

**MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
SEPTEMBER 04, 2007**

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Agricultural Building Auditorium, 45 South Street, located in Pittsboro, North Carolina, at 9:45 AM on September 04, 2007.

Present: Chairman Carl Thompson; Vice Chair, George Lucier; Commissioners Patrick Barnes, Mike Cross, and Tom Vanderbeck; County Manager, Charlie Horne; County Attorney Kevin Whiteheart; Assistant County Manager, Renee Paschal; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

The Work Session was called to order by the Chairman at 9:48 AM.

Chairman Thompson noted the following agenda changes: the addition of a presentation by John Hinkley regarding proposed changes to the zoning ordinance, as requested by this Board; that Commissioner Lucier would make comments regarding the TJCOG contract; and, that immediately following Mr. Hinkley’s presentation and the presentation by the Chatham Partnership Conservation listed as Agenda Item #1, Agenda Item #11 regarding the Procedure for Closed Session Release of Information would be heard.

Work Session

1. Chatham Partnership Conservation Presentation
2. Solid Waste Advisory Committee Presentation (Disposal Option)
3. Library Schematic Design
4. Construction Management at Risk
5. Jordan Lake Nutrient Rules Letter
6. TJCOG Contract
7. Land Banking
8. Indemnification
9. Briar Chapel Discussion
10. Western Wake Wastewater Partners Letter Discussion
11. Procedure for Closed Session Release of Information
12. Closed Session

PLANNING BOARD ZONING COMMITTEE PRESENTATION

Jim Hinkley, a Planning Board Member, reviewed the twelve zoning principles for Chatham County as proposed by the Planning Board Zoning Committee, as follows:

Twelve Zoning Principles for Chatham County
As proposed by the Planning Board Zoning Committee

Principle #1:

Adopt a Land Use Plan and Map with the addition of Environmental Policies in accordance with NC G.S. 113A.1.

Principle #2:

Zone the entire County in accordance with the adopted Land Use Plan and Map and with land conservation and development policies, excluding lands within municipal limits and their respective extraterritorial jurisdictions.

Principle #3:

Separate Agricultural/Residential (AR) districts into individual Agricultural (A) and Residential (R) districts to preserve farm land and to eliminate use conflicts.

Principle #4:

List Zoning District titles as:

- A** Agricultural
- R1** One-acre Residential or 40,000 square feet
- R2** Two-acre Residential or 80,000 square feet
- R5** Five-acre Residential or 200,000 square feet
- CN** Neighborhood Commercial
- CC** Community Commercial
- CR** Regional Commercial
- IL** Light Industrial
- IH** Heavy Industrial

Principle #5:

Preserve the rural character of the County with allowance for planned growth in accordance with the land use plan

- a. Zone the currently unzoned portion of the County for 2-5 acre development only
- b. Allow mixed use development communities/planned unit developments not to exceed 300 acres and in accordance with Environmental Review Board standards and newly adopted Subdivision Regulation policies.

Principle #6:

Designate Natural Heritage Areas, existing and future, to be kept off-limits to development except for very low density single-family residential use with minimum lot sizes of 10 acres or more and meeting environmental and subdivision regulation policies and standards.

Principle #7:

Approval or disapproval action of any and all variances should be made by the Chatham County Board of Adjustment.

Principle #8:

Limit major corridor commercial and industrial development to nodes initially designated by the Major Corridor Task Force. Separate and space such nodes substantially so as to not lie adjacent to one another and to effectively discourage strip development along highways.

Principle #9:

Protect and enhance existing vegetative buffers and new vegetative buffers to a depth of 100 feet between corridor rights-of-way and buildings and parking areas of commercial and industrial establishments and between rights-of-way and residential development. All structures within new development should be accessed by interior driveways with thoroughfare access at least 400 feet apart and from intersections.

Principle #10:

Adopt a tree ordinance: a) to assist in separating development from immediately fronting on major corridors and other major roads; b) to control and limit erosion; c) to control exposure to extreme heat and cold; d) preserve and protect stream ways; e) to preserve and protect old, outstanding vegetative stands and specimens; and f) to enhance the visual appearance of development.

Principle #11:

Cause development along thoroughfares to be at natural grade and not on created sites above roadway grade.

