

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
JUNE 16, 2008

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Henry Dunlap Building Classroom, 80 East Street, located in Pittsboro, North Carolina, at 2:30 PM on June 16, 2008.

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

Work Session

1. Budget Critique
2. Tim Sullivan: Environmental Assessment Rules - Status of Issues
3. Boys & Girls Club Status Report
4. Water Policy: Tap/Availability Fee - Options for Payment
5. Bay Corp, Inc. Conditional Use Permit 18-Month Extension Request
6. Closed Session to Discuss Land Acquisition

Chairman Lucier called the meeting to order at 2.34 P.M.

BUDGET CRITIQUE

Chairman Lucier stated they had just completed an extensive budget process, and had the budget ordinance before them tonight for consideration of adoption; that the staff had requested feedback regarding the process so that the process could go more smoothly in the future, that it was a difficult budget year and because of that, the budget had been looked at more carefully and as a result they had been able to get the 5.5 cent tax increase first proposed down to 3.6 cents; and, the budget ordinance to be considered at tonight’s meeting reflected that 3.6 cent tax increase.

Chairman Lucier asked the Commissioners for feedback as to what could be done differently in the future to help the process along.

Commissioner Cross stated he would like the Board to consider that the non-profits that did not get what they asked for be heard prior to the public hearing on the budget. Renee Paschal, Assistant County Manager, asked did that include those not funded at all as well as those that did not get the amount requested. Commissioner Cross stated they had had two non-profits come back to the Board who had not received what they asked for, and believed their requests would work better outside the budget process.

Chairman Lucier asked if such requests could be in writing, noting there were many requests for funding and they could become time-consuming. Ms. Paschal noted there were approximately 28 requests this budget year; that many times the Board made cuts with fully half of the agencies not getting all they requested although it may be very close; that if agencies were invited then they would likely end up with more non-profits asking for funding than if the Board simply left it open for such agencies to attend the public hearing; and, that could be accommodated but she wanted to make sure the Commissioners were aware of that potential.

County Manager Charlie Horne stated they would take a look at that process and see how it might work, then return to the Board with a recommendation. He explained that there could be an appeal process scheduled so that it took place prior to the public hearing.

Commissioner Vanderbeck suggested doing away with acronyms wherever and whenever possible, noting they were becoming cumbersome to remember; that the highlights of revenues was done well; that they needed to see more debt information in the budget to make the budget a tool that could be used year round; that some things were not necessary to include in the budget, such as some of the target information; and, that perhaps interns could help out with some of the other work to free up staff time in order to augment the budget and make it a better tool for the Board and for citizens.

Commissioner Thompson stated that he was satisfied with the process; that he was pleased with the way staff had presented the information; that there would always be questions but the crux of the information that was needed had been provided as well as supplemental information when needed; and, that he had no major concerns regarding the process.

Commissioner Barnes stated he believed the process had gone well, and staff had done a good job.

Chairman Lucier stated his only comment was to get some sort of an organizational flow chart at least with the larger departments; and, that such a flow chart for the Sheriff's Department, for Health and Human Services, Social Services, and other departments with a larger number of employees would allow them to see the departments as a whole. He stated that for example, when you looked at Law Enforcement you had the Sheriff's Department, court-related programs, and emergency management services; that they did not answer to the same person; that it would be helpful to the Board and to the public to have such organizational charts; that it would certainly help him to better understand the flow of work and what might be needed or not needed within each division; that it could be provided as part of the budget requests by departments and could be accompanied by an abstract of what the major responsibilities of that department were; and, that if that abstract took more than one page, it was too long.

Ms. Paschal asked by a flow chart, did he mean an organizational chart of the department itself and who it reported to, or did he mean connections between departments.

Chairman Lucier stated he believed it would be important to put any important or formal connections between departments in the charts; that having that information would help communicate that department to the public; that he believed such charts should be provided when departments provided their other budget information; and, such information would help the Board better understand the budget requests.

