

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**MAY 06, 2013**

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The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Old Chatham County Library (Temporary Superior Courtroom), 158 West Street, Pittsboro, North Carolina, 6:00 PM on May 06, 2013.

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**

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 6:02 PM.

**APPROVAL OF AGENDA and CONSENT AGENDA**

Commissioner Bock moved, seconded by Commissioner Cross, to approve the Agenda and Consent Agenda as follows:

1. **Minutes:** Approval of Board Minutes for the April 15, 2013 Regular Meeting and the April 15, 2013 Work Session

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

2. **Older American’s Month Proclamation:** Consideration of a request to adopt **Resolution #2013-20 Proclaiming May 2013 as Older American’s Month**, attached hereto and by reference made a part hereof.

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

3. **ABC Board Membership Change:** Consideration of a request to approve a change in membership of the Chatham County ABC Board from three to five members

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.

## **PLANNING AND ZONING**

### **Public Hearing:**

**Request by the Chatham County Board of Commissioners to Amend Section 10.13 of the Zoning Ordinance:** Public hearing to receive public comments on a request by the Chatham County Board of Commissioners to amend Section 10.13 of the Zoning Ordinance to reduce setbacks to the minimum required by the zoning district for private recreation camps solely in the Haw River Township

Hillary Pace, Planner II, explained the specifics of the request.

The Chairman opened the floor for public comments.

**Dennis Fair**, PO Box 1867, Pittsboro, NC, expressed appreciation to the Board for taking the time to hear this matter again. He stated that he had a considerable amount of money invested in his property. He stated that he was ready to move forward and would appreciate the Board's consideration to lessen the setbacks to twenty feet.

The Chairman closed the public hearing and referred this item to the Planning Board.

## **BOARD PRIORITIES**

### **Planning and Zoning:**

Request by Planning Staff to discuss the Communications Tower Ordinance in light of legislative changes affecting telecommunication tower review procedures

Hillary Pace, Planner II, explained the specifics of the request as follows:

As new communication technologies develop, ordinances and regulations have to adapt to the needs of the rapidly growing industry. Legislation has been passed that has promoted a more expedient review of cell towers and co-locations as well as the flexibility in increasing antennae height of existing towers. With the above mentioned changes in federal and state law, it is time for the County to analyze the current requirements of the telecommunications ordinance and evaluate potential modifications to become consistent with adopted state and federal regulations.

Last modified in 2007, the Chatham Communication Towers Ordinance is currently incompatible with some of the requirements of existing telecommunications law. In application of the ordinance, staff has identified some areas needing immediate attention to regain consistency with the state and federal regulations and some areas within the ordinance that may be refined to promote a more streamlined review of new cell tower construction and modification of existing towers.

Currently, the County allows new cell tower construction within search rings identified on the annual cell tower plan. New cell tower sites that are within approved areas on the annual cell tower plan are currently permitted through the conditional zoning process in the zoned portions of the County. Those locations within the unzoned portions of the County are processed in the same manner as conditional use permits. Requests for co-locations are permitted at all times of the year, with the exception of the annual cell tower plan review cycle, without any substantial staff review. Any new cell tower builds must wait until the next annual review period if not located within an approved search ring. Modifications of existing towers must follow public hearing procedures. The ordinance outlines restrictions on tower height and placement, with special considerations for Major Wildlife Areas and the proximity to existing towers.

State and Federal law now provide administrative review timelines for local governments for new cell tower construction and co-locations. More restrictive than federal regulations, North Carolina law requires a local decision on a co-location to be

completed with 45 days and 150 days for a new cell tower site. In addition, recent legislation requires local governments to approve an increase of the height of their antennae as long as the increase does not constitute a “substantial change”. The FCC has recently released some guidance on what constitutes substantial change.

Conversely, state law has allowed local governments to add a condition to zoning approvals for new towers that prevents building permits for the tower being issued until the applicant provided documentation identifying parties intending to locate facilities on the tower. It also may require that permitted facilities be constructed within a reasonable time, provided that time is not less than twenty-four months. The current ordinance requires construction within six months of permit approval and completion within twelve months.

Chairman Petty asked if there was a timeline for starting.

Ms. Pace stated not within the legislation she has found. She stated that they would need to research it further.

Commissioner Kost asked if anyone in Chatham County has ever tried to modify a cell tower.

Jason Sullivan, Planning Director, stated that they had never received a request for height modification to the tower; however, he had had several co-locations where there are antennas added to the existing towers, but no requests to extend the height because of an issue with adjustments to the antennas array not meeting the cell tower providers needs.

Commissioner Kost stated that she thought it was interesting that you could increase the height up to ten percent which could actually push it over the limit where it would require the strobe lights, etc.

Ms. Pace stated that they looked into other jurisdictions’ ordinances. She stated that that was one area that she feels they would have to explore in more detail. She stated that the ten percent increase or small antenna may or may not trigger the lighting requirement.

Commissioner Cross stated it would be interesting to know if the FAA was aware of this as if it was extended ten feet, it would be over the limit.

Commissioner Kost stated that when they talked about this before, Mr. Sullivan had mentioned some changes that needed to be incorporated into the ordinance; however, there was also discussion about meeting with some of the cell tower representatives as they revise the ordinance. She asked if that would be the next step.

Ms. Pace stated that she feels that they need to take a look at what is happening around the jurisdiction and culminate all of the legislation that has been passed since 2007 when the ordinance was last revised. She stated that they have contacts with which they frequently work that have offered to update them in some of the aspects on which the ordinance may not be up-to-speed.

Commissioner Kost stated that the folks who came to speak when the search rings were discussed also volunteered to help.

Ms. Pace stated that there are a lot of technical aspects in which they may need to seek some answers; however, a lot of it is the straight forward legislation which that will have to use to look at the entire ordinance process.

Commissioner Cross suggested contacting someone with the FAA and see if they are aware of this and how it will affect the strobe lights.

Ms. Pace stated that they have a base contact in the office in Atlanta. They have some advisory circulation that has specific criteria regarding the lighting, painting, etc.

Commissioner Cross asked if they know if raising it ten percent is going to trigger it.

Ms. Pace stated that she did not have an answer for that yet; however, she does understand that there are several nuances with the type of antennas so they will need to clarify it.

**Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) – Staff’s FY 2014 request to provide a share of the non-federal match to support the MPO’s planning activities:**

Jason Sullivan stated that at the last Board of Commissioners meeting, representatives from the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization were in attendance who presented information to the Board. The primary discussion was with regard to the new fee that is being charged by the MPO to all the member jurisdictions. The way it was left at the last meeting, the Board wanted an update at this meeting to see where things are. The MPO Staff is working on an update to the memorandum of understanding. Hillary Pace attended a staff level meeting last week where that discussion occurred. They are working on a draft that will be forwarded to the technical coordinating committee (staff level group) and then forwarded to the Technical Advisory Committee then ultimately, within a few months, back to all the locally elected boards. He stated that they want to incorporate in that all the jurisdictions will have to pay a contribution. There was also some discussion about the changes in the voting structure.

Chairman Petty asked if that topic had any discussion in the meeting.