Principle #12:

Locate groups of business on parcels no larger than five acres. Restrict building footprints to one acre (43,560 square feet) except as approved by the Board of Adjustment.

Commissioner Lucier asked if this work was being performed by the subcommittee with little staff help. Mr. Hinkley stated that one staff member had been assisting the subcommittee and had been very helpful. Commissioner Lucier thanked Mr. Hinkley and the Zoning Committee for its work, noting it was a time-consuming process; that the County was formulating a contract with Triangle J Council of Governments (TJCOG) to provide additional

help and hoped to have the contract approved soon; recommended that when staff get the contract ready that some additional hours be added to the Environmental Review Board (ERB) and the subcommittee to ensure that the Zoning Committee remained covered; and that there was a possibility that additional staff may need to be assigned either through the TJCOG contract or through County staff.

Commissioner Vanderbeck stated he would like the TJCOG to meet with all the advisory boards and its subcommittees to identify where they were; prepare a report of where we want to be; identify how to do that and a timeline; and, address the issue of staff needs. Mr. Hinkley stated they would welcome that.

Commissioner Lucier stated to accomplish that, it may be necessary for TJCOG to supply some additional time, and the contract should make sure that the timeline would ensure that these goals were accomplished before the moratorium ended in June 2008.

Chairman Thompson stated what was now being proposed in addition to the contract was: 1) that timelines be set for TJCOG to complete the work prior to the end of the moratorium; and 2) that additional time be included for the Environmental Review Board and the Affordable Housing Task Force.

CHATHAM CONSERVATION PARTNERSHIP PRESENTATION

Sarah McRae, Freshwater Ecologist with the Eastern Region of the North Carolina Natural Heritage Program, provided the following presentation:

Chatham Conservation Partnership Established October, 2006

Mission of the CCP:

To develop and implement strategies for a community conservation vision that builds awareness, protection, and stewardship of Chatham County's natural resources.

Goals of the CCP:

1. To identify and map the highest priority wildlife habitats in Chatham County;
2. To promote the conservation, restoration, and sustainable use of the lands and waters of Chatham County;
3. To encourage public/private partnerships to leverage resources and achieve landscape level conservation;
4. To enhance coordination among participants and undertake more ambitious projects than any single agency's resources would otherwise permit;
5. To encourage an on-going regional dialogue among participants about sustainable land management;
6. To establish a linked network of conservation lands and waterways in Chatham County;
7. To educate interested private landowners and local government agencies on conservation and land management through demonstrations, workshops and field trips; and
8. To provide local, county and state government entities with the information and tools necessary to help conserve the natural resources of the region.

Partners:

Chatham County Private Landowners; Chatham County Environmental Review Board; Chatham County Parks and Recreation; Chatham County Planning Board; Chatham County Planning Department; Chatham County Soil and Water Conservation District; Conservation Trust for North Carolina; Elon Center for Environmental Studies; Environmental Defense; Friends of the Rocky River; Haw River Assembly; Haw River Canoe & Kayak Company; Haw River Trail; North Carolina Department of Environment and Natural Resources; North Carolina Division of Forest Resources; North Carolina Division of Parks and Recreation; North Carolina Ecosystem Enhancement Program; North Carolina Natural Heritage Program; North Carolina State University Cooperative Extension; North Carolina Wildlife Resources Commission; Town of Cary; Town of Pittsboro; Town of Siler City; Triangle Land

Conservancy; US Army Corps of Engineers; US Fish and Wildlife Service; USDA Forest Service; and, USDA Natural Resources Conservation Service.

Commissioner Vanderbeck stated that on goal #3, he was unsure of what that meant. Ms. McRae stated it meant more than just looking at specific little pieces of conservation but looking at the whole landscape and tying those pieces together through a green infrastructure such as greenways or river trails.

Commissioner Lucier thanked Ms. McRae for her work, noting the list of partners was impressive. He suggested that at the October 4th signing, that Chairman Thompson sign on behalf of the County Commissioners and all County departments involved. Ms. McRae stated that there were County departments who had played a prominent role and would continue to do so, and that she wanted to recognize that. She stated she would develop some language to accomplish that.

Chairman Thompson stated he would attend the signing on October 4th.

