

**MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
JUNE 17, 2013**

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Historic Courthouse Courtroom, 1 Hillsboro Street, Pittsboro, North Carolina, 2:30 PM on June 17, 2013.

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

Absent: 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

Work Session

1. **Public Input Session**
2. **Second Quarter 2013 Employee of the Month**
3. **Discussion of North Carolina General Assembly Senate Bill 515, also known as the Jordan Lake Water Quality Act**
4. **Affordable Housing Task Force Discussion Follow-up**
5. **Proposed Scenic Byway from UNC Chapel Hill to Jordan Lake Discussion**
6. **Discussion of Proposed Subdivision Ordinance Amendments**
7. **Amendment to Section 15.10 of the Zoning Ordinance regulating Temporary Signs Discussion**
8. **Courthouse and Law Enforcement Facilities Ordinance**
9. **Humane Restraint Discussion**
10. **Chatham County Schools Director of Transportation Presentation**
11. **Closed Session**

CALL TO ORDER

Chairman Petty welcomed those in attendance and called the meeting to order at 2:31 PM. He explained that Commissioner Stewart would be absent during the afternoon work session.

PUBLIC INPUT SESSION

Pattie Justice, 148 Wall Road, Goldston, NC, voiced her concern with regard to a non-tethering law in Chatham County. She stated that they find dogs chained with no food, water, or shelter; that sometimes they are on short leashes and can't move; and that Chatham County does not have good laws and something has to be done.

Robin Luker, 447 Trails End, Siler City, NC, Director of Dogs Off Chains, stated that they go out every day on outreach. She stated that she has a full-time job, but does this in her spare time. It has become her life to protect the dogs of Chatham County. She sees dogs chained and tethered dogs. She begs people to spay and neuter so the dogs aren't backyard breeding. She takes dogs to the vet to be spayed and find out they have heart worms. Ninety-eight percent of tethered dogs are not medically treated by a veterinarian. They are selling sick puppies with the parvovirus so they also treat puppies. They are trying to get more control over tethered dogs so they are not tethered during the day. A lot of times tethered or chained dogs have turned over their water bowls and are out in one hundred degree heat where no one is home for eight or more hours. They have seen dogs with embedded collars in their necks where they have had to be taken to the vet and surgically removed. They are allowed to go back to their owners because there is no place to put them. They try to avoid letting Animal Control know about some of the cases as it is more about educating the people that this is not the way dogs should be. With fences, dogs are more protected from outside predators. They have built over sixty fences and have spayed or neutered over one hundred dogs in the last four years. She stated that they need the help of the community and the Board of Commissioners to pass the tethering law.

Abbie Shumon, 296 NC 902, Pittsboro, NC, stated that she has worked at several animal hospitals and also with the pit bull rescue. She stated that tethering is very evil. It turns what would otherwise be sweet animals into monsters as they are not properly socialized. They are tortured by the elements. If you know what hail does to a car, you can imagine what it does to a living thing. They are a lot more likely to have self-inflicted wounds from stress as well as wounds inflicted by other animals, if not from their caretakers. They are often neglected and abused, starved, and dehydrated. She stated that she had found dogs that some of them were left for dead and chained to trees. The one that was still alive next to the dead dog was so emotionally damaged there was no saving it. They are a lot more likely to attack people because they get territorial and are not properly socialized. Most often the people who are attacked are children because they are not aware of the risks.

BOARD PRIORITIES

Second Quarter 2013 Chatham County Employee of the Month:

Carolyn Miller, Human Resource Director, explained that the 2nd Quarter 2013 Employee of the Month is Lee Lester, Detention Officer in the Chatham County Jail. Lee has been with Chatham County a little over two years, and was instrumental in saving the life of a prisoner. Comments from the excerpt are as follows:

“On December 16, 2012, Detention Officer Lee Lester responded to a distress call in Cell Block 1 of the Chatham County Jail. Upon arriving, he found an inmate unresponsive, with no pulse and a purplish skin tone. Officer Lester called for assistance and immediately began chest compressions on the inmate. After some time, the inmate began gasping for air, regained consciousness, and was transported via EMS to the hospital. He has since had heart surgery and is expected to live.

Officer Lester demonstrated quick thinking and quick application of skills many of us hope we will never have to use. He exemplifies the quick critical thinking skills necessary to be a successful detention officer-it is those same quick thinking skills those employees rely on to maintain order and safety on a daily basis.

A thank you to Officer Lester, whose actions that day saved the life of another, and for being an excellent example of public service to the citizens of Chatham County.”

Sheriff Webster stated that he was blessed to have Lee as an employee and are honored to have him working for them. He stated that Lee exemplifies the high standards of the Chatham County Sheriff's Department. He thanked Lee for his fine, outstanding service.

Discussion of North Carolina General Assembly Senate Bill 515, also known as the Jordan Lake Water Quality Act:

Commissioner Kost stated that Senate Bill 515 would repeal the Jordan Lake Rules. The concern is that as the water regulations are repealed for Jordan Lake, there will be no regulations put in their place, only a promise of a committee to study the pollution and effects of run-off on the lake.

She stated that she would like to see the Board of Commissioners take a position and to notify the General Assembly and key members of the committee of our position.

Chairman Petty agreed. He stated that he feels the Board understands the need to address this.

Commissioner Kost stated that she sent her personal letter, but would like for the Board to send a letter of support as the lake continues to worsen.

Chairman Petty stated that he feels that Chatham County addresses the problems well, but many of the problems are inherited from upstream.

Commissioner Cross stated that the big lobby to knock rules out of place is the millions of dollars it will cost towns and counties upstream from Durham. He stated that Durham has been a partner in this endeavor. The fact is, you either pay now or pay later. If they pay later, it will include Chatham County. He stated that some environmental scientists provided figures a couple of years ago stating it was twenty-five times more expensive or will be to clean up what we are going to end up with in the lake. He stated that he feels the Board should support a resolution or letter, trying to keep this in place, and put pressure on the folks upstream to clean up their business as they did with the businesses in Moncure years ago. He stated that we are talking about hundreds of millions of dollars to fix the problem, but asked what will happen if the problem is not fixed. He stated with the growth of the Triangle Area, this will probably be the most important thing on any agenda we will have within the next ten years.

By consensus, the Board agreed to send a letter to the General Assembly opposing Senate Bill 515 which threatens the future quality of Jordan Lake water.

Affordable Housing Task Force Discussion Follow-up:

Commissioner Bock stated that the Board received a recommendation from the Affordable Housing Committee regarding a couple of different approaches. He stated that the Board needs to discuss short-term and long-term.

Commissioner Kost asked for clarification from staff. She stated that the Compact Community Ordinance looked like the short-term is not how the money should be spent and that it is pretty straight forward in the ordinance.

Commissioner Cross stated that the Board has agreed twice where all have agreed that that's what it could be used for. He referenced the Closed Session minutes on August 20, 2012.

Commissioner Bock stated that the ordinance was pretty clear.

Commissioner Cross stated that in the Briar Chapel proposal to give them the money in-lieu of, it stated for housing.

Commissioner Bock stated that they then need to refocus the committee or decide among themselves how they are going to build or buy land.

Commissioner Cross stated that he had had discussions with Habitat and they are looking at three proposals that are not yet ready to come to the Board.

Commissioner Bock stated that some of their discussions focused heavily on rentals. He stated that all of the reports that they have say that the deficit in the affordable housing is in the rental area, and they are not addressing that anywhere.

Commissioner Cross stated that is where they had a discussion that they need to find a revenue source as this revenue source was not given for or required for that purpose. He stated that he doesn't feel like the rental business is where the County wants to go.

Commissioner Bock asked if there were organizations who build rental units they could help out.

Commissioner Cross stated that those who build rentals are "for profit". He said that one of those is DHIC.

Commissioner Kost suggested that they give the Affordable Housing Task Force to look for models that do rentals instead of them trying to figure it out.

Commissioner Cross stated that all of the "for profit" companies have management companies and on-site managers at least on a part-time basis. That is the part one wouldn't want to get into.

Commissioner Kost asked if that was what Section 8 did, to take federal dollars and give them to supplement private landlords.

Commissioner Cross stated that was a federal program and he didn't think they could afford to get in that business. He stated that they didn't have the money to do what they are talking about.

Commissioner Bock stated that they have what they have if someone is willing to do something with that. He stated that the reason he brought up the issue to get the money separated from Briar Chapel was to address the deficit of low-income rental property in the Siler City area. That is what the Affordable Housing Task Force reports and what driving around will show that we need. He stated that they talked a long time about rentals.

Commissioner Cross stated that a company like DHIC build nonprofits and handle the management. He stated that they talked with them one time about coming into Pittsboro. You have property costs and sewer and water. Those are the three things that prevent you from building affordable housing. If you don't have water and sewer, you almost can't build it as a Habitat model as it runs the cost up an extra \$5-6,000 for septic tank and \$5-6,000 for a well.

Commissioner Bock asked if the Board was not in agreement that they focus on rentals.

Commissioner Cross replied, no, he is not in agreement to do it with this money.

Commissioner Bock stated that the ordinance doesn't say that they can't buy land or build for rental. He believes that they were clear when they had this discussion that rental was an option. The way it reads does not prevent them from buying land for building. He stated that they have the data that tells them they need affordable housing in Siler City. They have a one-time shot as some money that he was hoping they could say they have made some progress toward helping to solve homelessness. He stated that he thought they had the opportunity to do something different, but he guesses they don't.

Commissioner Kost stated that she would like to hear from the Affordable Task Force regarding their priorities.

Commissioner Cross stated that they reformed the committee based on the impression of what was doable.

Chairman Petty stated that they need to decide if there is any flexibility.

Commissioner Bock stated that his priority is rental.

Commissioner Cross stated that maybe the Affordable Task Force can find some people to build and manage rental property. He stated that we didn't have a lot of luck with that last time. If we got some seed money, maybe they would be willing.

Commissioner Bock stated that he did not see this as tax dollars. It is County money, but it was not generated by tax revenue.

Commissioner Cross suggested that the County Manager invite a representative from this organization to a work session to discuss how they operate and see if it fits anything the Board wants to do.

Chairman Petty asked the County Manager to contact with DHIC and extend an invitation for the August Board of Commissioners' meeting.

A member of the Affordable Task Force asked to whom could they direct questions.

Commissioner Bock stated they could direct them to him.

Commissioner Bock asked if the Affordable Task Force could look for other organizations like the DHIC.

Commissioner Cross stated that he would like to have a presentation based on what they do and present costs.

Chairman Petty stated that the main objective, at the end of the project, is to be able to look back and see their accomplishments and that the one-time money is not wasted.

Commissioner Cross stated that he thinks that they will find that most of these nonprofit type housing/rentals are urban programs and most of the affordable housing for-profit companies are in rural areas.