Chairman Lucier asked Ms. Paschal if the Board had performed well, with Ms. Paschal responding yes. Ms. Paschal noted there were several things that staff had identified for change or improvement to streamline the process, the first being that they proposed doing away with the "major issues" process, and explained how that process worked. Ms. Paschal said the process was supposed to provide information to the Board at its summit and used by the Board to prioritize, but it had never been used for its intended purpose. She said the same information could be identified in other ways.

Chairman Lucier agreed, stating the Board had not used it at the summit. However, he said, an organizational chart would put some of that information in a better context, and more information could be provided if the Board felt it was needed. Ms. Paschal stated they would continue to provide the Board with information regarding issues they knew would be coming up for the next budget year, and that information would be provided at the summit.

Ms. Paschal stated they were proposing to review expansion requests for personnel in February so that they could invest more time in studying those requests, noting personnel was the most costly part of a department's budget. She said at the summit, the Board had asked staff to investigate ways that the public could be more involved in the budget process, and Debra Henzey had done some detailed research and provided some findings and recommendations which had been distributed to the Board. Ms. Paschal stated that some of the recommendations would be fairly easy to incorporate, and suggested that the Board look over the information and discuss it at a later time.

Ms. Paschal stated the Board had requested that staff develop an evaluation process, which they had done and were now refining; that the work plan which was a part of the target information that Commissioner Vanderbeck had stated was not worthwhile, and they agreed that

some departments did a better job than others with the work plan; that the idea with the work plans was to set forth what the departments intended to accomplish over the coming year; and, that the target information was supposed to give indications of efficiency and effectiveness to help the Board make good decisions regarding funding programs. She said they were proposing refining that process to get the work plans in better shape, and that they believed that was the first step in an evaluation process.

Chairman Lucier stated he believed Ms. Paschal was right, that the work plans were uneven in terms of the level of detail; and, that anything that could make them more standardized would be helpful. He stated at the same time he believed they were important to have, in that each department should lay out its goals and how they expected to achieve them, and that should be stated up front. Chairman Lucier said as well, reasons why they did or did not accomplish those stated goals should be provided as well. He stated he had a lot of trust that the staff would work hard to improve that process. Ms. Paschal stated that Ms. Henzey had agreed to help with that process, noting she had a fairly extensive background in evaluations.

Chairman Lucier stated he believed they needed to be careful not to spend too much time on the process, but understood that it would need to take some time.

Commissioner Thompson stated he believed it would be good to involve citizens in the budget process at the front end, but his question was how that might work on the back end of the process. He asked how much did the County actually publicize how they set the tax rate and why, and the specifics of that decision; and, asked should they publicize some of those specifics of the budget once it was adopted. Ms. Paschal stated they had not always done that, but in the last couple of years they had sent out a press release explaining the changes that were made in the budget.

The County Manager noted they also did an annual report regarding the budget performance, which provided additional information. Ms. Paschal stated they had already prepared a press release should the Board adopt the budget ordinance this evening.

Commissioner Thompson stated he believed it was critical especially when they branched out into a new area, whether it was the CIP plan or new positions, noting there were always questions from the public. He stated it would be helpful to citizens to have a detailed explanation of why the Board did what it did. Ms. Paschal asked the Board to react to the press release that would go out after adoption of the budget by providing any feedback on its contents.

Chairman Lucier stated he had seen the draft press release and had made some suggestions for changes, but believed it did exactly what Commissioner Thompson was asking.

Ms. Paschal stated with the non-profit process, they were proposing to separate new programs from existing programs, in that with existing programs the Board basically assumed a level of about the same funding from year to year with perhaps occasional increases, and that any additional funding coming from the ½ cent on the property tax rate be targeted for new programs.

Chairman Lucier stated he did not know that he agreed, although he understood why that was being proposed; that they had seen an increase in funding for non-profits last year when they had gone to the equivalent of ½ cent, and now they were just going to be moving along with inflation; and, that they needed to realize that what was important to fund in 2004 may not be as important in 2010. Chairman Lucier said when programs were separated out like that and you created two different pots of money, it tended to favor the existing programs; and, he believed that if they wanted to fund something new, they would need to cut something existing, and they could not escape from that process.