Ms. Pace stated that it started at the TCC. The group decided to push it to a subcommittee. The subcommittee meeting took place last week in Durham. It came out with a recommendation of the initial proposed changes that will then be forwarded to the TAC this month then onward from there.

Ms. Pace stated that there was language in there at the end of the MOU that said each member jurisdiction will be required to pay the portion as calculated by the population. She read the proposed language as follows:

“The municipalities and the counties will participate in funding the portion of the costs of the MPO’s work program not covered by federal or state funding as approved by the MPO Board. The portion to be paid by each municipal and county member government will be based upon its pro rata share of population within the MPO Planning Area, utilizing the most recent certified North Carolina Office of State Planning municipal and county population estimates. In addition, MPO members may also voluntarily contribute additional funds for other purposes such as to participate in funding the costs of special studies, or other specialized services as mutually agreed upon.

Failure to pay the approved share of costs shall/will result in the inability for the MPO Board to approve the Unified Planning Work Program and annual MPO self-certification as required by 23 CFR 450.334. Failure to certify shall result in the withholding of transportation project funds to the metropolitan planning area in accordance with federal law.”

She stated that she asked what that means specifically for Chatham County. She stated that her understanding in this proposed language is that it could eventually mean if we elected not to pay, the withholding of funds for transportation projects in our share of the pool would be taken away.

Commissioner Bock asked about the withholding of funds from where.

Ms. Pace stated that it would be withholding funds from our transportation improvement projects that would surface up the ranking. The money would be the federal highway funds, the share that Durham and all the other member jurisdictions receive.

Commissioner Kost asked if they would have the authority to withhold State money as well.

Ms. Pace stated that was not asked so she doesn't have an answer.

Commissioner Bock asked if Chatham County didn't pay, if the entire MPO would be withheld.

Ms. Pace stated that was the way the language was written. She asked what it meant for Chatham and that was the answer she received.

Commissioner Bock stated that it seemed as though that was something that needed to be in next year's budget since it is just now coming up.

Commissioner Kost asked if the Board would hold a discussion on this at a later date once the MOU is done. She stated that she thought they brought it to the Board thinking that was early enough because budgets are required to be presented by June 1<sup>st</sup>. We prepare our budget earlier.

Chairman Petty stated that he thought so. He asked if any timeline was given for the MOU.

Ms. Pace stated that the MOU revision in its current form will be presented to the TAC this month. Her understanding of the general timeline is after that it goes to member jurisdictions in which they anticipate two to six months worth of turnaround.

Commissioner Kost stated that she felt sure it was discussed when they did their organizational plan in the fall.

Commissioner Bock stated that it is the Metropolitan Planning Organization so it is really for cities/municipalities. He asked if Chatham just happens to be in it because it overlaps from Durham.

Ms. Pace stated that it is the urbanized areas as defined by the census. We have a little pocket that dips into Chatham. They then have an extension of what they call the planning area. Our share is determined by the boundary area.

Commissioner Bock stated that it seems to him that any of the projects that would come down would be primarily for one of the municipalities and it just happens to overlap into Chatham County. He stated that he finds it hard to believe if we said we weren't going to pay it, that they would let the entire MPO not be certified. He stated that he was having a hard time trying to find out where the value to the MPO is to Chatham.

Ms. Pace stated that some of the projects Chatham has had are the ATT Trailhead, and a couple other projects that have been part of an MPO grant.

Commissioner Kost asked if the 15/501 widening was through the MPO.

Mr. Sullivan stated that is where it begins to get more complicated. It can be difficult trying to find out the level of approval that the MPO has over projects like the 15/501 widening as it is a strategic highway corridor at the State level which is a road of State significance. They are looking at that for transportation needs to serve more than just a regional area. As we are seeing with the 15/501 Corridor Study, that is money that

is coming directly from the Department of Transportation through our local division office for funding that study and it's not involving MPO funds or MPO approval and the same with the RPO. That is where it gets more complicated with when the MPO has to approve certain projects. The funding that we have typically received (sidewalk funding) was through funds that were allocated to the MPO. The trailhead parking with which we worked with Cary was congestion mitigation air quality funds that were allocated from the federal level to the MPO. We received some funding through that mechanism. Those are directly related to the MPO participation. Some of the larger projects like the major widenings, i.e. the Spot Safety Improvement Program, is something that is not coordinated through the MPO. It is coordinated through the local district office. Some of the improvements on Jack Bennett Road have nothing to do with the MPO.

Commissioner Kost asked if the MPO's got more money than RPO's as they have different funding sources available to them that rural areas do not.

Mr. Sullivan explained that one of the funding sources that is typically brought up is the Surface Transportation Direct Attributable Funds. Because of the size of the Durham-Chapel Hill-Carrboro MPO, they get money directly from the federal government that is allocated to the MPO which the MPO spends however they want. DCHC has a policy that was adopted by the Transportation Advisory Committee which is allocated for greenways and bike projects, but could be broader.

Chairman Petty asked even though one might be a member of the MPO, is it allocated for that particular area or region.

Mr. Sullivan stated that it was for the entire MPO boundary. The MPO sets up the process as to how they want to allocate it. It is a complicated and competitive process. DCHC wants to see the funds used for bicycle and pedestrian improvements, not road improvements.

Chairman Petty asked if that was where the more weighted vote would come into play.

Ms. Pace stated that weighted voting can be invoked at any certain time prior to an initial vote on a project.

Commissioner Kost stated that in the two years that she attended MPO meetings, the weighted vote was never used.

Commissioner Bock stated that with regard to voting, we don't have a voting member because none of them want to fill out the required financial disclosure form and will probably not change. They can change the weighted voting but we will not have a voting member which is something to think about.

Commissioner Kost stated that the form came in after the fact that we did not have a voting member so that cannot be used as the reason. She stated that with the RPO, she is continuing to go, continuing to have input, and to be part of the process; however, she does not get to vote.

Chairman Petty asked that Ms. Pace let the Board know if she finds out any more information so that it can be discussed at one of the meetings.

Commissioner Kost stated that they could probably discuss it at one of their budget work sessions since it is a budgetary item.

Commissioner Cross stated that if we are supposed to be a partner, why the literature that they put out does not have Chatham County on it. He stated that it has every other member, except Chatham County. He asked if Chatham was a member or not.

Mr. Sullivan stated that we are a member by the fact that we have an area on the map of the DCHC/MPO boundaries.

Chairman Petty thanked staff for their presentation.