Chairman Petty thanked everyone for the dialogue and input. He stated that if they happened to come up with another agency, he thought everyone was in agreement to invite them to the meeting.

Commissioner Cross stated that when they started Briar Chapel, they could only find Habitat and EmPOWERment volunteers as builders. The EmPOWERment model did not work in Briar Chapel; however, he feels they should make it clear to them they didn't have a problem with the EmPOWERment program, it just didn't work in that particular situation and that they would still entertain proposals from them if they want to build other EmPOWERment houses within Chatham County.

Proposed Scenic Byway from UNC Chapel Hill to Jordan Lake Discussion:

Hillary Pace, Planner II, explained that Orange County's Department of Environment, Agriculture, Parks and Recreation began work two years ago with citizen volunteers and staff from the Town of Chapel Hill and Chatham County to develop an application to the NC Scenic Byways program. The application is for designation of a proposed new scenic byway that would link downtown Chapel Hill at the UNC Old Well to Jordan Lake at Highway 64.

This project was discussed and received favorable input from the elected boards at a spring 2011 joint meeting of Chatham and Orange counties.

Upon submittal of the initial scenic byway route to NCDOT Scenic Byways Orange County staff, it was recommended to extend the route north to the Old Well at UNC Chapel Hill campus and to the Jordan Lake Recreation Area. NCDOT Scenic Byway staff indicated that this extension of the route to these destinations increases the likelihood of scenic byway designation. The original proposed route began at the James Taylor Bridge in Chapel Hill and traveled along Mount Carmel Church Road, ending at Lake Jordan along Farrington Point Road. The proposed Old Well to Jordan Lake Scenic Byway (15 miles long) features a number of locations with historical, natural, recreational and educational values. Scenic byways are selected to portray the diverse beauty and culture of the state and provide travelers with safe and interesting alternative travel routes. North Carolina currently has 51 designated scenic byways including Chatham County's only scenic byway, the Devil's Stompin' Ground, which runs from the center of Pittsboro into Randolph County.

The elected boards from Orange County and the Town of Chapel Hill are expected to consider their support of the application in late April (Orange County) and May (Chapel Hill). Orange County, acting as the lead agency for the application, has requested a letter of support from the University of North Carolina. Below is a summary of the aspects of Scenic Byway designation for the Commissioners' consideration:

- The designation would not impose any new land-use restrictions or modifications along the roadways, although there are limitations on signage that are noted below. It also does not affect future highway rehabilitation, development, or the need to maintain or improve the roads.
- The Byway program is designed to identify, not create scenic byways.
- NCDOT will incorporate the rules prescribed to sustain the integrity and safety of the Scenic Byway into its planning and maintenance operations.
- Signage Impacts: New outdoor advertising (billboards) along a designated scenic byway is prohibited with the exception of those permitted in NCGS § 136-129(1), (2), (2a), or (3). Existing lawfully erected outdoor advertisement adjacent to the scenic byway will be considered non-conforming at the time of byway designation. This designation is in conflict with the recently amended zoning ordinance concerning off-premise directional signs, allowing only directional signs for uses listed in NCGS § 136-129(1-3) (see Attachment 1). The allowed off-premise directional signs would be restricted to 8 sq. ft. maximum sign area, with the exception of public service signs, which are allowed 32 sq. ft. The final application is due for submittal to NCDOT by August 31st, 2013.

Commissioner Bock stated that they went through a lot of trouble in order to get the sign ordinance changed and he has reluctance to now say they are going to take it away so they can have a sign that references it as a "scenic byway". It seems like they would be ceding their authority with regard to what they want to do with signage.

Commissioner Kost stated that the area from Farrington Point to White Oak is all in the Cary Land Use area and is zoned residential. The Governor's Club Village area is almost built out. She stated that she is not sure there is going to be a high demand for off-premise signs in this area. It is a beautiful area. If it can be promoted as a scenic byway, it would bring people to Chatham County and increase tourism.

Commissioner Bock stated that he would like to talk to anyone who owns anything along that route and see what they think.

Commissioner Kost stated that she would like to get the input of several boards.

Ms. Pace stated that the application will be submitted the end of August so they could reach out to those groups beforehand.

Commissioner Cross stated that he thinks it is important that they recognize the changes just made.

Commissioner Bock stated that he likes the idea of the scenic byway designation. He does not like the designation telling them where they can put their signage.

Chairman Petty stated that he didn't think anyone had a problem with doing it; however, the sign issues need to be addressed first.

Commissioner Bock stated that he wonders why it is okay to have signage that exists now and still call it scenic and not be able to add to areas that might want signage in the future and still call it scenic.

Commissioner Cross stated that it would be good to have the various committees look at what they are going to get for it and what they are going to give up.

Chairman Petty asked if this item could be placed on the July Board of Commissioners' meeting.

Rick Shaw, Orange County, stated that this is primarily intended for vehicular travelers. There are separate scenic byway maps and directions for bikers.

Discussion of Proposed Subdivision Ordinance Amendments:

Hillary Pace explained that in February 2011, the North Carolina Office of the State Fire Marshal issued a formal interpretation of Sections 102.10 and 503 the 2009 Fire Code (Attachment 1) which defined the minimum design criteria such as width and load capacity of travelways as it applies to subdivisions. The regulations state that an unobstructed width of 20' is required for fire apparatus access roads. This interpretation represented an impact on the county's currently adopted private road standards. The Office issued a determination in February 2012 that the county's fire code official may accept road widths of less than 20 feet as an alternate material, design or method provided the standards provide the same level of functionality and technical equivalency as intended by Section 503 of the North Carolina Fire Code. The determination also affirmed that roads that were established prior to the 2009 North Carolina Fire Code that are less than 20 feet in width are considered preexisting and do not need to conform to the standards put forth in the recent interpretation.

Working closely with the Chatham Fire Marshal to resolve the multiple conflicts within the subdivision ordinance as it pertains to the 2012 North Carolina Fire Code interpretation, staff is introducing an amendment to the subdivision ordinance that encompasses updates to private road travelway design standards. Staff has also included additional miscellaneous amendments that clarify existing regulations and support a streamlined review process for plat review based on prior board direction.

She provided an overview of the different aspects as follows:

Subdivision Regulations Proposed Amendments

Private Road and Fire Access Standards

Section Description of change

7.2B(3) – p. 52, Specifies that stub streets must have a temporary turnaround. Also requires a note on the plat that the temporary turnaround may be removed if the road is extended to serve adjoining property.

7.2D(3)(b, c, and g) – p. 54

Modifies road standards for mobile home parks, apartment complexes, and planned unit developments to increase road widths from 16' to 18' and changes the design standards as shown in figure 6.

7.2D(4) – p. 55 Limits road certification to licensed engineers.

7.4B(2) – p. 56 Modifies the provisions for subdivisions accessing pre-1975 road beds to widen the road to 22’ for a distance of 40’ to provide a pull-out for safe passage of vehicles. This only applies to the lot being created and an example is provided in figure 9.

7.4B(3) – p. 57, Figures 7, 8, and 9 – p. 58 Modifies the design specifications for minor subdivision roads serving up to four lots. The road has to be installed per the design in figure 7 and certified by a licensed engineer upon completion. Turnarounds must be provided at the end of each road that is longer than 250’ and 22’ by 40’ long pull-outs for safe passage of vehicles provided every 500’. Figures 7, 8, and 9 show the specifications. A note must also be added to the plat stating that the entire length of the road shall be constructed prior to issuance of a building permit for a building on any lot served by the road.

7.4C(1) – p. 60 Specifies that the minimum flag pole width shall be 30’ the entire length of the flag pole from the road to the main body of the lot.

7.4C(3) - p. 61 Clarifies that applicants for non-residential minor subdivisions for bona fide farm activities do not have to include a site plan as part of the application, as required for other non-residential uses. 2.3- p. 18 Adds definition for the term ‘unobstructed’.

Figure 6: Minimum 18’ Gravel Road Standard

Figure 7: 12’ Minimum Gravel Road Standard

Figure 8. Options for Turnarounds for Private Travelways

Figure 9. Illustration of Pull-outs for Private Travelways

Subdivision Regulations Proposed Amendments

Miscellaneous

Section Description of change

3.1B(1) – p. 19 Specifies that waterlines must complete and ready for acceptance by the county before a financial guarantee will be accepted prior to recording a final plat.

5.2C(5)(b) – p. 29, 5.2C(7) – p. 30, 5.2D(5) – p. 34, Figure 3 – p. 35, 5.2F(10) – p. 39 Changes the time the Board of Commissioners has to consider First Plat, Construction Plans, or Final Plats from four regular meetings to 60 days from the official submission date to the Board of Commissioners.

5.2D(6) – p. 34 Clarifies that Construction Plan approval is valid for 24 months from the time of approval by the Technical Review Committee, in addition to the Board of Commissioners.

6.2B – p. 44 Clarifies that Environmental Impact Assessments do not apply to non-residential subdivisions for bona fide farm activities.

7.5B(4) – p. 63 Clarifies that sight distance easements are required at the intersection of public and private streets.

Commissioner Kost asked if the road widths would take care of some of the issues in Briar Chapel.

Commissioner Bock stated that he didn’t see how it would.

Ms. Pace stated that with minor subdivisions up to four lots, the entire road bed must be constructed prior to receiving a building permit. She stated that it all comes down to supporting the fire apparatus.

Commissioner Kost stated that she understands that; however, she can see the down side of it as well. She stated that it was a public safety issue.

Jason Sullivan stated that the complications involve the fire code which starts whenever a driveway or road serves three or more dwellings. It is the threshold at state level issue for which there is no control at the local level. Initially, everything had to be twenty feet wide and designed to hold the load of the heaviest fire truck in the fire department that serves that area. This is a negotiation to have some flexibility in the design so that the County does not have to require a twenty foot wide road for a four-lot minor subdivision.

Commissioner Cross asked if this applied to RV parks.

Mr. Sullivan stated that it might not unless there was a subdivision related issue with it. He stated that they were forwarded to the State Fire Marshal's Office for review.

Tom Bender, Fire Marshal, explained that he had reviewed all the materials that have been presented, been to Raleigh and discussed it with the Deputy Insurance Commissioner. It is acceptable as written. The main issue is when you go to the third home. With three or more one or two family dwellings kicks in the fire code.

Commissioner Kost stated that if the width is too narrow, there is likely to be more overhang.

Mr. Bender stated that it had been addressed by several of the fire departments. After the firefighters responded and realized there was damage to the top of their trucks, they now send a letter requesting that the overhead hanging vegetation be cleared. If there is additional damage to their trucks, the people can be held liable for it. He stated that this is also not just an issue for fire trucks, but for ambulances/rescue vehicles. It is not the length but the width of the vehicles which is creating the issue.