PROCEDURE FOR CLOSED SESSION RELEASE OF INFORMATION

Commissioner Lucier recommended that this issue be opened up for public comment over the next couple of weeks to identify any issues that may need additional attention.

Chairman Thompson agreed that input was needed.

County Manager, Charlie Horne, stated that copies of the current Procedure for Closed Session Release of Information was available tonight for those interested.

Commissioner Lucier stated it was important that all local newspapers that reported on Chatham County be given that information.

The County Manager stated it would be necessary to set a deadline for comment prior to the September 17, 2007 Board of Commissioners' meeting so that an agenda item could be prepared for the Board's consideration. Chairman Thompson stated that public comment could be received up to and including the Board meeting on September 17th, and that an agenda item could be prepared for the October night meeting.

By consensus, the Board set September 17, 2007 as the date on which to hold a public comment period on the "Procedure for Closed Session Release of Information".

SOLID WASTE ADVISORY COMMITTEE PRESENTATION

John McSween, Chair of the Chatham County Solid Waste Advisory Committee (SWAC), provided the following presentation:

County Obligation

- **G.S. 130A-309.09A(a).**

The governing board of a designated local government shall provide for the operation of solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas designated to be served by the facility.

- **G.S. 130A-309.09A(b).**
State mandated 10-year comprehensive solid waste management plan

Waste Disposal Issues

- Chatham County has **NO** adequate waste disposal plan
- Unsupported past SWAC recommendations have contributed to looming problems

Short Term Disposal

- Year-to-year agreement with Waste Management of the Carolinas, Inc. to transfer our waste out of the County

Long Term Disposal

- **NO LONG-TERM CONTRACT**
- **NO SECURITY**

- NO CONTROL

Other Concerns

- County Land Use Plan does not address solid waste needs
- Changing regulatory landscape

SWAC Recommendations

- Continue improving communication with the Board of Commissioners
- Short Term Disposal: minimum 5 year contract
- Land Use Plan be revised to address solid waste needs, i.e. infrastructure
- Long Term Disposal: build a County-owned Landfill

Benefits of County-owned Landfill

- = Revenue Potential
- = Economic Development
- = Control + Security + Options

Commissioner Barnes stated that the SWAC was one of the hardest working committees in the County; that its members were dedicated and tenacious; that he recommended that this Board consider what was being recommended; that it was time to get serious about a landfill; and that it was up to this Board to implement some or all of the recommendations as quickly as possible.

Commissioner Vanderbeck asked if it was possible to move forward and identify a suitable site for a landfill; that he was in favor of a County-owned and operated landfill to handle County waste; that the Green Building Task Force was looking toward limiting construction and demolition waste taken to the landfill; and that a site be identified for sorting construction or demolition waste for recycling.

Commissioner Barnes stated that such a facility could be operated successfully, noting the Apex facility was a good example.

Commissioner Vanderbeck stated that should be discussed with the Economic Development Commission to get them involved and that he hoped to move in that direction.

Commissioner Lucier added his thanks to the SWAC, noting he agreed with what Commissioner Barnes and Commissioner Vanderbeck had said. He asked how much land would be required for such a facility and how much the facility would cost. Mr. McSween said he could not answer those questions now, noting the study was historically out-of-date and costs had changed dramatically. He said the larger the facility the longer it would last and the more it would cost. Mr. McSween said the Board would have to decide if they wanted a ten-year landfill or a thirty-year landfill; that the lay of the land, as well as required buffers, would have to be taken into account; and that if the facility accepted 150 tons per day, fifty acres of land would be needed.

The County Manager noted that fifty acres was the actual footprint needed for the landfill cell, not including any buffers; and that the cost of creating the landfill cell was estimated at \$300,000 per acre.

Commissioner Lucier stated that amounted to \$15 million and asked if that was considered a 30-year plan. Mr. McSween stated they had calculated that to be about a 25-year facility, but if Chatham County was to partner with another jurisdiction or even two, then the costs could be shared among them.

Commissioner Lucier stated he would not be a fan of partnering with many counties, but could consider one or two. He asked if there were any counties in particular they had in mind. Mr. McSween stated that Alamance and Orange Counties could be considered as well as Lee County.