**FY 2013-2014 Budget Presentation:**

Renee Paschal, Assistant County Manager, presented the FY 2013-2014 Budget Presentation PowerPoint as follows:



**Chatham County**

**FY 14 Recommended Budget**

**Budget Process**

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- ▶ Staff is presenting the Manager's Recommended Budget—*this is just the 1<sup>st</sup> step*
- ▶ Before the budget is finalized, commissioners will:
  - ▶ Hold 2 public hearings to hear from the public (May 20 and 21)
  - ▶ Hold work sessions: May 23 & 28 scheduled
  - ▶ Make changes based on public input, etc.
- ▶ Goal is to have the budget finalized on June 17 — state law requires adoption by June 30



## **Achieving a prosperous and thriving community**

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- ▶ **BOC Retreat goals:**
  - ▶ Achieve a AAA bond rating
  - ▶ Ensure efficient and effective government
  - ▶ Build a safer community



## **Additional Expenses in FY 14**

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- ▶ Staffing to open the new jail: 25 positions, \$621K (partial year)
- ▶ 3% pay adjustment, plus funding an update to the 2008 market pay study (\$620K in general fund)
- ▶ 4 telecommunicator positions starting January (\$93K)
- ▶ Continue pretrial release program in-house and add electronic monitoring component: \$35K in-house vs. \$49K for contract service without electronic monitoring
- ▶ Funds transfer to debt reserve for new agriculture center (approx. 1/10 cent)



## **School Funding**

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- ▶ Chatham County has provided good support to the school system throughout the recession
- ▶ The recommended budget includes:
  - ▶ \$250K increase in appropriation for local supplement
  - ▶ \$500K appropriation for K-8 teacher laptop replacements (funded from one-time decrease in transfer to debt reserve)
  - ▶ CIP projects totaling \$1.5M





## **Summary**

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- ▶ The recommended budget is \$3.95 million more than the FY 2013 Amended Budget
- ▶ No tax increase is proposed for the county
- ▶ No tax increase is proposed for fire districts
- ▶ Staff is recommending a few fee increases/ adjustments
- ▶ Capital and one-time expenses funded by a \$4.5 million fund balance appropriation



## **In Summary**

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- ▶ The recommended budget continues the past practice of good financial stewardship and moves the county forward to take on new responsibilities and invest in its people and schools



## **Highlights**

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- ▶ Overall, revenues are expected to increase in FY 14, including:
  - ▶ 13% increase in fees and permits
  - ▶ 3% increase in local sales tax; 2% increase in statewide sales tax
  - ▶ 4% increase in property tax revenues (more than one-half is motor vehicle windfall)
- ▶ The recommended fund balance appropriation is \$4.5M; \$5M appropriated in FY 13



## **Intergovernmental Climate Uncertain**

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- ▶ Federal sequester having some impact: human services, education, PIL for Jordan Lake and subsidy for QSCBs
  - ▶ State tax reform implications unknown:
    - ▶ Original version of SB 394 would take half of food sales tax and all of Medicaid hold harmless and beer and wine without a jurisdictional hold harmless (\$2.3M in FY 16)
    - ▶ Other bills extend the present use exemption
    - ▶ Only known impacts have been addressed; our plan to manage the unknown impacts is to hold the motor vehicle tax windfall until the impact of tax reform is known
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## **Major Funds**

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- ▶ General Fund: \$92.6M, 4% increase
  - ▶ Water Fund: \$5.6M, 5% decrease
  - ▶ Solid Waste & Recycling: \$3.2M, 10% decrease
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## **Capital Improvements Program (Appendix C)**

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- ▶ Funds feasibility studies for animal shelter and renovation of old jail
  - ▶ Continues funding of Annex renovations
  - ▶ Increases new high school cost to \$49M, as a result of 2-year delay
  - ▶ Rolls over funding for minor renovations to old library/temporary superior court
  - ▶ Funds DOT traffic recommendations at North Chatham
  - ▶ Funds roofs for Moncure and Sage from one-time motor vehicle tax windfall
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## **Non-profit Agencies (Pages 82-83)**

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- ▶ Nonprofits undergo an extensive application and review process
- ▶ This year the process was changed to allocate 55% of funding to the basic needs of hunger, housing and health care
- ▶ Written recommendations from panels will be provided
- ▶ Manager recommends redirecting \$5,000 from Chatham Arts funding to commissioner pot
- ▶ Commissioners have \$15,000 to allocate directly

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## **Budget Process**

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## **Questions?**

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Commissioner Bock asked about the special election, how much it will cost, and if it is a one-time expenditure to come out of Fund Balance.

Ms. Paschal stated that it was a one-time occurrence, it will come from Fund Balance, and the cost will be approximately \$50,000.

Ms. Paschal stated that the Library Foundation Trust Fund was left out of the document which will be distributed by the Finance Officer.

Commissioner Kost asked if they had received a copy of the school system's request.

Ms. Paschal stated that they have only their line-item budget. She stated that she had asked them to prepare their normal budget, which isn't technically due to us until May 15<sup>th</sup>. It will be distributed as soon as possible.

Ms. Paschal reviewed the budget work schedule as follows:

Monday, May 20, 2013 - Public Hearing in Pittsboro - Board of Commissioners' Meeting

Tuesday, May 21, 2013 – Public Hearing in Siler City

Thursday, May 23, 2013 – Work Session in Pittsboro, Temporary Superior Courtroom

Tuesday, May 28, 2013 – Work Session in Pittsboro, Temporary Superior Courtroom

The County Manager asked if the proposed schedule would work for everyone.

Commissioner Kost asked if the schedule would accommodate having the sheriff and the jail at the same time as he brings a lot of his staff as opposed to having them come on two separate days.

By consensus, the Board agreed.

#### **Temporary Sign Regulations Discussion:**

Commissioner Bock stated that the new sign ordinance that was adopted gave people more flexibility and more signage. It is being read that the temporary signage (Pick Your Strawberries, Green Home Tour, etc.) is no longer allowed. He stated that he has received several calls from farmers asking why they could not put their signs as they have in the past. He stated that it needs to be clarified.

Mr. Sullivan stated that there were no changes in the temporary sign requirements. The changes that the Board adopted have to do with permanent, off-premise directional signs. There were no changes to anything else in the regulations. He stated that this was amended several years ago to provide better clarification for temporary signs in the regulations. We allow off-premise directional signs for small types of events. It covers civic, charitable, educational, religious, community recreational, or other non-profit organizations. Temporary signs can be put up two weeks prior to the event and they have to be removed two days after the event. There were some additional allowances for real estate open house signs. Basically, the other temporary signs need to be on the site of the activity.

For agricultural activities, he explained that the ordinance is currently structured that a farm is a for-profit business. It does not fall into the category where the off-premise signs would be allowed. On-premise signs would be fine. They would likely be covered as a bonafide farm exemption where the activities occur. If the Board would like to modify this section to have an allowance for agricultural uses, it is something that staff could investigate.

Commissioner Bock stated that in reality, they are doing it anyway. Others are trying to follow the rules so they have been getting them off the right-of-way. He stated that he presumes that the new ordinance got them looking at the ordinance which made

them realize that they are not supposed to do that. He stated that he would like to see an exemption for that.

Commissioner Kost stated that they should think it through and make sure there is not something else as well. She stated that we are also still waiting for a revision to the ordinance dealing with the size of the lettering and signs and how it is measured.

Mr. Sullivan stated that with the staff turnover, it has not been done.

Commissioner Kost stated that she would like to see it all come before the Board at one time.

Commissioner Bock stated that it was too late to do anything for this year's growers. He stated that he doesn't want to keep putting it off and it not happen.

Chairman Petty asked if it would be simple enough to include the word "seasonal" or "agricultural" signs.

Mr. Sullivan stated that we would probably need to add another category as seasonal activities are going to be more than just two weeks prior to an event. They would also want to work with the County Attorney.

Commissioner Kost asked if they were directional signs.

Commissioner Bock stated that they might put out ten signs throughout, especially on the more rural roads.