Chairman Petty asked if it could be handled on a case-by-case basis under the local fire marshal's direction.

Mr. Bender stated that we would have to be very careful to stay consistent and with the guidelines of the ordinance.

Commissioner Kost stated that was a dangerous road to travel.

Commissioner Bock asked if the regulations for three or more where the fire code kicks in a local or state regulation.

Mr. Bender answered that it was a state fire code.

By consensus, the Board agreed to set July 15, 2013 as the date on which to hold a public hearing on the minimum design criteria such as width and load capacity of travelways as it applies to subdivisions.

Amendment to Section 15.10 of the Zoning Ordinance Regulating Temporary Signs Discussion:

This item was moved to the evening meeting for discussion.

Courthouse and Law Enforcement Facilities Ordinance:

Sheriff Richard Webster explained that the amendments are to prohibit weapons in the courthouse and law enforcement facilities. He stated that the ordinance states it shall be unlawful for any person to possess or carry, or cause to be carried or possessed, either directly or indirectly, whether open or concealed, loaded or unloaded, with or without a permit, any firearm, handgun, or other weapon, on or in a courthouse or any law enforcement facility, including their immediately appurtenant grounds or adjoining parking area.

Sheriff Webster answered questions from the Board.

The County Manager explained that there are more restricted items in this ordinance than there was in the previous ordinance and that there is litigation in Forsythe County of which they would like to see the results prior to determining a wider spectrum of management.

Commissioner Kost asked if this would be a new ordinance or would be a section of the existing ordinance for weapons.

Jep Rose, County Attorney, replied that it will be a section in the existing ordinance.

Commissioner Kost moved, seconded by Commissioner Cross, to approve the ordinance.

Chairman Petty stated that he could support the “courtroom” portion of the ordinance.

The County Attorney stated that all five Commissioners would have to vote on the ordinance. Due to the absence of Commissioner Stewart, it was decided to place the ordinance on the Consent Agenda at the night’s meeting.

Commissioner Kost withdrew her motion and moved to place the “Courthouse and Law Enforcement Facilities Ordinance” on the Consent Agenda at the night’s Board of Commissioners’ meeting. The motion carried five (5) to zero (0).

Humane Restraint Discussion:

Leigh Anne Garrard, Animal Control Director, gave an update on the proposed Animal Control Ordinance revisions in a PowerPoint as follows:



Update on Proposed Animal
Control Ordinance Revisions
Humane Restraint

Leigh Anne Garrard
Animal Control Director
Chatham County Public Health Department
June 17, 2013

Ordinance Review Process

Goal: To incorporate best practices and to clarify definitions and requirements included in ordinance

- Input from the Board of Health's Animal Control Advisory Committee & Staff
 - Began meetings in Fall 2012
 - Reviewed other animal control ordinances
 - Reviewed requirements specific to tethering and humane restraints
 - Consensus to include requirements that result in "humane restraint"

Options Considered by ACAC:

- Complete ban on unattended tethering.
- Tethering with time limitation
- Including requirements that result in humane tethering into the ordinance to protect animals from cruelty situations.

Ban of Unattended Tethering

- Requires that a responsible party be present while the animal is tethered outdoors.
- Owners can sit on the porch or be in the yard doing work while letting the animal out for fresh air or bathroom breaks.
- Prevents unwanted litters of puppies due to lack of supervision.
- Access to shelter may not be necessary as there would be a responsible person present to remove the animal from heat, cold or other inclement weather.
- Would require a fenced yard or kennel for permanent outdoor dogs or constant supervision.
- Still won't change the mentality of neglect.
- Would drastically reduce the chance of being involved in a cruelty case or deemed as dangerous.

Communities in NC that do this:

- **Asheville, North Carolina**
- **Cary, North Carolina**
- **Chapel Hill, North Carolina**
- **Clayton, North Carolina**
- **Cumberland County, North Carolina**
- **Davidson, North Carolina**
- **Durham County, North Carolina**
- **New Hanover, North Carolina**
- **Roanoke Rapids, North Carolina**

Tethering with Time Limits

- Dogs can be tethered for specified time limits or within certain hours of the day.
- Dogs required to have access to shelter and water.
- Animal Control
- Projected to increase number of calls to Animal Control with no additional staff for response
- Time required to document violation or compliance will increase and may result in numerous trips to property to confirm compliance.
- Does not change the mindset of neglectful owners
- Dogs will still be a safety hazard or potential victim as can be attacked or attack other dogs and humans who come within the reach of the tether.

Communities in NC that do this:

- **Burke County, North Carolina**
- **Laurinburg, North Carolina**
- **Orange County, North Carolina**
- **Raleigh, North Carolina**
- **Scotland County, North Carolina**

Humane Requirements for Tethering

- Provides specific restrictions on the restraint of dogs while they are unattended.
- Gives the enforcement officer stronger tools to determine if the dog is being contained in a safe manner.
- Clear and easy to enforce.
- Protects dogs from getting hurt, but still a public safety issue.
- Allows for trolley systems to be used as an alternate to chains.
- Requires shelter, water, and food since it is a permanent means of confinement.
- May still contribute to unwanted litters if animals are left in tact out doors.
- Still won't change the mindset for neglect of animals.
- This is the recommendation of the committee appointed by the BOH and the staff.

- All other areas in NC still allow some form of tethering unless stated otherwise.

Example of a humane tether on a trolley line



Example of a violation:



Example of dogs in a fence without proper care



Chairman Petty stated that whatever they do needs to be enforceable. It needs to be “cut and dry” so that it is not left up to interpretation.

Ms. Garrard stated yes, from an enforcement standpoint, the burden of proof will lie on them. She stated that it needs to be very clear as to the requirements.

Commissioner Bock expressed appreciation for the efforts and thoughts that went into this; however, he stated that he didn’t know that he could support an all-out ban on tethering. He stated that he wonders if there is a way to agree on certain amount of time to be tied up for the first six months, etc. He stated that he thought there was the potential for someone to complain because they just didn’t like their neighbor. There are also people who will tie their dogs up for twenty-four hours a day who meet all the requirements. He stated that tethering may be okay without an unattended time limit. If a time limit is put in, it becomes a warning type of issue. That data should be kept for six months and see what happens. Someone might not know the ordinance exists.

Ms. Garrard stated that their standpoint, when they get reports of outside animals or those that are tethered and there may be a violation, they do their due diligence in giving a warning, education, and options on referring them to other agencies that may be able to help. She stated that they give out dog houses in order to be able to provide shelter for some of the dogs. She thinks that there are going to be some people that the abundance of education, it may or may not change the way they house their animals.

Holly Coleman, Chatham County Health Director, stated that if the humane tethering requirements proposed were available, other avenues in the ordinance are available to enforce the neglect and abuse of animals. In the last few years, there has been stronger enforcement in these situations. She stated that she feels there are other ways that it can be addressed when someone is inhumanely treating their animals.

Chairman Petty stated that if we say that there has to be some type of humane tethering, then would time restraints be an issue.

Commissioner Bock stated that for him it would be an issue. If there is a stationery tether for eight hours, he doesn't know how humane that is.

Commissioner Kost stated that the way you would know that a dog is tethered, is that neighbors are going to call. They may be on a pulley, but it might be tethering to another person. They may meet all of the humane requirements, but the neighbors might not like it. So it would still have to be investigated and the time limits would have to be proven. She asked if they were fined, if the fine would go to the schools. She stated that if they set fines, they might be set at a level where they would be able to add additional staff.

The County Manager stated that they would have to check and see. He stated that one of the things the Board might consider if they choose one of these options to put it into play and then test it, generally you would give some period of time where the public is notified that changes have been made and enforcing will begin on a certain date.

Ms. Garrard stated that one of the things, if they were to start gathering that information, unless there was some way of adding to her software, she would not have a way of differentiating who is tethered and who is not on a call.

Commissioner Bock asked if someone called in and said that there was a dog tethered and has been there for eight hours, could the calls not be logged to determine how many had been received specifically for this reason.

Ms. Garrard stated that the calls usually come because it is not just tethering, it is because they are tethered with no shelter or no water. Those calls are not differentiated as "welfare" checks regardless of whether it is tethered, water, or shelter. It is put into the system as a general welfare check on the animal. She could potentially add another option in the software that they currently use to differentiate that a specific call is in reference to tethering.

Chairman Petty asked if she was getting calls now.

Ms. Garrard replied, yes, they receive calls regularly. She stated that they try to let folks know that it is not against the law to tether, but that they do respond to make sure all the requirements are met.

Commissioner Bock asked if the new requirements would be stricter than what we now have. He asked if one more line could be added that says there can be no unattended, tied-up, dog on a stationery tether for more than three hours but that there is no fine attached to it. It would state that it is against the ordinance but would be enforced at a certain time. The data would be gathered and reported back to the Board in six months to a year. It would become a secondary issue.

Commissioner Kost stated that the problem with that is with animals, it is an emotional issue. When someone calls the County, they expect something to happen. By doing that, there is an expectation that the Board will not live up to and they will receive complaints.

Commissioner Bock stated that the expectation is there with what is being recommended if it is going to be treated as a non-emergency call.

Ms. Garrard replied that it would be treated that way after hours. It will still be responded to as a call during regular business hours; however, in the after hours, they only respond to emergencies.

Commissioner Bock asked what about the first year, it is in the ordinance but it is a secondary offense and it will not be responded to if that is the only complaint.

Ms. Garrard responded that in order to collect data, they would necessarily have to put a time limitation to collect that data.

Ms. Coleman stated that she thinks we would see a difference in the data because if it is not a violation or people don't know that it is a violation, they may not call. Once they become educated, they will respond to this and they will receive more calls. Her concern, she stated, is that they have four animal control officers. They stay busy throughout the day. It is not unusual to have one or two officers on restricted duty because of injuries that are inherent in doing this kind of work. Ms. Garrard is now operating with two officers that can go out on calls. She stated that they rarely go a couple of months without having an officer who is restricted. That limits how they can respond. The concern is how to address and enforce it. The time limit is the concern. The only way they can prove that tethering has occurred for three hours is to have someone on stakeout.

Commissioner Bock stated why not have it in the ordinance as a secondary offense and gather the data to see how many calls are received and educate the people.

Ms. Coleman asked Commissioner Bock if he was suggesting that it be put in as a violation.

Commissioner Bock stated as a secondary violation as they already state that it is a non-emergency, after hours in which they are already differentiating there.

Ms. Garrard stated that was correct, as a non-emergency as they are not writing civil penalties on an emergency case. It is response time associated with that.

Commissioner Bock stated that he was not asking them to write penalties at this point. He stated that he wanted to find out if it would create a huge problem. He stated that he didn't know that it would if the people were educated with regard to the ordinance and that he didn't see how adding the time limit and gathering the information is going to create a burden. He stated that if it did, they could come back to the Board and let them know.