Chairman Thompson asked the timeframe for getting started. Mr. McSween said if the decision was made today, then it would take about ten years to accomplish; five years would be considered very fast; and three years was likely impossible.

Chairman Thompson suggested that the County Manager and staff consult with the SWAC to determine how the process could be started and then come back to the Board with a recommendation.

Commissioner Cross stated that he did not believe the State would favorably consider any landfill that was not a regional landfill. He suggested that they contact Lee and Randolph Counties to identify any interest in a partnership; and that if Chatham constructed a 25-year facility that its partners line up to take the next 25 years each so that the next 75 years would be covered.

Commissioner Lucier stated they needed some process that they could use as they work through the County's Capital Improvements Plan; that the County's debt ceiling needed to be considered; and that time was relatively short to accomplish that if it was to be looked at during the next CIP cycle.

The County Manager stated he did not believe something concrete could be produced for the next iteration of the CIP but would come back to the Board as quickly as possible.

Commissioner Vanderbeck stated that if they were looking at a \$15 million expense, then it was just another capital need that justified the Land Transfer Tax.

Col. Gerald Totten stated he had served on the very first committee years ago that had considered this issue; that a site at an old brickyard in Moncure had been identified as an ideal site; that the size of such a facility was the first thing that needed to be determined; and that anyone within a quarter mile of such a facility would be quite vocal about its location.

Jeffrey Starkweather stated that in terms of the short-term issues and considering the subdivision and land use plans, the SWAC should be considered as part of the process.

Commissioner Lucier stated the TJCOG contract was aimed primarily at implementing the existing Land Use Plan, with a second step being to take a look at how the Land Use Plan needed to be revised.

Rita Spina stated that about five years ago when the Board of Commissioners was looking into this, she had conducted some research; that many new technologies for incorporating such things as fuel emissions from the use of land was now available; and that this was an area that needed to be looked into.

Bruce Alexander stated he appreciated Col. Totten's remarks, but believed that updated numbers needed to be obtained; that if the Board determined that a landfill was a good idea for Chatham County, then County-wide approval needed to be sought before siting a landfill; and that it was understood that once a landfill was sited, there would be powerful opposition.

Planning Director, Keith Megginson, stated that in the 1980's, subdivision regulations required that a certain number of lots or a certain size lot required a dumpster site; but after the County's policy changed, regional collection sites were established.

Francie Henville-Shannon, Governor's Club resident, stated that although she agreed that a landfill was needed, she did not believe enough was being done to encourage recycling; and noted that many of her neighbors disposed of their trash at Cole Park Plaza along with their recycling because the private companies would not pick up all materials such as junk mail or cardboard. She suggested finding a way to force private disposal companies to pick up recycled materials.

Commissioner Cross stated that Randolph and Lee Counties' waste advisory boards and staff should be contacted, and that the GIS map for that area should be studied to determine if there was a centrally located area close to Chatham that could be used for a joint venture. He said they needed to determine if those counties had any interest in a partnership for a regional facility. Mr. McSween stated they would be happy to research that on behalf of the Board.

Nadine Perry stated there was the non-profit group the Sustainable Sandhills was made up of eight counties, with Lee, Moore, and Harnett being the closest to Chatham. She said they

did a lot of work for local governments in this area and would be a good contact for Chatham as far as approaching local governments with this kind of proposition.

Chairman Thompson stated the Board would be working towards resolving this issue.

BREAK

The Chairman called for a ten-minute break.

LIBRARY SCHEMATIC DESIGN

Assistant County Manager, Renee Paschal, stated today they would present the schematic design for the library; that the cost estimates for this project had increased; that the Board was being asked to approve an amended project ordinance for this project and a project ordinance for the Central Carolina Community College (CCCC) classroom building. Ms. Paschal noted that concerns had been raised by the Green Building Task Force; they had met with the Green Building Task Force on August 6th and Mr. Cherry had presented the daylighting plan for the library; that the Green Building Task Force had not made a specific recommendation for this project; and that daylighting recommendations were forthcoming from the Green Building Task Force.