Mr. Sullivan stated that if they wanted to put up a permanent all-premise directional sign, they are in good shape. They could have up to three signs which was better than what was allowed prior to the revision.

Commissioner Bock stated that sometimes more than three signs are needed on the rural roads.

Commissioner Kost stated that most of them have been in the right-of-way.

Commissioner Bock reiterated that they are trying to follow the rules and he is reluctant to tell them to put the signs in the right-of-way as they will not get enforced.

Mr. Sullivan stated whatever the desire of the Board is, they will comply.

Commissioner Kost stated that she wanted to make sure that it was thought all the way through. She wants to make sure that there is nothing else that is temporary in nature that is not farm-related.

Mr. Sullivan stated that the big one would be all the other types of commercial uses.

Commissioner Bock stated that people also put up "open house" signs all the time which are probably not covered.

Mr. Sullivan stated that they do have the real estate open house signs that are covered under Item B. It would be covered two days prior to the open house and then be removed within twenty-four hours after the event.

Commissioner Bock stated that he understands that we need to think bigger; however, he does not want to wait for perfection before we get to good.

Commissioner Kost stated that she is asking them to consider the options.

Mr. Sullivan asked if the Board would like for staff to work on the temporary sign portion of it. He stated that if they got into a broader issue of the sign regulations which needs a somewhat substantial overhaul of that and other sections of the Zoning Ordinance, would take substantially more time to go through than just the temporary sign section.

By consensus, the Board agreed.

Mr. Sullivan stated that they would work with the County Attorney and return this item to a future work session.

**Senate Bill 612 Discussion:**

Dan LaMontagne, Environmental Quality Director, stated that Senate Bill 612 was passed by the NC Senate on May 2, 2013.

Parts of the bill important to Chatham County summarized:

Part I – Fast-track Permitting – the State will develop minimum design criteria for stormwater and erosion control. Permits will be issued without a technical review if the application meets the minimum design criteria and is sealed by a professional specified in the criteria.

Part II – Local Government Preemption – A local ordinance will be considered not consistent with state or federal law when it regulates a field that is regulated by a state or federal environmental agency and is more stringent than the state or federal regulation.

Part III – Groundwater – only requires remediation of contaminated groundwater on-site if certain conditions apply or if the contamination goes beyond the property boundary.

It changes the definition of built-upon area to not include gravel.

Part VI – Reform Existing Rules - State agencies authorized to implement or enforce environmental laws shall identify all existing environmental rules that are more stringent than federal laws or rules. By September 1, 2013, the agencies shall initiate steps to either repeal the rules or rewrite the rules to make them no more restrictive than the corresponding federal laws or rules.

Commissioner Kost stated that another section of the bill says the State can't have regulations any more stringent than the federal. It is not just the coast of North Carolina, it is the Pacific Coast.

Commissioner Bock asked where that it in this bill as he is unsure that it says exactly that.

Mr. LaMontagne stated that it was in Part 6 and summarized it as follows:

State agencies that are authorized to enforce environmental laws, shall identify those laws that are more stringent than federal laws. By September 1, 2013, will start to either repeal the rules or rewrite the rules to make them no more stringent than the federal rules.

Commissioner Bock stated that the concern is that there are several agencies that have become de-facto legislators. They are passing laws and don't have the accountability of an elected official. The concern is that it has gotten out-of-control. The legislature can always pass something that is stricter than the federal law as they make the laws. They are saying that the unelected, unaccountable agency cannot do so. It's not that the state cannot make stronger laws than the feds, it is saying that the unelected agency cannot without getting permission from the legislature.

Commissioner Kost stated that the staff makes the rules, not the law. But the rules have to be adhered to.

Commissioner Bock stated that they are talking about what has become de-facto law. You have the rules, fines, and the punishments that go along with breaking a law. The rules are being set by agencies. The legislature is saying that it is our responsibility to pass those types of regulations and they have lost that ability. He stated that he thinks it is getting reported that the State can't have stronger regulations; however, that is not what it is saying.

Mr. LaMontagne stated that it is very general. In 6.1 D, it talks about situations where they could make the rules more stringent.

Commissioner Bock stated that the legislature will have final approval if they want it to be a stricter regulation.

Mr. LaMontagne stated that another significant part of this of interest to the County is Part 3 which is about ground water. It sets up a compliance boundary at the property line. It only requires remediation of contamination on-site if certain conditions apply or if the contamination goes beyond the property boundary. There are a number of conditions that would trigger on-site remediation of the ground water. He believes it will catch most of the sites, but there is a concern that it would not. One is if it can be shown that contamination on-site is an imminent hazard or threat to the environment, public health, or safety. Another says if it can be shown through modeling, it would progress off-site and would trigger remediation of the site. He stated that his concern is that the contaminated site would sit.

Commissioner Bock asked how significant inert debris and demolition debris is to waste reduction.

Mr. LaMontagne stated that was a previous edition that didn't make it through. You could bury demolition debris on-site from manufacturing facilities. Now it can't be done which is a good thing.

Mr. LaMontagne stated that in another of the amendments, they changed the definition of "built-upon area". The rules say that in the water supply watershed, 36% of the site can be built upon. That included rooftops, pavement, and gravel as built-upon area. It is defined as impervious and semi-impervious surfaces. This definition change says that gravel is now pervious. Gravel would not be included in built upon-area calculations; therefore, you can put rooftops, pavement, and concrete on 36% of the site and then put gravel everywhere else. That was an amendment to this bill. It is also not clearly defined what gravel is. He stated that he had spoken with the Division of Water Quality and they are working on the responses to this bill. One of the specifics is to define "gravel".

Commissioner Bock asked if this would go to the House, they will come up with their changes, and then they will reconcile the changes and come up with a final.

Mr. LaMontagne stated that he thought if it was significant, it would go to the Senate.

Commissioner Kost stated that she feels if we lose the local control for erosion and control and riparian buffers, it would not be good policy for North Carolina. She stated that we are the government closest to the people. We heard the citizens come in and talk about riparian buffers. This Board listened to the citizens and backed off the changes and we continue to protect ephemeral streams. Under this, the buffers for the State do not take into consideration that we have highly erodible soils in Chatham County. She stated that she hoped this Board would oppose this bill.

Commissioner Bock stated that he could oppose that section but not the bill. He stated that he thought that the Association of County Commissioners and the League of Municipalities would be opposing it as well. He asked if they had weighed in on it.

Mr. LaMontagne stated that he had not heard a lot.

Commissioner Bock stated he felt every county would want that flexibility.

Mr. LaMontagne stated that another thing he wants to make sure that the Board knows about is no technical review on the stormwater. He stated that we require minimum things submitted for the plans plus they require a professional engineer seal. He stated that he doesn't remember a time when he didn't have comments and corrections.

Commissioner Kost stated that she read an article that this was going to make some of the stormwater engineers uncomfortable because if they build it and build it wrong, they will have to tear it out and get fined. This could save a lot of problems by having the review up front.

Mr. LaMontagne stated that they had found the review process in Chatham County to be very helpful to applicants.

The County Manager stated that the other consideration for this is still undetermined. If some legislation is ratified as another unfunded mandate, in the past it has fallen on us.