Ms. Garrard stated that she felt that there is an expectation that if something is written in the ordinance and they are not acting upon it, then they are not doing their jobs.

Commissioner Bock stated that if they only did things where they expected the public not to complain, they are not going to pass any rules unless they think the public won't complain. They would never do anything. No matter what they do, the public will complain.

Ms. Coleman stated that the proposed ordinance with changes unrelated to the tethering issue has been sent to Amy Wall, animal law expert/specialist with the School of Government. She stated that she spoke with her on Friday. She said that she would have time to review it by the end of June. The County Attorney has said once she reviews it, he will take a look at it. She stated that she would like to see what Ms. Wall will say about that approach.

Chairman Petty stated that with the calls they are getting, if they can provide some data. He asked if they could let it go as it is for now and track the data.

Commissioner Bock stated that if they decide to put it in later, it takes a long time to change an ordinance. If they gather the data and find that could enforce it or they have more officers in the future, and want to change it and add more penalties to it, once the ordinance is passed, he feels they will not revisit it and add more to it even if they want to.

Rev. Terry Dorsey stated that the reason why the tethering ordinance came up is because the Humane Society suggested it six month ago. He distributed a progress report from Orange County who enacted a tethering ordinance two or three years ago. They had an implementation period as well as tracked a lot of the data. Despite the neutral presentation by the Health Department, he stated that Animal Control has a big job and they all appreciate what they do. Number three on their website states that they protect animals from neglect

and abuse. It is the position of the Guardians of Angels that tethering is abuse. They found from studying what happened in Orange County where the population is double and they have animal control officers who are proactive in this, is they found that a tethering ordinance was actually preventing a myriad of other animal control problems including breeding, abuse, and neglect. They found just the opposite. It cut down on the work that their animal control officers had to do. He stated that if he was a member of the Animal Control Department and needed more money and more officers, he would say that they can't do this job as they need more money and more officers. That is a good point to make; however, they do not want to hold animals hostage to what the Health Department needs. This is what Animal Control does. They are mandated by law and by the County to investigate abuse and neglect. He has pictures that are shocking. He stated that twenty-two states have enacted tethering ordinances. Orange County has enacted it with beautiful success. It has been done proactively with citizens and animal services. The director stated that it was a "wash" for them. By the time they cut down on other complaints and it had dented in to the unbridled breeding, and by the time they looked at it all, they thought they were ahead of the curve. Chapel Hill has an ordinance where no animal can be tethered at all. Orange County also covers Chapel Hill. They are covering a county of 137,000 people including areas like Hillsborough where they have a lot of problems. Animal Control has been under performing in terms of neglect and abuse. This is another tool for them to have them work more effectively and not to add to their tax. He stated that he was always advocating for more officers and better salaries. That conversation will need to be held one day. In the meantime, let's not hold animals hostage. We are finding by these studies and reports that Illinois just enacted a statewide band. There are thousands of townships, towns, and counties that have enacted this and had great success with it. He stated that when he hears all of this, just like dogs who are on leashes and trolleys, he thinks they are entangling this with a bunch of different issues. This is not a new idea. It has been working beautifully in lots of other places. This is a tool that helps to enforce neglect and abuse.

Commissioner Bock stated that he has spent enough time with the Health Department, Animal Control Officers, and with Ms. Garrard to know anything they report to the Board is not because they want more money from the County or more officers. They are there for the right reasons. He stated that they may have different ways of looking at what will work, but there is no doubt in his mind that the recommendations are coming from the right place.

Ms. Garrard stated that Animal Control has a duty to enforce what is on the books. They will do whatever is on the books; however, there are times in enforcement purposes where the burden of proof lies on them to be able to prove beyond a reasonable doubt that someone committed an act. It is difficult to balance that with the property rights as well as what they are capable of enforcing with the staff that they have.

Chairman Petty stated that they have seen a new level of service in recent days and they appreciate what Animal Control is doing.

Commissioner Kost stated that this opens the discussion that they need to talk about increasing staff. The County is growing and this is an area where both political parties love their animals. She stated that she doesn't see how Animal Control is getting the job done with the staff they have.

Chairman Petty thanked Ms. Garrard for her presentation.

Ms. Coleman stated that once the Board of Health has an opportunity to review and make a recommendation, it will come back to the Board of Commissioners.

Chatham County Schools Director of Transportation Presentation:

This item was tabled and rescheduled for the July 15, 2013 Board of Commissioners' meeting.

CLOSED SESSION

Commissioner Cross moved, seconded by Commissioner Bock, to go out of the Work Session and convene in Closed Session for the purpose of discussing matters within the attorney/client privilege. The motion carried four (4) to zero (0).

WORK SESSION

Commissioner Cross moved, seconded by Commissioner Bock, to adjourn the Closed Session and reconvene in the Work Session. The motion carried four (4) to zero (0).

ADJOURNMENT

Commissioner Cross moved, seconded by Commissioner Bock, to adjourn the meeting. The motion carried four (4) to zero (0), and the meeting adjourned at 5:08 PM.

Walter Petty, Chairman

ATTEST:

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

**MINUTES OF MEETING
OF THE BOARD OF COMMISSIONERS OF
CHATHAM COUNTY
SITTING AS THE GOVERNING BOARD OF THE
SOUTHEAST CHATHAM WATER DISTRICT
JUNE 17, 2013**

The Board of Commissioners of Chatham County, North Carolina sitting as the Governing Board of the Southeast Chatham Water District met in the Historic Courthouse, 1 Hillsboro Street, located in Pittsboro, North Carolina, at 8:00 PM on June 17, 2013.

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

Staff Present: Charlie Horne, County Manager; Jep Rose, County Attorney; Renee Paschal, Assistant County Manager; Vicki McConnell, Finance Officer; and Sandra B. Sublett, Clerk to the Water District Board

Commissioner Cross moved, seconded by Commissioner Bock, to convene as the Southeast Chatham Water District Board. The motion carried five (5) to zero (0).

Agenda

Approval of Fiscal Year 2012-2013 Southeast Water District Budget Amendments

Vicki McConnell, Finance Officer, explained that during the fiscal year, the budget must be amended as changing conditions warrant. The fiscal year 2012-2013 budget ordinance authorizes the County Manager to transfer funds within a department without limitation. The Manager may also transfer amounts of up to \$5,000 between departments of the same fund and transfer amounts up to \$50,000 from contingency with a memorandum report of such transfers to the Board. Resolution #2000-43 allows the Finance Officer to transfer amounts from the vehicle replacement fund for the purchase of vehicles approved for replacement in accordance with the fleet management replacement criteria. The Board must approve all other transfers.

The Southeast Water District budget is being increased to give the District the ability to pay additional contracted services fees owed to the Utility Fund. The proposed budget amendment increases the Southeast Water District budget by a total of \$177,085.

Commissioner Cross moved, seconded by Commissioner Stewart, to approve Fiscal Year 2012-2013 Southeast Water District Budget Amendments as proposed by staff. The motion carried five (5) to zero (0). The budget amendments are attached hereto and by reference made a part hereof.

ADJOURNMENT

Commissioner Cross moved, seconded by Commissioner Bock, to adjourn as the Governing Board of the Southeast Chatham Water District. The motion carried five (5) to zero (0), and the meeting was adjourned at 8:03 PM.

Walter Petty, Chairman

ATTEST:

Sandra B. Sublett, CMC, NCCCC, Clerk to the Board
Southeast Chatham Water District Board

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
JUNE 17, 2013

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Historic Courthouse, 1 Hillsboro Street, Pittsboro, North Carolina, 6:00 PM on June 17, 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 6:04 PM.

APPROVAL OF AGENDA and CONSENT AGENDA

The County Manager asked that approval of the Resolution of Exemption Allowing Hobbs Architects to Per the Architectural Services for the Agriculture Center be removed from the Consent Agenda.

Commissioner Kost asked that due to everyone not being present at the afternoon Work Session, that the Courthouse and Law Enforcement Facilities Ordinance be placed on the Consent Agenda for approval.

Commissioner Kost asked that the Zoning Ordinance Regulating Temporary Signs be placed on the regular Agenda for discussion.

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

1. **Minutes:** Approval of Board Minutes for the May 20, 2013 Regular Meeting, May 20, 2013 Work Session, May 21, 2013 Budget Public Hearing, and May 23, 2013 Budget Work Session

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

2. **Service Revolver:** Consideration of a request to award a service revolver to retiring Chief Deputy Gary Blankenship.

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

3. **Audit Services Contract Addendum:** Consideration of a request to approve Audit Services Contract Addendum, attached hereto and by reference made a part hereof.

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

4. **Pyrotechnics Request:** Consideration of a pyrotechnics display request at 255 Lois Lane, Chatham County, NC on July 4, 2013

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

5. **Pyrotechnics Request:** Consideration of a pyrotechnics display request at Governor's Club Clubhouse, Chatham County, NC on July 4, 2013

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

6. **Budget Amendments:** Consideration of a request to approve Fiscal Year 2012-2013 Budget Amendments, attached hereto and by reference made a part hereof.

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

7. **CDBG Scattered Site Housing and CDBG Economic Recovery Monthly Reports (2010):** Community Development Block Grant (CDBG) Scattered Site Housing (2010) and Community Development Block Grant (CDBG) Economic Recovery (2010) Monthly Reports, attached hereto and by reference made a part hereof.

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

8. **Uncollectable Water Accounts:** Approval of uncollectable water accounts FY09-10, attached hereto and by reference made a part hereof.

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

9. **Final Plat Approval of Briar Chapel, Phase 6 North:** Request by Eric Manturuk, John R. McAdams Co., on behalf of NNP Briar Chapel, LLC for final plat approval of Briar Chapel Phase 6 North, consisting of 119 lots on 36.58 acres, located off SR #1528, Andrews Store Road, SR #1526, Parker Herndon Road and Great Ridge Parkway, Baldwin Township, Parcel #87809

As per the Planning Department and Planning Board recommendation (by unanimous vote – 9 members present), the Board granted approval of the request for a financial guarantee and approval of the final plat titled “Briar Chapel, Phase 6 North, Subdivision, Easement Dedication, & Right-of-Way Dedication” with the following condition: 1. The final plat not be recorded until the county attorney has approved the financial guarantee. 2. The final plat not be recorded until the document protecting the perimeters buffers is prepared, with review and approval by the county attorney. The document shall be recorded in the Office of the Register of Deeds.