Ms. Paschal noted that the Green Building Task Force was recommending that all buildings of 20,000 square feet or more be LEED certified at the Silver level and comply with the EPA's Energy Star program; and that the library building would comply with those recommendations. Ms. Paschal said the daylighting issue had not yet been resolved, but the services of Mr. Louis Cherry, a national daylighting expert, had been engaged. She stated that because daylighting standards had not been made clear at the outset, they were requesting that the library not be held to additional daylighting standards at this point; otherwise, they were subject to redesign and additional design costs. Ms. Paschal stated she had provided a detailed breakdown of the original cost estimate and the current cost estimate, and provided some details of what that included as well as what would be bid as alternates. She noted that even with the projected increased costs, they were still under what was reserved in debt capacity.

Commissioner Barnes stated he would not want to see the project built without the landscape enhancement. He said if they were going to spend \$12 million on this project, then he believed they should be able to spend the \$200,000 for the landscape features. Ms. Paschal said the \$200,000 was included in the \$12 million, adding the Friends of the Chatham County Library had raised about \$300,000 with a goal of \$350,000, so some of those funds could be spent on site improvements.

Commissioner Lucier stated that the total estimated cost was \$11.9 million and asked for clarification of what that meant in terms of site enhancements. Ms. Paschal stated that site enhancements were included in the \$11.9 million.

Commissioner Lucier asked about the chances of receiving funding to help with the cost of the intersection such as grants from NCDOT. Ms. Paschal said some funds from NCDOT may be available and they were already checking into that. Commissioner Lucier stated that this building would have to achieve a 50% reduction in energy costs. Ms. Paschal stated that Mr. Cherry would speak to that.

Louis Cherry, Architect, stated that one of the requirements in order to achieve LEED certification was the 50% reduction in energy costs. He presented details of the schematic design, which was the first phase of the designing process, adding that at this stage detailed design had not yet been achieved. Mr. Cherry said what was being presented at this time responded to all the comments received to date from the various stakeholders.

Mr. Cherry described the site plan and the location of particular features, such as: the entranceway; parking areas; the library building; classrooms; retention areas; service areas; drop off areas; the area reserved for a future auditorium; the loop around the campus; and some of the sustainable design features. He noted that the buildings were oriented directly due south and north for optimum energy efficiency and daylighting/sun control; and that buildings were tightly grouped to reserve land for future building opportunities and flexibility.

Commissioner Barnes asked how many acres would be left to the northeast and southeast of the new buildings. Mr. Cherry responded he had not calculated that. The County Manager stated that he believed the acreage left would be about fifteen acres.

Chairman Thompson stated that Mr. Cherry had referred to a book drop-off that had handicap accessibility and would allow for a drive through. Mr. Cherry said it was an external drive-up book drop and not as one would drive up to the building.

Commissioner Lucier asked if the available acreage would allow for a soccer field or fields. Mr. Cherry responded that had not been studied, noting soccer fields required a certain grading in a relatively flat area; and that to date, there had been no discussion about that kind of use. Commissioner Lucier stated he would like to have some information about the exact amount of acreage and the possible uses.

Mr. Cherry continued with his description of the site plan, focusing on the classrooms and labs and the types of activities and technologies those areas would allow.

Commissioner Lucier asked if any of the classrooms/labs would be devoted to molecular biology/microbiology studies, adding they would be trying to locate RTP-type industries in the County. He said there would be certain biological safety issues associated with that.

Chairman Thompson stated they had talked about future uses for all those classrooms, but suspected that they would want to consider Commissioner Lucier's suggestion and now was the time to do that.

Commissioner Lucier stated that he would like to see that capability either at this campus or the one in Siler City; that it would be a mistake to let that "fall between the cracks"; and that it would assist them with attracting those types of industries. Mr. Cherry stated those spaces were programmed for particular uses; and that although he had referred to them as "labs", they were not laboratory/scientific-type labs, but designed as shop spaces.

Commissioner Vanderbeck asked that Mr. Cherry point out some of the green building features. Mr. Cherry stated it was important for this building to be a teaching model for sustainable design, and pointed out those features on the site plan. He also pointed out the basic organization of the library building, highlighting particular spaces and planned uses; and explained how exterior lighting would be used to highlight this public building.

Commissioner Barnes, speaking to the issue of daylighting, agreed with Ms. Paschal that he would not like to see the project undergo redesign and be delayed because of that; and that it would add greatly to the project cost. Mr. Cherry stated that was debatable, and it was their goal that this project be an example of daylighting to the highest degree of performance. Commissioner Barnes stated that was a matter of opinion, noting he did not see the need to prolong the design process.

