asked to be registered.

The County Manager stated that he sent out the goals by email last week which are the proposed goals for conference.

Commissioner Cross stated that the Board should have received a packet with all of them included.

Commissioner Kost stated that she understands the need to sign on to the NCACC goals; however, she stated that she had always been an advocate for local issues as well they be put out to be sent through the local delegation to work on our behalf. She stated that she had also been an advocate that Staff, as they do their day-to-day role, they run into issues where the laws are either antiquated, outdated, don't make sense, or are causing problems and from various advisory committees where they see they be brought to the Commissioners and reviewed. She stated that she now just sees them reacting to the County Commissioners Association goals which are pretty broad.

Commissioner Cross stated that they had asked for goals in July and they usually have met with our legislators in the November or December timeframe. He stated that he had not been given any goals to submit.

Commissioner Kost stated that she had submitted a couple of items: 1) A study group to look at the transition from a developer to a homeowners association because she knew that this had been an issue for residents in Amberly where they are saying that our laws totally lean toward developers. 2) To support local control for land use decisions particularly those to do with hydraulic fracturing. That will potentially impact local land use more than anything else in the County.

Chairman Petty stated if there was anything else to come up, they would try to get them presented.

Commissioner Cross stated that it was not too late.

The County Manager stated that he felt the focus now is on the Association, about which the Board has been talking about State-wide goals. It does not say that there is no time to get local issues before the newly elected legislators and have a meeting before the session begins.

Commissioner Cross stated that the Association would not have anything to do with a local goal. The only way to do it is to go to the legislature.

MANAGER' S REPORTS

Wooten Water:

The fine with regard to the S. T. Wooten on using water from a hydrant was checked out and found that in October, 2011 a subcontractor, Green Cycle, did use water from a hydrant. They were subsequently fined \$460 for the water used, \$500 fine, and \$1,050 for a meter.

Jail bids:

The bids were opened for the jail. The low bid was higher than \$15 million by \$240,000. Staff would like for the Board to consider adding that amount to the bid.

Ms. Paschal stated that the low bid was higher than that; however they will need approximately \$240,000 over the \$15 million figure which will be borrowed. She asked for a Board authorization to proceed through the LGC in obtaining the financing.

Commissioner Cross stated that a jail was hard to estimate and he would suggest adding that amount to the \$15 million.

By consensus, the Board agreed.

COMMISSIONERS' REPORTS

Highway 751 Project:

Commissioner Kost stated that they had received a copy of the letter from Durham asking Chatham to amend the agreement to be clear that the water purchased from Durham sold to Aqua America would be used only for Chatham County. She asked if this was coming back before the Board of Commissioners and when.

Chairman Petty asked if Staff would be prepared to bring the matter back to the Board at their January Board of Commissioners' meeting.

The County Manager stated that they should be. They are now discussing it now.

Commissioner Kost stated that Durham entered into the agreement with Chatham to help Chatham County provide water and they want the agreement to be very clear that that is what their intentions were.

Chairman Petty stated that the motion, on the night it was discussed, was that it would be bound by any existing local agreements.

Commissioner Kost stated that what they were saying is that they want to amend the interlocal agreement to make sure that it is very clear that the water could only be used in Chatham County.

Commissioner Bock asked why we would agree to more restrictions on a current contract.

Commissioner Cross stated that there is an end to the current contract. If you want to get it renewed, you have to make sure that the new contract is to supply Chatham County and not to resell it. He stated that he didn't have a problem with changing a sentence in the contract and amending it to make them happy. He stated that he was sure that Chatham got their attention when they heard about it.

Commissioner Kost stated that she was contacted by elected officials in Durham and what she had warned to be the case was indeed the case. She stated that Chatham needs to have a good working relationship with Durham if we are going to proceed with a regional intake. She stated that they saw the direction of asking staff to develop a contract, even though she had explained that it was coming back before the Board of Commissioners, they felt it was trying to provide water to their citizens and their county.

Commissioner Cross stated that when it comes to that regional water intake we have been discussing now for four to six years, Chatham County is probably going to be the first one in the partnership that needs the water. They are not going to need water for a long time, but they did see the need to do this. We need them on our side and to divvy up when it comes time to get the plant built. We don't need to be making enemies with Durham.

Chairman Petty concurred.

Commissioner Cross stated that he could tell by the tone of the letter received that they were "hot" about it. He stated that he didn't think it was a big deal to change that one sentence and amend the agreement if it makes peace in the group.

Chairman Petty stated that he felt the motion covered all those concerns and that was the reason he worded it the way he did.

Commissioner Cross stated that we still got a letter from them asking for an amendment. He asked what the Board was going to tell them.

Chairman Petty stated that he had never had to renegotiate a contract until it expired.