Commissioner Thompson stated he liked the process set out now with a panel reviewing each proposal coming forward. He asked if that panel was mindful of encouraging agencies to seek other funding or to justify their current expenses and requests. Commissioner Thompson said typically when agencies were entrenched in the process they came back each year with the same request or wanted more, and they should be encouraged to seek alternative sources of funding. He stated those agencies needed to understand that if new programs came along, there was a possibility their funding would be cut in order to fund that new program. Ms. Paschal said

she did not know if that was done directly, but the volunteer panel had done a very good job this year by making suggestions to agencies regarding alternative sources of funding.

Chairman Lucier stated he believed the panel had done a very good job, adding he was very pleased with how the process had worked this year. Ms. Paschal stated they would continue to propose funding for non-profits, new and existing, from the same pot of funds.

Ms. Paschal stated there were a few other minor changes they were suggesting for the budget, one of which was that Commissioner Vanderbeck had suggested adding tabs to the budget document and they would do so. She said there seemed to be more questions about the grouping of departments this year and how they related, and asked would it help if they were listed in alphabetical order.

Chairman Lucier responded no, adding it was important to make sure that in the outline at the beginning that the information was made clear. He stated that for example, under Law Enforcement, everything under that could be indented so the relationship was obvious. Chairman Lucier suggested that Law Enforcement, for example, could be a blue tab with all the divisions under that as yellow tabs, or something of that sort.

Ms. Paschal stated she had prepared a budget calendar for the coming year but the Board would not be asked to adopt that until August, noting that the budget process began for staff in October. The County Manager commented that today was actually the first day of the new budget process for staff.

Chairman Lucier thanked Ms. Paschal and everyone else who had worked on the budget, noting they had done a fine job.

ENVIRONMENTAL ASSESSMENT RULES – STATUS OF ISSUES

Jep Rose, County Attorney, introduced Tim Sullivan and stated that he had many years experience with environmental law.

Tim Sullivan, with Poyner and Spruill, stated he would talk about the environmental impact assessment ordinance that required documentation of environmental impacts, as well as what that could and could not accomplish. He said the State Environmental Policy Act had a provision that required local governments to require developers to prepare an environmental impact statement that described the impacts of a proposed project, and what they could do was to require that document; to require that the impacts were adequately described and fully discussed; that the State Environmental Policy Act was purely a procedural statute in that it did not authorize imposing new environmental requirements or adding any kind of regulatory teeth; and, the mindset behind the statute was to insure that environmental impacts were adequately considered and discussed before implemented.

Mr. Sullivan said it was purely an informational document and did not on its own determine whether a project could proceed, and no new standards could be imposed. However, he said, the County did have environmental standards in place, and could amend those when and if necessary, but if there were other regulatory requirements or performance standards that ought to be met in certain circumstances those would have to be adopted through some other ordinance process.

Chairman Lucier suggested such a process could be the Subdivision Ordinance or Watershed Ordinance. Mr. Sullivan agreed, noting that if the thought was that the Board would want to see certain things addressed or certain requirements changed, the environmental documentation ordinance was not where such requirements would be imposed. He stated other ordinances would have to be adopted or amended to make such changes.

Chairman Lucier stated what the Board had done with the Watershed Ordinance by requiring buffers on ephemeral streams and laying out what could and could not be done in those buffer areas was fully regulatory. Mr. Sullivan stated that was correct.

Chairman Lucier stated the environmental assessment could not require more than what the other ordinances required, so the key thing was to insert what you wanted in the other ordinances. Mr. Sullivan replied that was exactly right. Chairman Lucier said then there were

no regulatory limitations as to what you could require. Mr. Sullivan said that was correct, within reason. Chairman Lucier said where the Board wanted to go with this was when they received an application for a development that was clearly an environmental threat, they wanted the tools in their tool box to prevent that from happening and to mitigate the impacts. Mr. Sullivan said it was irrelevant what kind of impact a development was having, that what was relevant was had it been thoroughly discussed and adequately considered, and did it meet the requirements in the ordinances in order to get the permits or approvals necessary.