Commissioner Lucier stated that under the County's new policy, all public buildings would be LEED certified and comply with the EPA's Energy Star program. Ms. Paschal said that was correct. Commissioner Lucier asked if that policy contained language regarding daylighting. Ms. Paschal responded that it did not. Commissioner Lucier stated he agreed with Commissioner Barnes' statements, but believed he was hearing Mr. Cherry say that daylighting could be achieved through other means. Mr. Cherry stated he was confident that they would achieve a measurable end result, but believed the disagreement was how you got there. Commissioner Lucier stated he agreed with Ms. Paschal's recommendation although he recognized the goals of the Green Building Task Force, but added that the Task Force had not yet made a recommendation regarding daylighting goals.

Commissioner Cross stated he did not want to see the costs rise higher than the \$12 million budgeted; that he did not want to see the time frame stretched out; and that he did not want to see the project go through another redesign process.

Commissioner Barnes moved, seconded by Commissioner Cross, to approve the Amendment to the Project Ordinance Concerning the Joint County-Community College Library, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to approve the Capital Project Ordinance, Central Carolina Community College Building – Pittsboro, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Cross asked what the planned square footage and capacity was for the future auditorium. Mr. Cherry stated about 8,000 square feet, with a capacity of 200.

Commissioner Lucier asked for the status of the Siler City facility. Ms. Paschal said they had obtained an architect. Commissioner Cross suggested it would be a considerable mistake not to include molecular biology and microbiology labs in that facility. Ms. Paschal stated she would discuss that with the architect.

Commissioner Cross stated that the courtroom capacity was 200 and that he had hoped that this facility would have a higher capacity and suggested that the auditorium should have a capacity of 400 to 500. Commissioner Lucier agreed. Ms. Paschal said the facility was originally proposed at 400; that there was some interest in the Pittsboro area to build a performing arts center; that this Board had approved funds for a feasibility study; that the idea was that the performing arts center would have a larger capacity; and that the CCCC auditorium would be an auditorium for CCCC use and not for wider community events. Ms. Paschal suggested that once the feasibility study was completed, the Board could take another look at the plans.

Commissioner Cross stated he believed they needed a larger facility. Commissioner Lucier agreed, noting that such a facility could serve as an auditorium and as a performing arts center.

BRIAR CHAPEL DISCUSSION

Mitch Barron stated they were requesting a modification to their Wetlands and Streams Disturbance Permit with both the State and the US Army Corps of Engineers; that public notice had been sent out and the public comment period advertised; that the public comment period had been extended and would end on September 10th; that the modification was requested because of problems discovered during detailed design associated with the road systems and the four stream crossings as well as problems associated with placing a bridge over the wetland area. Mr. Barron stated that all of that work resulted in 86 feet of additional wetland disturbance.

Commissioner Lucier stated his concern was that the Board of Commissioners had not been informed that there would be a public hearing on this issue previously scheduled for August 24th. He stated he would like to see the Army Corps of Engineers inform each Commissioner on any matter of concern to Chatham County, which to him, was a policy issue. Mr. Barron stated that it was a public comment period and not a public hearing.

Commissioner Lucier asked the Board to support his request to the Army Corps of Engineers. Commissioner Cross stated the same message should be sent to NCDENR. There was no objection from the Board.

LUNCH BREAK

Chairman Thompson called for a short lunch break.

CONSTRUCTION MANAGEMENT AT RISK

Assistant County Manager, Renee Paschal, referred to the handout regarding the five primary methods of contracting. She described the pros and cons of each contracting method and explained why they recommended using the Construction Management at Risk method.

Commissioner Lucier stated that the County had always used the Single Prime method in the past and asked if any counties had used the Construction Management at Risk method for public buildings. Ms. Paschal stated that Wake County was one example. Mr. Cherry added that the UNC system was also an example, noting they used it almost exclusively. He stated that the Wake County public school system used that method and was very much in favor of it.

Col. Gerald Totten stated that the Guilford County schools used that system as well.