Commissioner Bock stated the he would be interested in learning what the League of Municipalities and the Association of County Commissioners think about this, stating they have a much bigger voice than we do.

Commissioner Kost stated that she didn't feel that it needed to be left up to the League and to the County Commissioners Association. She thinks if individual counties, both Democratic and Republican controlled, weigh-in on these issues and the General Assembly hears from all the counties, then they will think about it and understand that it has ramifications beyond what they are thinking.

Chairman Petty asked when the next Association of County Commissioner's meeting was to be held.

Commissioner Cross stated that there was a tax and finance meeting on Thursday. They are all subcommittee meetings. The next all-member meeting is in August.

The County Manager stated that we could look on the website to see when the meetings will be held and find out where the League and Association of County Commissioners are with this particular issue and report it back to the Board.

Commissioner Kost asked that a letter be drafted opposing the parts that the Board agrees on, and then revisit and vote on it at the May 20, 2013 Board of Commissioners' meeting.

Commissioner Bock stated that if they are going to do that, it would probably be okay to mention this bill; however, a letter saying that the Board opposes anything that takes away their flexibility and local government control should be opposed whether it is this bill or one of the several that may get passed that they are not watching. The language could be broadened to say "please figure out a way to maintain local government control and flexibility". That is really what we want. It just happens to be those two paragraphs in this Bill, but there may be more.

Chairman Petty asked if it could be tailored around maintaining some local control.



Commissioner Kost stated that she supported that; however, she feels that we need to mention 612.

Commissioner Bock stated that he thinks the Board is in agreement in opposing is Section 2.1 (5a) The ordinance (i) regulates a field that is also regulated by a State or federal 1 statute enforced by, or a regulation promulgated by, an environmental agency; and (ii) is more stringent than the State or federal statute or regulation.

Commissioner Kost asked if the Board could also agree on the staff review as she really does see the value in that.

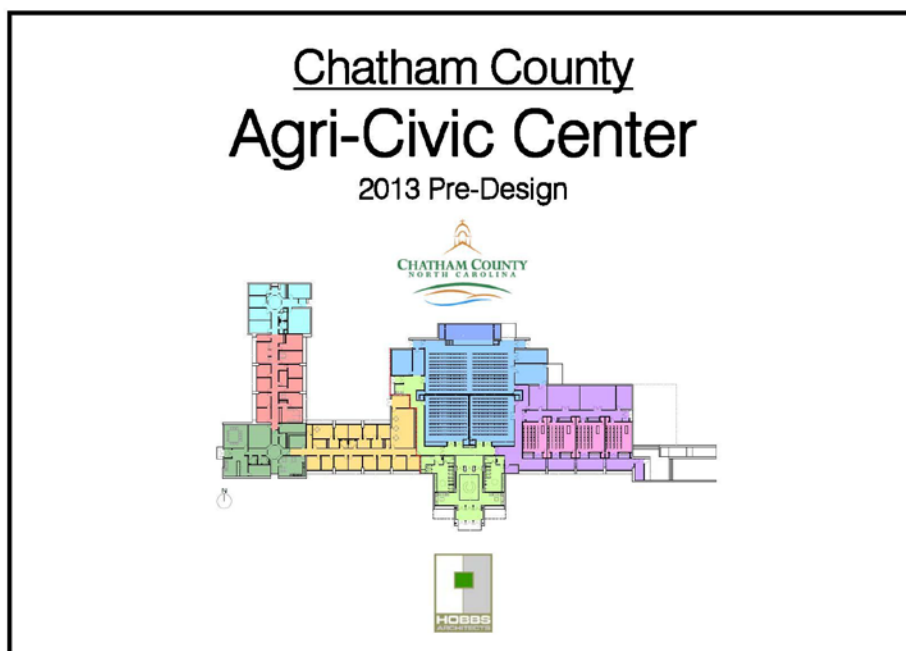
Commissioner Bock replied that those two sections should specifically be mentioned in a letter. Also, it should be stated that this raises a bigger issue and that we should not be forgotten trying to run our counties.

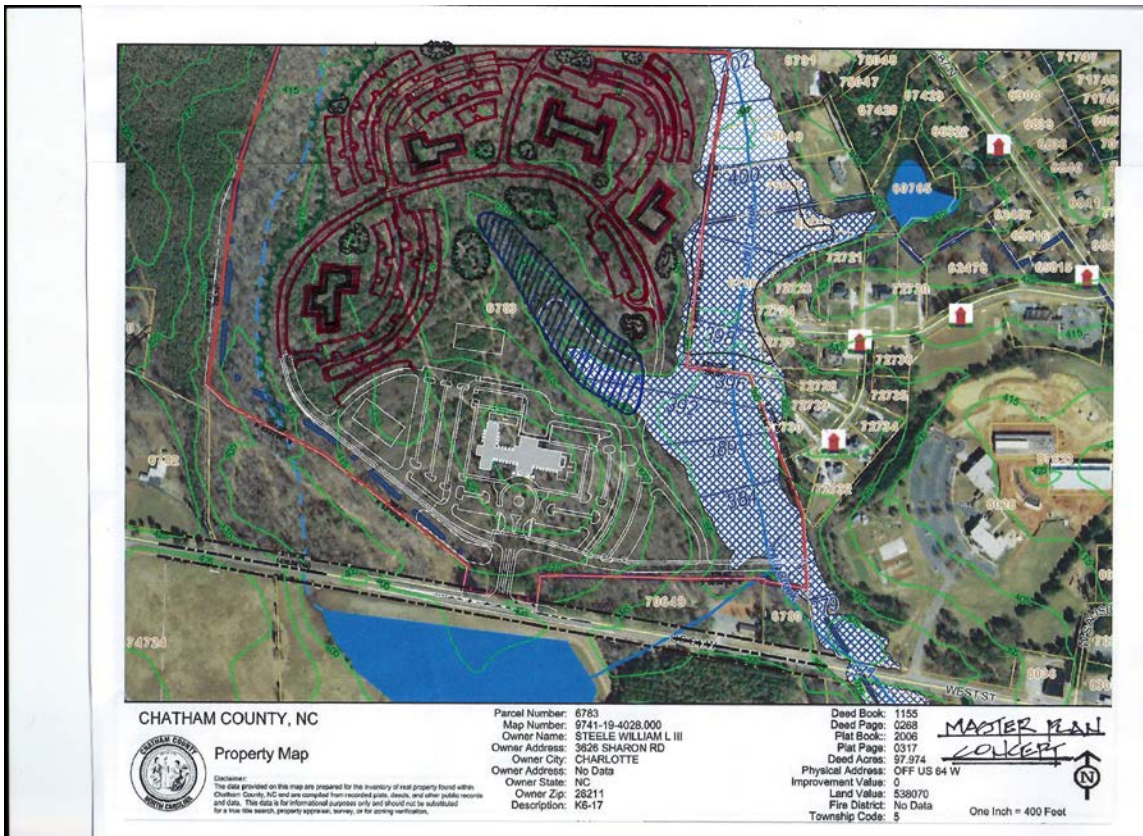
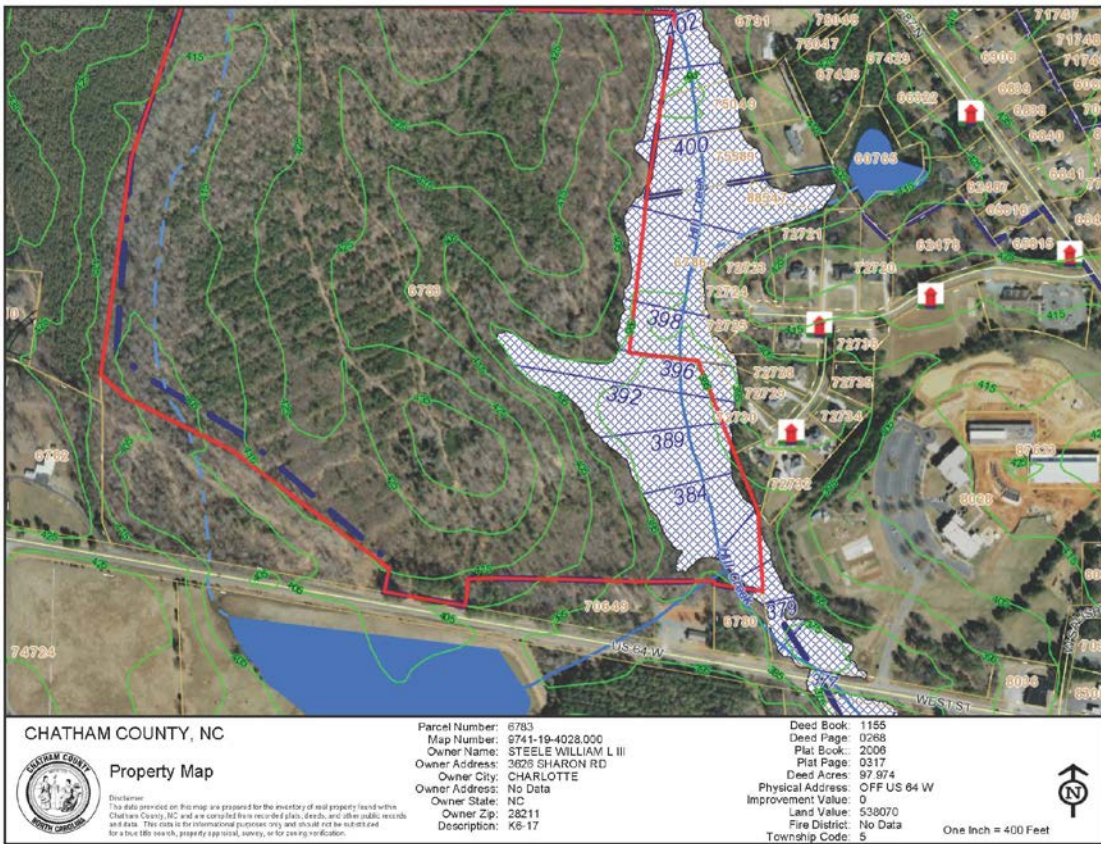
Mr. LaMontagne stated that for clarification, it is Section 2.2 (6) that references County ordinances. Section 2.1 (5a) is the identical language for city ordinances.