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

10. **Subdivision Preliminary Plat Approval of Briar Chapel, Phase 7:** Request by Kevin Graham, Vice President, Operations, on behalf of NNP Briar Chapel, LLC for subdivision preliminary plat approval of Briar Chapel, Phase 7, consisting of 166 lots on 53.54 acres, located off SR #1528 Andrews Store Road, SR #1526, Parker Herndon Road, and Great Ridge Parkway, Baldwin Township, Parcels #87090 and #89623

As per the Planning Department and Planning Board (by vote 8 - 1) recommendation, the Board granted approval of the road names Juneberry Drive, Kuralt View, West Chinquapin Path, East Chinquapin Path, Tin Pan Alley, Gameland Circle, Old Piedmont Circle, Overcup Trail, Reedy

Fork Trail, Skipperling Street, Sachem Lane, Longtail Court, Nighthawk Trail, Barn Swallow Bend, Chapelton Court, Salt Cedar Lane, Sawtooth Road, and Artifact Alley and granted approval of the preliminary plat with the following condition:

1. The developer shall meet with the homeowners association prior to final plat submittal regarding either the demolition or the preservation of the tobacco barn.

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

11. **Subdivision Preliminary Plat Review of Fearington Planned Unit Development (PUD)** Request by Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for subdivision preliminary plat review of Fearington Planned Unit Development (P.U.D.) - Section X, Area "K": Rutherford Close, consisting of 12 townhouse lots on 2.85 acres, located off E. Camden, SR #1812, Williams Township, Parcel #18998

As per the Planning Department and Planning Board recommendation (by unanimous vote – 9 members present), the Board granted approval of the road name 'Rutherford Close' and granted preliminary plat approval of the request Fearington P.U.D. - Section X, Area "K": Rutherford Close, as submitted.

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

12. **Tax Releases and Refunds:** Approval of tax releases and refunds, attached hereto and by reference made a part hereof.

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

13. **Chatham County Assessor Appointment:** Appointment of Frances Wilson as Chatham County Assessor to a two-year appointment. The term will be effective July 1, 2013 and will expire on June 30, 2015. The oath is attached hereto and by reference made a part hereof.

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

14. ~~**Resolution to Approve Architectural Services: Resolution to Approve Exemption Allowing Hobbs Architects to Perform the Architectural Services for the Agriculture Center and Give the County Manager the Authorization to Sign the Contract**~~

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

15. **Chatham County Board of Social Services Appointment:** Consideration of a request to appoint Manual Colorado-Reyes to the Chatham County Social Services Board, three-year term July 01, 2013 to June 30, 2016

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

16. **Department of Social Services Contract Amendment:** Consideration of a request to approve Department of Social Services Contract Amendment for Chatham Transit Network (CTN), attached hereto and by reference made a part hereof.

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

17. **Joint Committee on Nursing Homes, Adult Care, and Family Care Homes Reappointments:** Consideration of a request to reappoint the following to the Joint Committee on Nursing Homes, Adult Care, and Family Care Homes:

- Barbara Benjamin to a three-year term beginning March 19, 2013 and ending March 18, 2016
- Kathleen Meredith to a three-year term beginning July 16, 2013 and ending July 15, 2016
- Nita Dukes to a three-year term beginning July 16, 2013 and ending July 15, 2016
- Jeanette Baird to a three-year term beginning July 16, 2016

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

18. **Courthouse and Law Enforcement Facilities Ordinance:** Approval of Courthouse and Law Enforcement Facilities Ordinance, attached hereto and by reference made a part hereof.

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Suzanne Kozel, 161 Meadow Ridge Lane, Chapel Hill, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“Hello, my name is Suzanne Kozel. Thank you for the opportunity to address you today. I was born & raised in NC; and am a 17 year resident of Chatham County.

My husband & I enjoy the company of 3 dogs who are integral members of our family and benefit from a fenced property & doggie door into the house for their shelter & comfort.

As you have been hearing today, long-term tethering is an inhumane and cruel neglect of a dog. It results in physical, emotional, and social degrading of the dog. When I read the stories and see some of the horrible photos I’ve seen in researching this issue, it is just as hard for me to fathom as when I hear about the lifelong cage environment a dog experiences in a puppy mill.

This issue is not just about the welfare and humane treatment of our companion animals but also about public safety. You have heard today about the aggressive behavior of chained dogs after being deprived of care, contact & attention, room to move, decent living conditions - - - several of you are liaisons to organizations for the protection and safety of our children. Many of the attacks from chained dogs happen to unsuspecting children resulting in severe injury and even death. So I would urge you to add a law against dog tethering to the agenda of your other initiatives.

In researching what other cities and states have done about this issue, I was impressed not only to see the states who have passed legislation on a statewide basis but by the presence of North Carolina on the list of states with community-based ordinances. These communities have documented a reduction in dogs bites & dogs breaking from chains thus running loose & at large.

I would expect an effective ordinance would include specific standards which will actually benefit Animal Control by providing them with the support officers may now lack in responding to complaints about abuse and prosecuting the abusers.

Yes.....there are some owners who may choose to surrender their animals rather than comply & improve the treatment of their dogs – so be it. I do appreciate the concerns of those who provide shelter and are vested with finding new homes for abused and abandoned dogs – it is not an easy task. I have rescued dogs and donated time & money to local organizations & groups including C.A.R.E. and Guardians of Angels - and you have my commitment to volunteer my support to Chatham County to implement this law whether it be by assisting with rescue, community outreach and education, or wherever the need may be.

Thank you for the opportunity to address you today. Please add Chatham County to the list of NC communities that offer a reasonable and sensible law against tethering.”

References:

<http://www.unchainyourdog.org/> - this site has lots of great information, FAQs, sample Powerpoint and documents that can be customized for implementation.

<http://www.animallaw.info/articles/State%20Tables/tbustetherlaws.htm> -table of laws by state and other resource information

ASPCA, Humane Society and other organizations also have a wealth of material on this topic.

Marisa Labanca, 311 Creeks Edge, Chapel Hill, NC, stated that she volunteers with Dogs Off Chains and with the Humane Society of the United States. She stated that she has had experience with dogs on chains not just in Chatham County but as far as Mississippi, South Carolina, and Florida. She stated that she has never seen so many dogs on chains; that she learned through other animal control officers that there is a huge risk to public safety; that it is inhumane treatment for dogs; that there are a lot of studies especially by the ASPCA or the American Veterinary Association in conjunction with the American Society of Plastic Surgeons who provide statistical numbers showing that so many children get injured or die because they go toward a dog that they think is friendly and the dog doesn't know the child. They have a fight and flight reaction. It is not the dog's fault. The dog will get punished by death. The HSUS has concluded through several studies that friendly dogs always chained become neurotic, anxious, and definitely aggressive. They also have injuries to their necks and bodies because they can't get away from other animals or people. She has seen dogs that have had collars embedded in their necks. Dog fighters are kept far away from each other and they still try to get to each other. They will pull on their chain that is extremely heavy and usually attached to a tire that is buried in the ground. They will injure or hang themselves. It is estimated that 17% of reported dog bites and injuries between 1979 and 1998 were caused by dogs that were restrained on the owner's property. People went there and got hurt or died. There is no way the animal control officers in Chatham County can go out and check on every single dog to see how long they have been chained. She is completely for unchaining dogs and not tethering them.

Karl Ernst, 711 Red Oak Drive, Siler City, NC, stated that he has been following this issue and has some concerns. He stated that he would encourage a level of common sense be applied to this issue. Not everyone can afford a fence and some don't want to have one. If they are going to have dogs, there is a County law that says a dog shall be restrained. In order to let his two dogs eat, he had to chain them separately. There are circumstances in play in different situations. He asked that the Board be cautious, considerate, and think about this issue.

Pattie Justice stated that she was for un-tethering dogs. She stated that tethered dogs outside are exposed to unwanted pregnancies. They have seen people who do not want to get their dogs spayed or neutered. Part of their program, Dogs Off Chains,

requires that they be spayed and neutered prior to getting a fence. These are mostly pit bulls. Dogs that are tethered are exposed to vicious attacks by stray animals at night. They are exposed to rabies. They are sometimes chained with no shade. Laws need to be changed. She would also like to see a law enacted where, if there are two females on the property, they have to register as a kennel in this county, so it would stop some of the puppy mills and selling of the diseased animals.

Donna Van Orsdell, Siler City, NC, stated that she is appalled at the number of dogs chained outside. She stated, to her, an animal is part of the family. A lot of dogs aren't loved and you can walk into the shelter and see it. Some people will give up their older dogs because they don't want to deal with them any longer. When she bonds with her animal, she couldn't imagine what would happen to it if she gave it up. She stated that she volunteers with Dogs Off Chains and it is hard not to pass judgment on people for whom they build fences for their dog and have them spayed and neutered. They seem appreciative, but at times she wonders why they own the dog. It is not fair to a dog to have it chained 24/7. They have no life. They are smart and give love. They know what's going on, and if you can't take care of your dog like it should be taken care of, she doesn't feel like you have a right to own one. She stated that she hopes the non-tethering law does happen. It is so important to teach compassion and caring about animals.

Deborah Replier, Canterbury Lane, Siler City, NC, stated that the biggest contradiction in moving here was driving around and seeing all of the chained animals with little or no interaction, food, or water. She got involved with Chatham Animal Rescue and Education when she moved here seven years ago as a fund raiser. The first set of animals that she took in to help with rescue and foster was from a dog who was tied on Highway 902 in someone's yard. There were six puppies roaming perilously close to the road. The owner willingly gave up the puppies that he did not want. The first human interaction they had was when the neighbor climbed into the dog house and tossed them out. She fostered them and they were adopted out through CARE. One of the puppies was returned broken. The early time in life is formative. If they are abused or neglected that is how they will turn out. CARE has a policy of taking back every adopted out animal as difficult as it is at times. She has a number of animals who share her home. They go outside in a fenced property. She also volunteers her time and energy and gives her financial support to Dogs Off Chains. She asked the Board to give serious thought to the anti-tethering ordinance and move forward in thinking about licensing laws.

Robert Luker, 447 Trails End, Siler City, NC, stated that as a veteran, he has seen dogs in other countries. He was appalled at their living conditions but realized it was the poverty of the country; however, the dogs were free. All he could think about was returning home to see his well-cared-for dog. He began to volunteer with Dogs Off Chains. He has seen the results of dogs attacked by other dogs while on chains. As soon as you see dogs come off chains, they are amazingly happy.

Dr. Kevin Monce, Cary veterinarian and Guardians of Angels board member, stated that he works with at least twenty-five different rescue organizations. He has a for-profit veterinary hospital and sees neglect and abuse multiple times each week. He started out seven years ago wanting to save each dog. After awhile, you realize you can't save each dog. He stated that we need to get attorneys involved with this so that we can get laws changed so that animals do not experience these kinds of situations. He stated that he has thousands of stories of abuse. Everyone should focus on the American Veterinary Medical Association studies and see what their position statements are about abuse and tethering. He would really like for this state and county to begin to change the approach to animals so that they are better respected. From the same standpoint, there will be less expenditure with animals that are taken to animal shelters. He asked the Board to consider this and see if they can make it work, get the personnel on board that are responsible for enforcing the laws to embrace this, and do it. He stated that he feels there will be a lot less traffic at the animal shelter and a lot less abuse to deal with. The bottom line will be improved over time if this legislation is enacted.