Commissioner Barnes said he had been involved in that method and understood both viewpoints; that Wake County schools had experienced success with that method; that NC State University's experience in the past had been a disaster; and that if the County used that system, he would assume that they would be able to pick who that would be. Ms. Paschal said they would go through the "Request for Qualifications" process. Commissioner Barnes stated the success would depend on who you were dealing with and that the screening process would need to be closely overseen.

Commissioner Lucier stated the Board was not required to accept the low bid. Ms. Paschal said that was correct, under certain circumstances.

Chairman Thompson stated the key would be to look at the track record of those bidders and use that to make the decision.

Commissioner Barnes stated he was not opposed to trying this method.

Commissioner Lucier moved, seconded by Commissioner Barnes, to proceed with the "Construction Management at Risk" approach with the understanding that the Board of Commissioners would make the final selection. The motion carried five (5) to zero (0).

INDEMNIFICATION

The County Manager stated that the Board had recently discussed a process of indemnification for volunteer advisory board members who participated in on-site visits and the situations that might arise due to or during such visits.

County Attorney, Kevin Whiteheart, stated that the discussion had left off with the boards that needed to be identified and the issues of what type of orientation or process would be designed for the board members to participate in.

The Assistant County Manager discussed the draft policy; noted that they needed to look at the duties such board members were performing in the field to determine precisely what orientation was needed; and, that they envisioned a 2-3 hour orientation session where the topics in the policy were discussed.

Commissioner Lucier asked if they were thinking this policy would be applicable to the Planning Board and the Environmental Review Board. The County Attorney stated that was correct, as well as the Appearance Commission.

Ms. Paschal said the list included the Domiciliary Care Committee and the Nursing Home Committee that conducted inspections, the Recreation Advisory Board, the Adult Home Care Committee, the Board of Elections when scouting for polling places, and the Soil and Water Board. She stated those boards included approximately 53 individuals.

Chairman Thompson stated he assumed the staff had obtained directions from the County's insurance carrier. Mr. Whiteheart responded that was correct, and they would need to purchase a rider to the County's coverage. Ms. Paschal stated the cost of that rider was fairly nominal, about \$200; that they were self-insured under Workers' Compensation, so if a person was injured, the County would be paying their medical claims directly; that even though the rider cost was nominal, the total cost may not be; and, there would be some expense associated with safety equipment, such as hard hats and safety vests.

Responding to concerns about what the County would be liable, Mr. Whiteheart stated that the orientation process and the use of safety equipment should be made mandatory.

Ms. Paschal stated it was important to keep in mind that raw land was different than a construction site, in that safety equipment would not be needed when visiting raw land. She said one reason to do a risk analysis was to determine if each department was doing what it should regarding the use of safety equipment.

Col. Gerald Totten, speaking as the Board of Equalization and Review Chairman, stated that they had visited industrial sites and hard hats and safety glasses had been provided at the site, but, there may be cases when such equipment was not provided. He said there were hazards

when entering such sites, including chemical hazards, and such exposure needed to be considered.

Ms. Paschal stated they had considered including the Board of Equalization and Review, but it had been determined that it was not absolutely necessary that that Board conduct site visits. She said if others had a different view, then perhaps that board should be added to the list. Mr. Totten said they should be included.

JOINT RESOLUTION WITH THE BOARD OF EDUCATION

Commissioner Lucier stated that the Board needed to do a joint resolution with the Board of Education and recommended that the County Attorney work with the Board of Education's attorney to draft a joint resolution based on information presented at the last meeting. He offered to review the draft prior to it coming back to the Board to make sure that it captured all elements.

LAND BANKING

Camp Maranatha:

The County Attorney stated that the one question remaining was whether or not the owner was going to ask for an earnest money payment, which was typical in such cases. He asked if there was an amount the Board would consider for earnest money, if it was requested.

Commissioner Lucier suggested up to 1%. By consensus, the Board agreed.

AUDITORIUM

Chairman Thompson stated that Commissioner Cross had suggested that the County have an auditorium with a larger seating capacity of up to 400 or 500 seats, and also whether that should be pursued as two separate facilities including a cultural arts center or as one County facility. He stated he wanted to clarify what the Board wanted so that clear direction could be given to the staff.