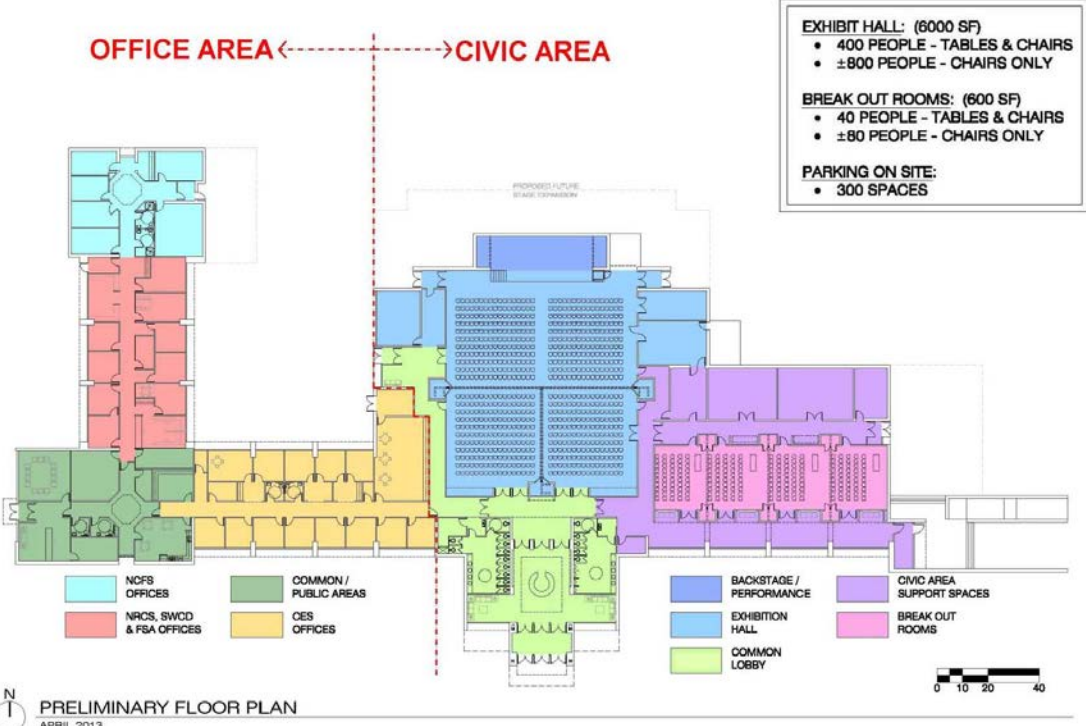
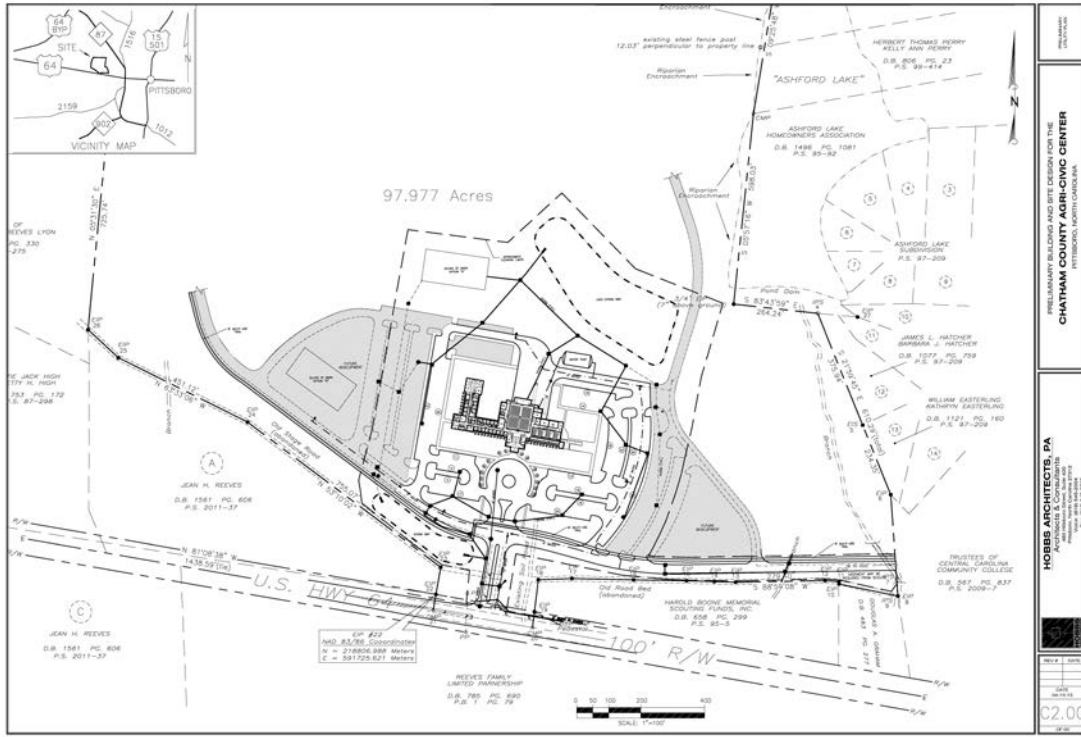
Commissioner Cross suggested a telephone call to Kevin Leonard and Rebecca Troutman to find out where they are.