Amendment to Section 15.10 of the Zoning Ordinance Regulating Temporary Signs Discussion:

Hillary Pace explained that this a discussion of the proposed amendment to temporary sign regulations within the Zoning Ordinance regarding off-premise signs for bona fide farm seasonal harvesting activities and auction events.

She stated that at the May 6, 2013 Board of Commissioners' meeting, the Board had a preliminary discussion regarding temporary sign regulations for bona fide farms advertising seasonal harvesting activities, such as strawberry picking. Staff has proposed an amendment to Section 15.10 of the Zoning Ordinance that would allow off-premise temporary advertisement signs for bona fide farms during the seasonal harvesting season. Permitted signs would be limited to 32 square feet in area and 10 feet in height, allowing one off-premise directional sign per street or road frontage per parcel.

Staff has also added a provision for auction signs, restricting the signs to the same dimensional regulations as the off-premise farm advertising signs, but limited to a total of three off-premise signs per auction.

Ms. Pace read the text regarding off-premise signs promoting seasonal harvesting activities as follows:

F. "Off-premise signs promoting seasonal harvesting activities for bona fide farming operations shall not exceed 32 square feet in size, and shall not exceed ten (10) feet in height, measured from ground level to the top of the sign. There shall be no more than one (1) sign per street or road frontage per parcel."

Commissioner Bock asked if fifteen parcels could have fifteen signs.

Ms. Pace stated yes, that is the way it is currently written with the same criteria for size and height.

Ms. Pace read the text regarding off-premise or auction signs promoting seasonal harvesting activities as follows:

B. "On-premise or off-premise auction signs may be erected up to two (2) weeks prior to the auction and must be removed within 24 hours following the conclusion of the event, shall not exceed 32 square feet in size, and shall not exceed ten (10) feet in height, measured from ground level to the top of the sign.

There shall be no more than one (1) sign per street or road frontage per parcel, and no more than three (3) signs per real estate open house or auction event."

She stated that this is what they use for real estate open houses.

Commissioner Kost stated that when they initially talked about this, she thought they were talking about signs the size of a real estate "For Sale" sign. Now we are talking about something the size of a sheet of plywood. She stated for temporary signs, she thought that was too big and she would like to see something smaller.

Commissioner Cross stated that most of the auction signs have changeable lettering.

Commissioner Kost stated that all of the auction signs that she has seen between here and Highway 751 are in the right-of-way or are illegally placed.

Commissioner Bock stated that would be an NCDOT issue.

Ms. Pace stated that was what precipitated their thinking of auction signs to include some regulations.

Commissioner Bock stated that he feels what staff has here has captured exactly what he was looking for.

Jason Sullivan, Planning Director, explained that the 32 square feet comes from looking at the currently adopted standards. The other off-premise signs that are currently in the regulations already have a 32 square foot maximum which is why, when they generated this text amendment, it was a reflection of what is already in the regulations.

Commissioner Kost stated that she thought they were talking about small, temporary signs.

Commissioner Bock asked if “temporary” was defined.

Ms. Pace stated that temporary signs are defined as “any non-permanent sign to advertise a business or event, nonprofit or for-profit, for a limited period of time. These signs can include portable signs, signs placed in or on the ground, or signs placed on a vehicle. These do not include political signs as specified in section 15.59.

Commissioner Bock stated, theoretically, if we don’t say something, it could be left up six months a year even though you are only picking for three weeks.

Ms. Pace stated that was a good point and it was a lot of their discussion when they were tracking this section of the ordinance. After talking with some of their agricultural folks in the area, harvesting activities are different times of the year. They decided to tie it to harvesting season. Enforcement action could be done on something that is outside of that time frame.

By consensus, the public hearing was scheduled for the July 15, 2013 Board of Commissioners’ meeting on the amendment to Section 15.10 of the Zoning Ordinance Regulating Temporary Signs.

PLANNING AND ZONING

Public Hearings:

Public Hearing to Rezone Parcel Located at Half Dollar Road: Public hearing to receive public comments on a request by Douglas Roberts to rezoning parcel #2246, approximately 10.28 acre tract, located at 650 Half Dollar Road, from Conditional Use Compact Community to Residential 1 (R-1)

Angela Birchett, Zoning Administrator, explained the specifics of the request.

Commissioner Kost asked if Mr. Roberts was eligible for County water and if he would have to connect under the County policy.

Mr. Sullivan stated they would need to talk with Public Works regarding the water policy. He stated that he was unsure if Mr. Roberts had direct access by these properties to an existing right-of-way where water is available. There is an intervening strip to the east of the property before it intersects with the right-of-way of an existing road. He doesn’t have direct access in that location. The waterline may be close, but physically, the property does not touch the right-of-way, and there is an intervening strip of property. He stated that a subdivision of land also triggers the water policy.

The Chairman opened the floor for public comments.

Doug Roberts, 650 Half Dollar, Pittsboro, NC, referenced his property on the map. He stated that there is a thin strip owned by Newland Communities which previously was owned by them. They conveyed the property to Newland Communities by an agreement made in 2001. He stated that his parents were told that they were going to get County water by an oral agreement. In 2007, he attended a meeting in his parents’ living room. Lee Bowman of Newland Communities was also present. They were told

the properties would be hooked up to County water. They have a spring house that has been in operation for approximately 200 years with an ephemeral stream. They wanted access to the water and were of the understanding that with the paving of Half Dollar Road they would have fire protection as they are totally surrounded by Briar Chapel properties. After the verbal promises to hook them up with water, their attorneys contacted them and they sent a response denying them access to the water. He stated that his sister and he are looking to divide our interests in the property and to move forward. He stated that the only reason they are asking to be zoned back is so that they can execute the subdivision. The property will have a first right of refusal contract that remains on the property to Newland Communities.

Commissioner Kost asked if Mr. Roberts was planning to execute a subdivision.

Mr. Roberts replied, no, just with their families. He stated that Newland Communities has 90 days to respond to an offer in the event that the property is conveyed at an arm's length transaction. If they were to sell the property to someone, and they submitted an offer, they have to submit that offer to Newland Communities who has 90 days to decide.

Mr. Sullivan stated that in order to clarify the subdivision portion to which he is referring, there are two lots there now. One of the lots is over ten acres in size. All ten-acre lots are exempt by General Statute. It is technically not a subdivision lot. To reconfigure the property so that he and his sister can split it into two separate tracts, when the ten-acre tract is reduced below ten acres and additional acreage is added to the smaller lot, it technically becomes a subdivision lot. That is what is triggering the term "subdivision". He is not creating a new lot. It is reducing it under ten acres that creates truly a subdivision lot by statute.

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

Public Hearing to Rezone Half Dollar Road: Public hearing to receive public comments on a request by Douglas Roberts to rezone Parcel #74741, approximately 1.21 acre lot, located at 577 Half Dollar Road from Conditional Use Compact Community to Residential 1 (R-1)

Ms. Birchett explained the specifics of the request.

The Chairman opened the floor for public comments.

Doug Roberts asked the Board if they had questions. There were none.

Nick Robinson, representing Briar Chapel, NNP, asked that his comments be incorporated into both of the public hearings on the Roberts property, one relating to each tract.

Mr. Robinson supplied his written comments for the record as follows:

"Honorable Commissioners, Planning Board Members, County Manager and Staff, County Attorney,

My name is Nick Robinson. I practice law with Bradshaw & Robinson, LLP at 128 Hillsboro Street, Pittsboro, NC 27312. I'm here tonight representing NNP-Briar Chapel, LLC and to speak very briefly in connection with this rezoning request.

As you may know, this land of approximately 11.5 acres sought to be re-zoned was originally included within the Briar Chapel project. At the time of approval, this land, along with additional adjoining land of approximately 15.94 acres, was owned by Mr. Dollar and the hope was that NNP-Briar Chapel and Mr. Dollar would eventually reach agreement for purchase of the same. The parties reached an agreement to convey

the 15.94 acres but the parties never could successfully reach agreement as to conveyance of this last 11.5 acres of home place.

In 2012, NNP sought to amend its conditional use permit. At that time it was evident that the parties could not reach agreement as to conveyance of the 11.5 acres. As such, the land plan for the Briar Chapel project was modified to exclude this property.

Mr. Dollar and his family have been good neighbors and NNP desires to be a good neighbor. Now Mr. Roberts seeks to rezone the property back to its original zoning designation, a result which NNP has supported for some time. We believe it is implicit but wish it to be clear that the property has been removed from the Conditional Use Permitted area and that this rezoning finalizes the disconnection of the property from the project.”

The Chairman closed the public hearing.

Public Hearing for Conditional Rezoning Regional Business on Vickers Road: Public hearing to receive public comments on a request by Paul Smedberg on behalf of U-Haul for a Conditional Rezoning Regional Business (CD-RB), on property located at 102 Vickers Road, Parcel #71691 and #79289 to add approximately .64 acres to the existing 10.4 acres to expand the storage area to include one additional self-storage building

Ms. Birchett explained the specifics of the request.

Paul Smedberg, 3001 Capital Boulevard, Raleigh, NC, stated that six-tenths of an acre was acquired and they are adding it to their existing project. He offered to answer questions from the Board.

The Chairman opened the floor for public comments.

BOARD PRIORITIES

Hillary Pace, Planner, introduced Scott Evenson, chairman of the Chatham County Transportation Advisory Committee (TAC). Mr. Evenson introduced Philip Bors, program chair, who presented a PowerPoint on the Chatham County Transportation Advisory Committee strategic plan, mission and goals, accomplishments, challenges, and recommended changes as follows:



Chatham County Transportation Advisory Committee (TAC)

Update to Commissioners

June 17, 2011

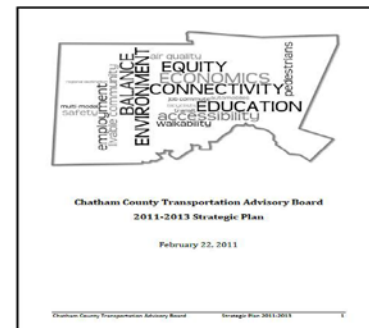
Scott Evenson (Chair) and Philip Bors

TAC Mission & Goals

- To advise the Board of Commissioners
- To serve as a venue for public discourse in matters related to transportation impact including:
 - Public health
 - Economics
 - Environment
 - Inclusiveness
 - Education
 - Quality of life
- To achieve a sustainable, multi-modal transportation system that provides mobility and access for people and goods.