Chairman Thompson stated there were initially several groups involved in this discussion; that what came out of that discussion was the need for a feasibility study to determine the best location for such a facility; that the feasibility study was not yet completed; and, that the question was if the Board wanted to wait until that feasibility study was completed before making a decision, or whether they were comfortable pursuing two different auditoriums, one for the County at-large and one for the community college. Chairman Thompson said the community college, rather than getting involved in this political issue, decided it was in their best interest to pursue construction of a small 200-seat auditorium. He noted that both auditoriums would involve County funding.

Jeffrey Starkweather stated that before any decision was made, the stakeholder groups should be brought back in to determine the best way to proceed. He said the community college had no money to build its auditorium and was looking for State funding; that there was a possibility that no County funding would be used; that the auditorium was supposed to serve as a small theater for the school; that the performing arts center discussed for Pittsboro was thought to be a County-funded facility requiring a capital campaign and was a part of economic revitalization for downtown Pittsboro; that there had been a separate proposal by the Fair Association for a rural facility; and that the agreement was that the community college would proceed with its facility.

Commissioner Lucier stated it sounded as if neither the community college nor the performing arts group needed County money. Mr. Starkweather said in other jurisdictions corporate money was solicited as well as State and local funding. He said he did not foresee this coming to the County as a budget item.

Commissioner Lucier stated the County was in need of a large meeting area to accommodate 400 or 500; that there was no sense in the County funding a facility for only 200, since such facilities already existed; that it would be difficult for such an auditorium to also function as a performing arts center because of the necessary modifications; and that some additional meeting space would be gained when the Justice facility was constructed, but on a

much smaller scale. Commissioner Lucier stated his point was that if the County funded anything, it should be something of sufficient size to meet their needs.

Ms. Paschal stated this did impact the library project, because right now the footprint contained a site for a 200-seat auditorium. She said if that facility was enlarged, then the plans would have to be modified. She stated it might be possible to plan for both contingencies.

Chairman Thompson stated if the community college wanted to do something on a smaller scale without County funds, then that was a consideration; and that if they wanted to use some County funding, he believed he was hearing that the Board would prefer to have only one facility.

Commissioner Barnes stated the community college had initially assumed that the auditorium would be on its campus and would be large enough to meet everyone's needs. He stated that if the auditorium was on the campus, there would already be staff, security, and maintenance services; and that if a separate facility was built, land would have to be purchased, staff hired to manage it, and utility and maintenance costs covered.

Commissioner Lucier agreed, noting they should ask Mr. Cherry to come back with a revised schematic design to incorporate a larger facility. Commissioner Barnes agreed, noting the college was the logical place to put it.

Chairman Thompson stated the next question was if there was any advantage to doing a feasibility study.

Commissioner Cross stated the Arts Council was paying for a portion of the feasibility study, so he had no problem continuing with that with the understanding that it had nothing to do with the auditorium project at CCCC.

Ms. Paschal stated the issue was whether to include CCCC in the feasibility study, noting the decision had been made several months ago not to include the auditorium in the feasibility study. She stated that she believed they could move forward with what they had planned, but she would ask Mr. Cherry to prepare a schematic design for a larger facility.

Commissioner Vanderbeck stated that before the Board took any action, he would like to understand the impacts, financial and otherwise, and make sure that CCCC was on board. He said he would also like to determine what, if any, financial commitment could be made by the State. Ms. Paschal stated that preparation of the schematic design would incur some costs.

Col. Totten reminded the Board that both Jordan Matthews and Chatham Central Schools had auditoriums, both with 500-seat capacity.

CLOSED SESSION

Commissioner Barnes moved, seconded by Commissioner Lucier, to go out of Regular Session and convene in Closed Session for the purpose of discussing *Murdock v Chatham County*, *Friends of Mt. Vernon Springs v ISP Minerals*, and potential litigation involving Western Wake Regional Waste Facility Partnership. The motion carried five (5) to zero (0).

REGULAR SESSION

Commissioner Vanderbeck moved, seconded by Commissioner Cross, to adjourn the Closed Session and reconvene in the Work Session. The motion carried five (5) to zero (0).

ADJOURNMENT

Commissioner Barnes moved, seconded by Commissioner Vanderbeck, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 3:43 PM.

Carl E. Thompson, Sr., Chairman

ATTEST:

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