Commissioner Cross stated that this contract wouldn't have to be renegotiated; they are just asking us to because something came up that they were not expecting; they never considered that they were going to sell Chatham water and Chatham would resell it to Durham County. That wasn't part of the agreement; it wasn't specified directly; they didn't see it as a problem; and now there is a subdivision that spans both counties. He stated amending it is not a big deal. He asked if there was some problem that the Board would not want to amend it.

Historic Courthouse:

Commissioner Kost stated that as we are getting close to the finality and completion of the Historic Courthouse, it occurred to her that the Board never really talked about the interior configuration. Citizens do not like speaking with their backs to the audience. As far as the layout of the room, it will primarily be used as a Commissioner's meeting room. She asked if there were any drawings showing how the benches will be laid out, the location of the podium, etc. She stated that she felt the Board should probably discuss the way the meeting room will be configured.

Chairman Petty asked how it could be done.

Commissioner Bock asked if the point of the public input session wasn't to address the Board. He stated that the Board was the audience.

Commissioner Kost stated that she was relaying what people have said.

Ms. Paschal stated that they looked at how the space was to be configured; however, they did not take that into account. She stated that they were looking at the configuration of the Board. They had a very tight area in front of the bench where the Board, Clerk, and Staff were to be seated, the electrical and figuring out where podiums would plug in; therefore, the podium will face the Board and not the audience.

Chairman Petty stated that he liked that configuration as he liked to look at the speaker and have the eye contact.

Commissioner Kost stated that she could not see part of the audience. She stated that if she was speaking at the podium, she would not like to have her back to the audience.

Commissioner Bock stated that it cuts back on the theatrics of the people playing to the audience. He stated that his vote would be to keep it the way it is.

Chairman Petty stated that there would be more discussion on this matter at a later date.

Agenda:

Commissioner Kost stated that the descriptions on the Agendas need to be clear as to what is being discussed. She gave examples of where clarification was needed. She stated that one needs to be able to look at the face sheet and have a good understanding of what it is they are going to be discussed. She stated that she would like for us to try to be more descriptive in the Agendas so that the citizens know what business is being conducted.

Broadband:

Commissioner Stewart stated that her Broadband service has gotten much better. She is now able to get wireless inside her house and she has switched her home telephone over to wireless. It is improving in some places. She is, however, still having trouble with her cell phone service except for certain places in her home.

Bee Health:

Commissioner Stewart stated that she has been training on bee health. She is now a "Bee Ambassador". She is able to speak on bee health and colony decline and has gotten involved in the research that is being done on bees. If there is anyone who has questions, she will be glad to assist them.

Commissioner Cross asked Commissioner Stewart if, when she finished her training, if she would create a "buzz" wherever she went.

Queen's Foundation:

Commissioner Stewart stated that she has had the opportunity to become involved in The Queen's Foundation, a nonprofit 501c3 organization with its mission to inspire women for greatness. They have exceptional grades, but are in high-risk home situations. They come together and are sent through leadership training, etiquette, etc. They are put with different people in the community and are matched according to their interests. She is talking with someone that is interested in community, politics, and local service. It is a good organization that is expanding to the Raleigh-Durham-Chapel Hill area. Although Chatham is not a participating county at this time, she would still be able to work with them. The girl would be coming to the meetings and work alongside her each week.

Legislative Goals:

Commissioner Cross informed Chairman Petty that there is training for new chairman at the Legislative Goals Conference on Wednesday, January 23, 2013 as part of the session.

Western Wake Partnership:

Commissioner Cross stated that even though he voted against the Western Wake Wastewater line, they are laying pipe through his neighborhood. The pipes are so large, that only two can fit on a tractor trailer at one time. They have cleared the paths and installed silt fencing on both sides. He stated that he was amazed at how fast they are going and the equipment they are using. They have a machine, that when it finishes cutting the trees down, it removes stumps and grinds them into nothing. He stated that the end result is not going to change his opinion, but they are doing a nice job from what he can see.

Commissioner Stewart asked if there had been any feedback on the landowners being treated fairly. She stated that she had not heard anyone say they were not being properly compensated.

Commissioner Cross stated that he felt they were compensated fairly.

Distinguished Budget Award:

Chairman Petty stated that Chatham County has received the Distinguished Budget Award for the current budget from the Government Finance Officers Association (GFOA). This is the highest form of recognition in governmental budgeting and represents a significant achievement by our organization. A Certificate of Recognition for Budget Presentation has been presented to the County Manager's Office. The GFOA suggests a formal presentation of the award which will be presented at a later date.

Software for Agendas:

The Deputy Clerk distributed copies of the Agenda which was made with the new software for review.

Chairman Petty stated he might still like to have hard copies of the agenda on which to make notes.

ADJOURNMENT

Commissioner Cross moved, seconded by Commissioner Bock, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 7:37 PM.

Walter Petty, Chairman

ATTEST:

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