TAC Strategic Plan Contents

- Statement of values, priorities
- Current conditions
 - Road network
 - Non-motorized transportation
 - Public transportation providers
 - Regional planning
- Goals and strategies
- Detailed background references



Goals

1. TAC a forum for public participation
2. Inform policies and plans
3. Inform transportation projects
4. Inform transportation services
5. Measure quality of transportation system
6. Share information

Accomplishments & Activities

- Input on and public input venue for Chatham CTP (in process)
- Developed and distributed Commuting Flyer
- Formed Bicycle and Pedestrian Subcommittee
 - Updating Chatham Bike Map
 - Help implement Bike Master Plan
 - Explore opportunities for pedestrian safety
- Input on long range plans for DCHC MPO

Current Barriers & Challenges

- Opportunities to influence transportation limited
 - Funding constraints, competing regional priorities
- Membership recruitment for greater diversity
- NC DOT helpful but may have different priorities
 - Strategic Highway Corridor Plan

Recommended Changes

- Add TAC ex-officio seat: public health
- County BOC attendance at TAC meetings
- County BOC attendance at MPO and TARPO meetings
- BOC include TAC in transportation related decisions and planning

Questions?

Commissioner Kost stated that earlier in the day, the Board asked for their input on a request that they had in naming Fearington Point Road as a scenic byway. She stated that it will be coming to them

Commissioner Stewart stated that she talked with Durham Commissioner, Ellen Reckhow, about the meetings. She stated that she will be notifying the County Manager's Office when there is information or something on the agenda in which Chatham County might be interested.

Transportation Advisory Committee (TAC) Annual Report:

TRANSPORTATION ADVISORY COMMITTEE SUMMARY ANNUAL REPORT

Date of Presentation: May 31, 2011

Time Period Covered: Sept 2011 – May 2013

of Meetings Held During Period:

15 monthly/general meetings. (9/2011-12/2011 – 3; 2012 – 9; 2013 – 3)

Eight Bicycle and Pedestrian Subcommittee meetings.

MISSION & GOALS

Educate and advise the Board of Commissioners and serve as a venue for public discourse in all matters related to transportation – including the impact on public health, economics, environment, inclusiveness, education and quality of life – in order to achieve a sustainable, multi-modal transportation system that provides mobility and access for people and goods.

Goals – From the Transportation Advisory Committee (TAC) Strategic Plan

Goal 1: The Chatham TAC is a viable means for public participation in transportation decisions.

Goal 2: The Chatham TAC provides guidance/recommendations to BOC and county staff on policies and plans related to transportation.

Goal 3: The Chatham TAC provides meaningful guidance/recommendations to BOC and county staff in prioritizing transportation projects that impact Chatham residents.

Goal 4: The Chatham TAC collaborates with existing agencies to provide convenient and accessible transportation services.

Goal 5: The Chatham TAC measure and assess status and quality of transportation system.

Goal 6: The Chatham TAC provides credible education and information sharing on transportation issues relevant to Chatham County.

ACCOMPLISHMENTS & ACTIVITIES

- Provided regular and significant input into the Chatham Comprehensive Transportation Plan process and content (led by NC DOT).
- Develop and Distributing a Commuting Flyer to encourage transit and carpooling for Chatham residents.
- Formed a Bicycle and Pedestrian Subcommittee that has focused planning for the CTP that relates to pedestrian and bicycle transportation.
- Developing a series of bike loop maps for recreational riders, a significant visitor group in Chatham County (in progress).

BARRIERS & CHALLENGES

1. Membership recruitment – still three vacancies
2. Membership diversity, both in demographics and subject matter interest

RECOMMENDED CHANGES

1. BOC attendance at TAC meetings
2. Regular BOC attendance at Durham-Chapel Hill-Carrboro MPO meetings
3. BOC request TAC input in transportation related decisions and planning, i.e. development decisions with a transportation impact

Chatham Economic Development Commission Appointments:

Joe Glasson, former President of Chatham County Economic Development Commission (EDC), stated that currently the Chatham County EDC has four active members whose terms have expired and four additional openings. The EDC nominating committee solicited nominations and conducted interviews with all thirteen new applicants. Based on those interviews, the committee recommended reappointment of the four current members and the appointment of six additional members. The committee members felt that all six additional members were extremely qualified and would make significant contributions.

At its May meeting, the Chatham EDC Board voted to amend the bylaws to provide for a minimum of seven voting members instead of specifying a precise number of voting members. The slate of director nominees is as follows:

Reappointed Members

Al Devine, Dan Sundberg
Jeffrey Starkweather, Drew Weniger

New Members

Rachel Burton, Bob Enders
Chris Ehrenfeld, Pat Richardson
Doug Emmons, Tom Roberts

Two of these vacancies represent Commissioners' appointments for District 1 and District 2. All others are at large.

EDC Minutes--May 14, 2013

Bud Marchant, Bill Milholen and Ned Kelly served as the Nominating Committee for the Chatham EDC Board of Directors. There were thirteen applicants for the EDC Board of Directors, with eight positions available. All new applicants were interviewed by the Nominating Committee.

The Nominating Committee recommends reappointment of the following four members:

Al Devine
Jeffrey Starkweather
Dan Sundberg
Drew Weniger

The Nominating Committee felt that six nominees were extraordinary and recommended the following new members:

Rachel Burton
Chris Ehrenfeld
Doug Emmons
Bob Enders
Pat Richardson
Tom Roberts

As CEO of Chatham Hospital, Bob Enders could perhaps serve as an Ex-Officio member. This recommended slate enhances diversity of the Board in several respects with two of the six under 40 years of age, another under 50 and two more in their 50's. There are also two women nominees, one of whom is African American.

The Nominating Committee also recommends the following slate of officers for 2013-2014:

Co-chairs – Larry Hicks and Keith Hurand
Treasurer – Mike Donoghue
Secretary – held open for new member

Respectfully Submitted,
Bud Marchant, Chair
Chatham EDC Nominating Committee

Commissioner Kost acknowledged the time and energy of Mr. Joe Glasson on the Chatham County EDC Board and stated that she was very appreciative of his work efforts.

Commissioner Bock moved, seconded by Commissioner Stewart, to appoint the new applicants separate from the reappointments and appoint the new applicants first.

Commissioner Kost stated that they had worked very hard on the previous Board to take the politics out of the EDC. She feels that this is a flawed process. Anyone who knew the EDC many years ago knows that it was a very closed body; and they didn't open the minutes even for public record. She stated that she supports the new members but if the four existing members are not reappointed, then it may change who she may support as a new member. It is about the way the board is made up. She stated that even though she supports the new six people, she supports all ten of them. She stated that she would vote against the motion because the way this Board is going about the voting is wrong.

Commissioner Bock stated that he had no idea what the politics of any of those boards were; however, he stated that he did like their applications.

Chairman Petty stated that he felt the six new candidates were well-qualified and would be an asset to the EDC.

Chairman Petty called the question to appoint the new members. The motion carried four (4) to one (1) with Commissioner Kost opposing.

Commissioner Stewart asked, from a geographic standpoint of representation of the entire County, if there was good balance.

Mr. Glasson stated that the applications came five from Pittsboro, two from Siler City, one from Sanford, three from North Chatham, and one from Orange. He stated that it is not in the bylaws that you have to be a Chatham County citizen in order to serve on the EDC. He stated that geographics and minority representation were important to him. Those did not fall by the wayside.

Commissioner Kost stated that she thought the recommendation was to appoint the four members recommended by the EDC and to appoint six new members for a total of ten appointments.

Mr. Glasson stated that was the board nominating committee as well as the approval of the EDC board. He stated that they did have a conversation about the size of the board and what it needed.

Commissioner Kost stated that her nomination for her position as District 1 Commissioner was Jeffrey Starkweather. She asked if they were able to reappoint the four EDC members.

Mr. Glasson stated that was up to the Board of Commissioners.

Commissioner Kost moved, seconded by Commissioner Cross, to accept the nominating committee's recommendation to reappoint the four existing members as approved by the EDC Board.

Commissioner Bock asked if that would expand the size of the EDC board.

Mr. Glasson stated that it would expand it to ten bodies.

Commissioner Stewart asked if there were now eight members serving on the board instead of ten members.

Mr. Glasson stated that there were four who requested reappointments. There are four that have transitioned off the board. If the Board of Commissioners wants to expand the EDC with two additional appointments, they can do so.

Commissioner Kost stated that was why she wanted to do this as all one motion and not separate them out. She stated that if this Board is going to accept ten appointments and get rid of someone they don't want, she feels they are introducing politics back into something they tried to take politics out of.

Chairman Petty stated that there was a motion on the floor to appoint the remaining four appointments. He asked for a second to the motion.

Commissioner Cross seconded the motion.

Commissioner Bock stated that he was not interested in expanding the EDC board to a larger size at this time.

Commissioner Kost stated that the Board of Commissioners should not have appointed six new members.

Chairman Petty stated that the EDC brought them six nominees.

Commissioner Kost asked why we are doing it the way we did. She stated that it looks to her that the way it was done the way it was done was to get rid of two people and her guess is the reason it was done this way was so that her reappointment would not be reappointed to the EDC.

Commissioner Bock stated that it was possible not to want to appoint someone and it not be politics. He stated that it can be said all day and all night long that it is politics, but he is going to say the entire time that it is not.

Commissioner Kost asked if that was the case, why was her nomination not accepted. It was her appointment.

Commissioner Stewart asked if we were going with making the appointments as is, then we are basically saying that we are going to change the makeup of the EDC board. She stated that we haven't discussed the makeup of the EDC board. If we appoint the four reappointments and six new appointments, the EDC board size is changed. She stated that she feels that is the question up front. Do they want to change the EDC board size? If they don't want to change the EDC board size, they then have an issue with the six and four as there are two people too many.

Commissioner Kost asked why they wouldn't have had that discussion before they voted on the six new members. She asked why they were having it in the middle of the vote.

Commissioner Bock stated with the motion now on the table, if you vote yes for motion, you are voting yes to expand the EDC board.

Commissioner Kost stated that again, her question is why this discussion was not held before any votes were taken.

Chairman Petty stated that it didn't come up. It said eight positions and that is what he thought.

Commissioner Kost stated that they are saying they are recommendations, and they are recommending that the Board make up the minimum of seven.

Chairman Petty stated that he saw it that the EDC was offering ten people from which to choose eight positions was the way he read the application.

Chairman Petty called the question to accept the four reappointments as recommended by the EDC board which would increase the size of the EDC board. The motion failed three (3) to two (2) with Commissioners Petty, Bock, and Stewart opposing and Commissioners Kost and Cross voting for the motion.

Commissioner Kost stated that for District 1, she has an option to be considered since it is her appointment.

Commissioner Bock stated that he did not understand "her appointment".

Commissioner Kost explained that each Commissioner has one person they get to nominate as per the bylaws.

Commissioner Bock stated that they had not done it this way in the past.