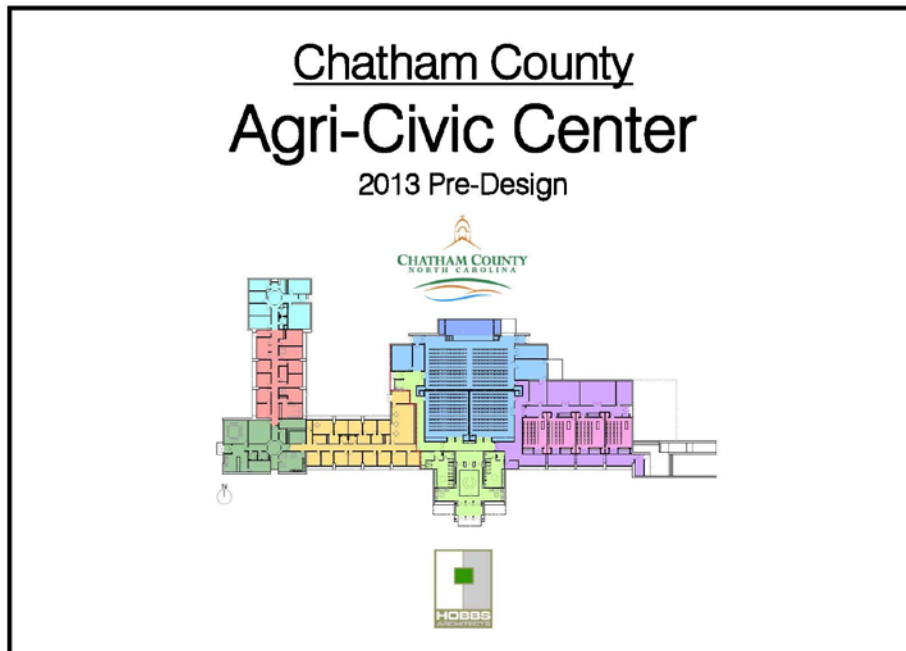
**Proposed Ag Center and Exposition Hall Presentation and Discussion:**

Taylor Hobbs, Architect, explained the specifics of the Chatham County Agric-Civic Center 2013 Pre-Design in a PowerPoint as follows:









Commissioner Kost stated that we had talked about the break-out rooms being built so that all of the space could be combined. She asked if that was how it was done now.

Mr. Hobbs stated that it was correct. There are four divisions and between them are partition walls that and could be opened up to one big room or four individual rooms. The large auditorium space is sub-dividable as well into a larger space for the stage on one side and as many as seven break-out rooms.

Commissioner Bock asked the size of the break-out rooms.

Mr. Hobbs stated that it would be comparable to half the room size in which today's meeting is being held. He stated that the light green space is a gathering space where in between sessions, people can congregate. The gallery space on the outside of the break-out rooms is an open, well-lit, gallery space.

Chairman Petty asked about the number of seats.

Mr. Hobbs stated that it would accommodate approximately four hundred chairs with tables or eight hundred seats.

Commissioner Kost asked the height of the ceiling.

Mr. Hobbs stated that it would be approximately 25-30 feet high.

The County Manager stated that the space was also designed as an exposition hall, so there will be access in for heavy equipment.

Mr. Hobbs stated that there would be a garage door to the right of the stage. He stated that the McKimmon Center in Raleigh is similar. It is a large volume space. He stated that he had worked closely with the County Manager and the Ag Extension Staff for their input. The size of the building now is conservatively around 35-36,000 square feet at a minimum stating that they hoped to increase that space. There are a lot of questions with regard to the site. After they get soil borings, they think they can put some more money back into the building, depending on what they find. If the building can grow, they feel that it will grow on the civic side of the building.

Mr. Hobbs stated that they now have construction at \$9 million, a contingency built-in for the building at \$360,000, site at \$180,000, considerable owner costs at \$1.9 million for various things that will have to be done.

Commissioner Stewart asked what was adjacent to the property.

The County Manager stated that Central Carolina Community College is on the east side, a subdivision on the north side, and the west side is vacant.

Mr. Hobbs stated that there was one spot to connect them back to the college.

Commissioner Kost stated that the Capital Improvements Plan is \$10.8 million. The project is coming in at \$11.5 million.

Ms. Paschal stated that the debt model has been run at \$11.5 million.

Chairman Petty asked if the numbers were pretty conservative.

Mr. Hobbs stated that he did and they think they should provide for some inflation as we move forward. He stated that he hoped the building could grow; however, at this level of design, they think it is smarter to be conservative and increase as they feel comfortable doing so in the future.

Commissioner Kost asked what the exterior finish was to be.

Mr. Hobbs stated that he felt it could be and would most likely be natural materials including brick, accents of wood, and a lot of glass. He stated that they had not gotten that far, but he thinks it would be brick to tie back in with the campus.

Commissioner Kost stated with the infrastructure improvements made to increase the water pressure for the sprinklers, that she hopes the utilities had already been upgraded as it was a lot of money.

Mr. Hobbs stated that this does include a sprinkler, pumps, holding tanks, water main tie back to Highway 87, etc. in the building.

Commissioner Kost asked if the Public Works Director had looked at the details.

The County Manager stated that they had not looked at the details; however, they are first looking to the Board for direction about funding and next steps.

Commissioner Kost stated that she wanted to bring it up now as it could be a real wrench in the budget as it was significant. She stated that when they built the library and the sustainable technologies building, they had to do certain upgrades to bring the utilities out, so she wants to be sure the water supply is sufficient and everything is enough to handle the additional building.

The County Manager stated that while they have not spoken with the Town of Pittsboro regarding any specifics in terms of needs, that area was approved for a major subdivision at one time. He stated that he thinks the utilities are in place, it is a matter of accessing them.

Commissioner Kost stated that the subdivision may have been paying for those upgrades and utilities. She asked that this be verified early in the process as it could be a budget buster.

Mr. Hobbs stated that they would look at it and get more details to the Board on it.