Commissioner Vanderbeck said the use of the terms environmental impact assessment and environmental impact statement appeared to be interchangeable and was somewhat confusing. Mr. Sullivan agreed, noting one question to be answered was which terminology would be used in the County's ordinances. He stated an Environmental Impact Statement was a full-blown document that if in fact under the State Environmental Policy Act you were undertaking an action that significantly affected the environment, then that was what you would prepare. Mr. Sullivan stated an Environmental Impact Assessment would more likely be used for developments that did not have significant impacts. He stated the gray area was when you had a project that may or may not warrant an Environmental Impact Statement, so what had been created was an Environmental Impact Assessment, which was a document whose conclusion would be there would not be a significant environmental impact, or there would be a significant environmental impact and therefore an Environmental Impact Statement would be required.

Chairman Lucier stated then that would require a second step. Mr. Sullivan responded that in some circumstances, yes, but the County could decide how detailed they wanted to get within that process. He stated that with the Environmental Impact Assessment, you either met it or you did not, and if not then the Environmental Impact Statement would be required.

Chairman Lucier stated what they wanted from the process was a guide for site development, so that damage to the environment could be minimized. He stated to do that it would likely be required earlier in the process, such as at sketch design, so that they could guide the development. Chairman Lucier stated what he was hearing was that would be possible, but they needed to get some standards in their Subdivision and Watershed Ordinances to back that up. Mr. Sullivan responded that was correct.

Chairman Lucier stated then the Board needed to focus its efforts on the provisions that needed to be inserted in the Subdivision and Watershed Ordinances. He stated the environmental documentation framework would be the next effort. Mr. Sullivan said from a practical standpoint that was correct.

The County Manager said when making specific recommendations within the ordinances, how specific would they need to be, such as for steep slopes. He asked could they describe in the ordinance how to accomplish that, or simply what the end product should be. Mr. Sullivan replied what they needed to have was a requirement that was objective and could be understood, such as buffers of a certain kind, or what could or could not be done with slopes.

The County Manager stated that would be the same if you were attempting to protect some kind of habitat, such as for a rare kind of bird. Mr. Sullivan stated the requirement would have to be specific with no vague wording so that the applicant would know exactly what he had to meet.

Chairman Lucier stated that the County had an Environmental Review Board that advised the Board on environmental issues, and several of those members were present today along with the Chair of the Planning Board.

Elaine Chiosso, a member of the Environmental Review Board, stated that under the existing Subdivision Ordinance there was language that referred to an environmental assessment. Chairman Lucier said the Subdivision Ordinance stated that the Commissioners could require an environmental assessment on virtually any sized development, and that assessment needed to adequately identify all potentially negative impacts; that failure to do so was a basis for rejection; and, if there were identified potential negative impacts and appropriate mitigation steps were not properly elucidated that was also a basis for rejection.

Ms. Chiosso stated there needed to be additional language to strengthen that, but understood that they could not be writing regulations as they were reviewing projects. She stated

that at the same time it was their responsibility to discover if the assessment was ferreting out the information that it should. She stated that another issue was how could the development protect the environment and was the developer agreeable to doing so. Ms. Chiosso stated they had some very specific ideas that the ERB would soon be presenting to the Board of Commissioners, adding she believed it was appropriate for the ERB to identify what the negative impacts were and to give advice on how they could be mitigated or avoided. She said unless they were told by the Commissioners not to do that, they would continue to offer than advice.

Chairman Lucier stated there was no doubt the Commissioners wanted to hear it; the question was what they could do about it. Ms. Chiosso stated that would give them the opportunity to determine from developers whether or not they were willing to mitigate the identified negative impacts. Chairman Lucier stated it clearly would be a more functional process with more favorable outcomes when this was required at the sketch design phase rather than at the preliminary design phase.

Raj Butalia stated he questioned whether or not there was some uncertainty about the rules or the law as Mr. Sullivan had explained them. He stated it was impossible to predict what kinds of impacts might be found, and the Environmental Impact Statement had been shown to be useful in providing solutions. Mr. Butalia stated he did not understand why they could not initiate such a process even though they could not specifically predict an outcome before the process was completed. Mr. Sullivan stated there was no question that the County could require a document to discuss the various areas, but the question was that there may be impacts that the document identified but the authority to require that document to be prepared did not allow you to say you did not like the impacts and therefore the developer had to do this and that; those standards had to already be in place.