Commissioner Kost stated that she was sorry if the Board did not follow the bylaws; however, the bylaws of the Economic Development Corporation state that. She asked if she was incorrect.

Mr. Glasson stated that was correct. He stated that what had happened in the previous two times (approximately four years ago), there was not a representation for one of the other Commissioners. They then selected from the list of those that were approved. Out of the list, a Commissioner could select his/her designee.

Commissioner Kost stated that she was to accept what the nominating committee put forth for them because of the EDC policy.

Mr. Glasson stated that the EDC board also approved the package. He stated that he was looking at skill-sets more than anything and that he is not a fan of big boards, but at the same time, he wants a quorum.

Commissioner Kost stated that she didn't think this issue was brought up at the last EDC meeting by the Commissioners representing the entire Board of Commissioners.

Commissioner Bock stated that there was a long discussion. Mr. Glasson concurred stating that Commissioner Bock has said from the first that he was not a fan of large boards. Commissioner Kost apologized.

Commissioner Kost stated that given the fact that there were problems with the two the board will never really be that large because they will never have all the members there.

Mr. Glasson stated about three months ago, the EDC board made a decision to meet every-other-month at the board level to discuss policy issues and issues management. Basically trying to get the busy people there for three to four hours once a month and to be able to volunteer for some of the work led them to go to every-other-month. They have said to the new folks, that they are going to meet every-other-month but they are going to be required to be able to give approximately twenty hours between the two board meetings over and above just the board meetings.

Commissioner Bock moved, seconded by Commissioner Stewart, to approve the EDC applications of Drew Weniger and Dan Sundberg for the Economic Development Board.

Commissioner Stewart asked for background on the applicants.

Mr. Glasson stated that he could say nothing negative about any of the four applicants.

Commissioner Kost reiterated that the EDC bylaws state that each Commissioner has one person which they can nominate. One of these positions, she stated, is her nomination and she feels the way things happened today was the Board's way of getting rid of her nomination. She stated that she had reviewed the applications and would have suggested another new member, Sue Szary. She stated that she was very concerned about the lack of women on the board, the lack of racial diversity, and she lived in the western part of the County. She stated that she would have to vote against the motion.

Commissioner Bock asked for more information on Ms. Szary's background which was found in the Board packet.

Commissioner Kost reiterated that it was her nomination. She stated that the EDC interpretation was not that they were adding two new members. She stated that she didn't think it was right to say Ms. Szary was not recommended because their recommendations are not being followed of what they put forth.

Commissioner Bock withdrew his motion to appoint Drew Weniger and Dan Sundberg to the EDC board.

Mr. Glasson stated that he had the opportunity to be able to evaluate a lot of individual board members and their sense of advocacy. He stated that there are some he would like to have around and maybe some he wishes he didn't. At the same time, the diversities that they have among the recommended appointees is very important to have that diversity of opinion.

Commissioner Bock moved, seconded by Commissioner Kost, to appoint Drew Weniger and Sue Szary to the EDC board.

Commissioner Stewart asked about Ms. Szary's strengths other than being female.

Commissioner Kost stated that she is from the western part of the County; she has an arts background which is a very viable and important sector of the County; she was, at one time, the director of the Arts Incubator on a non-paid basis; she has been involved in the community and received good recommendations.

Mr. Glasson asked if Ms. Szary and Drew Weniger were being recommended if it meant that the other three were not being recommended.

Chairman Petty stated that was correct based on the last motion.

Commissioner Stewart stated that she was inclined to return to her first inclination of Drew Weniger and Dan Sundberg based on what she knows personally.

Chairman Petty called the question. The motion failed two (2) to three (3) with Commissioners Petty, Stewart, and Bock voting against.

Commissioner Kost stated that this was her nomination for District 1 and once again, this Board has rejected policy on something they worked very to take the politics out of.

Chairman Petty respectfully disagreed stating that he feels they have eight very qualified candidates and it has nothing to do with politics.

Commissioner Kost stated that it did not appear that way.

Chairman Petty stated that they then have a difference of opinion.

Commissioner Stewart stated that she had no idea of an of the candidates party affiliation.

Commissioner Kost asked if Mr. Starkweather's affiliation was unknown.

Commissioner Stewart stated that she was trying to choose the people whom she felt would be the best to serve.

Commissioner Cross stated that when the Board went to this system, the EDC requested to do this. They have done a great job. He stated that there was discrepancy over one of his appointments which didn't happen. Now there is another appointment that is not going to happen from Commissioner Kost. He asked that the EDC be allowed to choose who they need out of the suggested appointees and be allowed to appoint them. He stated that the Board of Commissioners didn't need to be involved in this stating there would be the same fight every time they tried to do it.

Commissioner Bock stated that could happen next time. This time, he stated that they need to appoint two members and change the policy for next time.

Chairman Petty moved, seconded by Commissioner Bock, to appoint Drew Weniger and Dan Sundberg to the Economic Development Board.

Chairman Petty called the question. The motion carried four (4) to one (1) with Commissioner Kost opposing.

Mr. Glasson stated that Jeffrey Starkweather has been wonderful with regard to the Conceptual Land Use Plan, Al Devine has contributed very well relative to what is going on, and they have been worthy and in many cases have done wonderful work.

Hobbs Architects Contract:

Renee Paschal, Assistant County Manager, explained that they are still negotiating the contract because the attorney who is working on it is out-of-town. She asked that the Board consider approving the resolution of exemption which allows the County to hire Hobbs without going through an RFQ process. Hobbs has done the schematic design on the building and are familiar with the site and what is need from the agriculture folks. It is the unanimous recommendation from staff that Hobbs be hired.

Commissioner Cross moved, seconded by Commissioner Stewart, to adopt **Resolution #2013-26 of Exemption Allowing Hobbs Architects for the Architectural Services for the Agriculture Center**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Scope of Work:

Ms. Paschal explained that the “Scope of Work” includes what staff has agreed to with the architect including the fee. She noted that the proposal in general includes some special services that are not ordinarily seen. They include: commercial kitchen design, acoustic analysis, and audio visual specific to the building. She stated that if the Board is comfortable authorizing the staff to finalize the contract and authorizing the County Manager to sign the contract based on the scope of work, they would appreciate it.

Commissioner Cross moved, seconded by Commissioner Stewart, to authorize staff to finalize the contract and authorize the County Manager to sign the contract based on the scope of work. The motion carried five (5) to zero (0).

FY 2013-2014 Budget Ordinance:

Renee Paschal, Assistant County Manager, explained that the FY 2013-2014 Recommended Budget was presented to the Board of Commissioners on May 6, 2013. Public hearings were held on May 20 and 21. State law requires that the County adopt a balanced budget prior to July 1. In addition, the Board of Commissioners sets the salaries of the Sheriff, Register of Deeds, and County Manager.

Ms. Paschal stated that the sales tax goes away in November, 2014 so it does not have an impact on the 2014 budget. It will impact the 2015 budget. The second matter of concern is repealing our sales tax exemption. The average sales tax exemption where we pay the sales tax or don't pay the sales tax. We get the money back from the state if we do pay it. The average exemption for the last four years has been approximately \$530,000.00 which includes all general funds. It has the biggest impact in the capital funds, the County's capital projects, and the schools capital projects. Facilities are approximately \$132,000.00 per year; the schools' is approximately \$178,000.00; and the general fund is approximately \$140,000.00. There is no replacement for the repeal of the sales tax.

She stated that in the schools' notification letter, they will include the provision that the County will not release the roof money (one-time windfall from the motor vehicle collection) until the impact of the state budget is known.

The Board of Commissioners held one budget work session and made changes to the Manager's recommendation. The budget ordinance reflects the following changes made by the Board of Commissioners.

Overall, Commissioners increased the recommended budget by \$11,399. This amount is offset by increasing revenue.

Commissioners also allocated \$2,000 to Boys & Girls Club, \$2,000 to Chatham Literacy Council, \$8,331 to Family Violence & Rape Crisis, \$669 to Hispanic Liaison Victims of Crime and Fraud program, \$2,000 to Habitat for Humanity Siler City office program expenses from the \$15,000 set aside for the board to allocate directly.

The budget ordinance allocates funding to Chatham County Schools in the categories of current expense, supplement, capital outlay, and capital improvements projects. The ordinance allows the school system to move funds between capital outlay projects and provides for a quarterly accounting of capital outlay.

The budget ordinance increases the mileage reimbursement rate from \$0.555 to \$0.565 cents per mile to match the IRS mileage reimbursement rate. The budget already includes funds for this increase.

The budget ordinance provides for a 3% salary increase for the County Manager, Sheriff, and Register of Deeds, whose salaries are set by the Board of Commissioners. The budget already includes funds for this.

Ms. Paschal stated that the last proposal from the Senate has some serious implications for the County budget as it repeals the local food sales tax. It gives the Board of Commissioners the option to re-levy the sales tax, but action would have to be taken to do so. That will have approximate 1.4 million four impact on the County budget in 2012. She stated that she does not have the 2013 figures as they are waiting on an analysis from the Association of County Commissioners.

Commissioner Bock moved, seconded by Commissioner Stewart, to adopt the **FY 2013-2014 Budget Ordinance**.

Commissioner Kost stated that she was going to vote for the 2013-2014 Budget Ordinance as she feels staff has done a good job and it is a sound budget; however, she has an issue that there was no funding for the arts which she feels is important to economic development.

Chairman Petty called the question. The motion carried five (5) to zero (0). The 2013-2014 Budget Ordinance is attached hereto and by reference made a part hereof.

MANAGER'S REPORTS

The County Manager had no reports.

COMMISSIONERS' REPORTS

Ag Center Information:

Commissioner Stewart thanked staff for sending the packet on Ag Center. She stated that she is putting a packet together for Renee Elmers who may be able to find federal funding or grant money in which the County could tap into. Ms. Elmers will have her staff research to see if there is a possibility for funding.

Commissioner Kost suggested sending the same information to David Price since Chatham County is in his district.

Completion of Agenda Items:

Commissioner Kost reiterated the importance of completing items placed on the agenda. She stated that she found several cases with this agenda where there was no description or good abstracts for the public hearings held. References were made back to the Planning Department. She asked that the agenda face sheet be clear and concise about the business the Board is doing and that the agenda items be complete and concise.

SOUTHEAST WATER DISTRICT

Commissioner Cross moved, seconded by Commissioner Bock, to recess as the Chatham County Board of Commissioners and convene as the Southeast Water District Board. The motion carried five (5) to zero (0).

REGULAR MEETING

Commissioner Cross moved, seconded by Commissioner Bock, to adjourn as the Southeast Water District Board and reconvene as the Chatham County Board of Commissioners. The motion carried five (5) to zero (0).

ADJOURNMENT

Commissioner Cross seconded by Commissioner Bock, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 8:00 PM.

Walter Petty, Chairman

ATTEST:

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