Commissioner Kost asked if the Board was going to do a bond referendum. She stated that there will be an election for the school board in November so it would be a perfect opportunity to put it to the voters.

Chairman Petty asked if staff had been working on financing.

The Finance Officer stated that the County could cover the cost in the current debt model without a tax increase.

Commissioner Bock stated that if that was the case, he didn't think we needed to do a bond referendum.

Commissioner Kost stated that there were two ways to look at it, how are you going to pay for it and if the voters vote on a tax increase. But if you are building something that is not something that you have to do (i.e. jail), then it makes a lot of sense to ask the voters to support it. If the voters turn this down, do we have to build this building? Jail, yes. Schools, we have to; however, this is something that would not have to be built to the scale that we are doing. We know that we would have to do something. It is a perfect project to ask the voters to vote on.

Chairman Petty stated that there was a lot of input on this when it was first brought up for discussion.

Commissioner Stewart stated with agriculture being out number one revenue source in the County, she feels it makes sense.

Commissioner Kost stated that she was not arguing the merits of the project.

Chairman Petty asked if next step guidance was needed.

The County Manager replied, yes, stating that they have gone as far as they can go until they receive further direction from the Board.

Chairman Petty stated that if the debt model has been run and the County can handle it, he is of the opinion they move forward with it, especially without a tax increase. He said that it was desperately wanted and needed and the reason they purchased the property.

Commissioner Cross stated that this was one project that he felt would pass the voter referendum; however, if we have for at least nine years, not used bond referendums. If something was to happen and this didn't pass, we would be set back by two to three years and we may be setting a precedent for something we don't think will pass a bond referendum two to four years down the road. He stated that he thinks it would pass a bond referendum, but he doesn't think we should risk what he believes we would be risking by doing it if we don't need to.

Commissioner Bock stated that two of his major concerns were the cost of the money and how the rating agencies look at it. It has always been his understanding that the rating agencies don't like too much debt. As long as he is comfortable that the rating agencies are okay with it and the cost is not an issue, those are his two major concerns and they have been answered.

Commissioner Stewart asked long would it take and how much would it cost to put it to a vote.

Chairman Petty suggested that they proceed with it based on the general discussion. He asked for a motion to proceed.

Commissioner Bock moved, seconded by Commissioner Stewart, to proceed with the Ag Center without a GO Bond.

Commissioner Cross added that the reason previous Boards have done it this way is because there were a number of items that we didn't think would pass a voter referendum. Although this one would probably pass, it is still going to change the precedent of what we have been doing and it could cost them down the road. He stated that we have it covered and the rating agencies have no problem with it because they can cover it.

Commissioner Kost stated that we have to do something; however, we do not have to do something of this scale. We want to do something at this scale and she would really like to hear what the community says about building it. Even though the debt model handles it, what she hears is that they are up against their threshold as far as borrowing goes and although this is a priority, schools are a higher priority. She stated that she wants to make sure this isn't impacting our ability to build schools.

Commissioner Bock asked if there also wouldn't be a concern that if we do it this November, the only thing on the County-wide election is this and there would be a very low voter turnout which is not representative of the community.

Commissioner Kost stated that she was going to vote for the motion because she does support the project; however, she would have rather this been a general obligation bond. It is a perfect project for a GO bond. It benefits the entire community. The scale of it is such that she thinks it needs to be voted on but she will go along with the consensus of the Board.

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

#### **MANAGER'S REPORTS**

The County Manager had no reports.

#### **COMMISSIONERS' REPORTS**

##### **Cape Fear River Assembly Conference:**

Commissioner Cross stated that he would be attending the Cape Fear River Assembly Annual Conference on May 8-9, 2013, at Wrightsville Beach, NC.

##### **Senate Bill 81:**

Commissioner Kost stated that Senate Bill 81 deals with the Charlotte Regional Airport and taking that authority away. The State Treasurer requested bond council to look at this and what it means. She read a quote from a letter written by Steven Turner as follows: "Furthermore, we believe that such legislation (which is basically setting up a regional authority for the airport) could have an impact on the North Carolina Municipal Bond market. The fact that a North Carolina Local Government issuer of bonds has lost ownership and control of the asset as a result of the General Assembly's actions would have to be disclosed in the official statement of any future revenue bond offerings. The disclosure could affect the cost of borrowing and desirability of North Carolina Revenue Bonds."

She stated that the reason she was bringing this up is that one of the goals of the Board of Commissioners' is to increase the County's bond rating. If the General Assembly goes through with this action, as well as the Buncombe action with their water system, it could impact our overall rating. She stated that she understands that this is revenue bonds, so she thinks the Board should take a position and oppose, or at least alert our local delegation, of our concerns that some of this interference in local control could potentially have an impact on our bond rating.

Commissioner Bock stated that he wouldn't want to do that. He stated that this particular issue has a long history, is very complicated, very specific to that airport, and it is not something based on a couple of quotes or newspaper articles that we need to be

wading into. He stated that he doesn't feel like they have enough information on it to oppose it. He stated that it had been years in the making to get to this point.

Commissioner Kost stated that she didn't care what the issues are in Charlotte. It is a Charlotte issue and they should deal with it; however, she does care about Chatham County. She stated that she cares that it is something that the General Assembly is doing that could impact our bond rating and we should weigh in. We have experts saying that this could negatively impact our bond rating. She stated that she would like for the Board to send a letter to our local delegation stating our concerns that actions of the General Assembly could have a negative impact on Chatham County and on its bond rating.

Commissioner Cross stated that he feels the Siler City Airport will play a role in the "Mega Site" development and we do need to do what we can to protect it. He stated that he feels like that airport will eventually get a lot more use than it is now getting.

Commissioner Bock stated that he feels that it is very specific to the Charlotte situation. He stated that he didn't think it was something that he wanted to weigh in on.

Commissioner Kost stated that the Board agreed on their goals. Trying to update their bond rating is one of them. She stated that she doesn't feel that this is going to help us.

Chairman Petty stated that he would like to see how it would have an impact.

Commissioner Kost stated that bond ratings are going to look at what the General Assembly does to local governments.

Chairman Petty asked Commissioner Kost if she wanted to get some more information on it and bring it back at the next meeting.

Commissioner Kost suggested that Staff ask our bond council their opinion of it.

Commissioner Bock stated that he would support something asking the General Assembly to not do anything that would harm our bond rating. He stated that he thinks if the General Assembly felt it was going to harm the bond rating, they wouldn't do it. This administration is very cognizant of finances and ratings. There is going to be disagreement on whether it is going to have an impact or not. He stated that he doesn't believe that the governor is going to say, "It is going to hurt our bond rating, but I want that airport."

Commissioner Kost stated that the thing about government is that there are always unintended consequences. That is why government moves slowly so those things come out. She stated that she was afraid they are working at a pace in which they are not understanding some of the consequences and it could perhaps have an impact on all local governments.

Commissioner Bock stated that Senator Kinnaird has already come out against it. She has written a newsletter stating that she is against it. He stated that he sees it getting into something in which they do not need to be involved.

Chairman Petty stated that the Board would receive a report from Staff with regard to what our council says.

### **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 7:53 PM.



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Walter Petty, Chairman

ATTEST:

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