Mr. Butalia stated they had very clear specific items in the ordinances, but noted there was always the possibility with any development that you might encounter impacts where it was clear it could not be easily solved, and both parties may want to do something to mitigate it that was not in the ordinance. Mr. Sullivan stated there was no problem if the applicant volunteered to make a change.

Mr. Rose stated you may very well be able to persuade an applicant to do something that was not required by any ordinances. He stated there would be some things that the County required, but believed there may be other things that fell through the cracks, and that was where you could not come in at that point and make a new requirement.

Ms. Chiosso stated they frequently used language such as “we would like you to, we would suggest you do, our advice is that you, etc.” Mr. Rose stated that was fine, but there also needed to be requirements for those developers that were not cooperative at all.

Mr. Butalia stated that one issue he did not believe had yet been considered was what the cumulative impacts of developments might be, and clearly that was an issue that the Board should discuss.

Chairman Lucier agreed, noting it was important to identify what the Board could do in regards to cumulative impacts. He stated the US Environmental Protection Agency was now looking at cumulative impacts in a regulatory sense, but did not know what the State was doing or if the County could adopt the EPA language that would give them some authority. He asked Mr. Sullivan to look into that. Mr. Sullivan agreed, noting he did not know what their authority would be to adopt such State or federal regulations.

Sally Kost, Planning Board Chair, stated it was many times more complicated than that, in that a development could be approved that had an impact on a stream, but then another development could be approved in the same watershed that would prove even more of a risk.

Chairman Lucier stated that was what risk assessment was all about, in that it was not meant to identify problems but was meant to prevent problems. He said that was exactly what they wanted to do, that is to prevent something from happening rather than discovering that something had happened that had to be dealt with. Mr. Rose stated that was an interesting point, in that they could have a requirement that worked well for a subdivision, then something upstream could be approved that affected that stream. Chairman Lucier stated he wanted their risk assessment to identify those kinds of things before they happened.

Mr. Butalia stated the County may want to require that developers use specific methods or approaches to mitigate certain identified impacts.

Ms. Chiosso said having the environmental impact assessment earlier in the development process would be very helpful.

Chairman Lucier asked would it be possible for Mr. Sullivan to develop a short summary of his presentation that could be transmitted to the Commissioners as well as to the ERB and the Planning Board. Mr. Sullivan replied he would be happy to do so. Chairman Lucier said those Boards might have additional questions as well. He stated they wanted to be innovative and protect the environment, but they wanted to be legal, and they needed help in order to do that. Mr. Sullivan stated they wanted to help them do that as well.

Mr. Rose stated it was certainly his goal for the Board to be legal, and in order to do that they needed to get the standards in the ordinances.

Ms. Kost reminded the Board that the moratorium clock was ticking.

Mr. Sullivan stated one of the things the Board needed to do was that if they knew they wanted to have certain additional requirements regarding certain issues such as buffers and slopes, then what did they want to require and under what circumstances.

Chairman Lucier asked about the possibility of setting up a meeting with him and one other Commissioner, along with a couple of members from the Planning Board as well as from the ERB, along with their Environmental Resources Director, Fred Royal, to try to establish some priorities to accomplish their goals.

Ms. Chiosso stated one of the good things about the environmental assessments was that those issues were literally jumping out at them. She stated in the context of that conversation it would be very useful to begin compiling a list of those issues that continued to jump out at them. Mr. Rose stated that the requirements for buffers were pretty much in place now. Ms. Chiosso agreed. Mr. Rose stated he believed they needed to concentrate on slopes and habitats.

Fred Royal, Environmental Resources Director, stated that stormwater needed to be included. Ms. Kost added sedimentation control to the list.

Chairman Lucier stated he wanted to get that group he had mentioned together to work through all of those priorities, noting they were under a time gun with the moratorium. He asked Mr. Royal to email those groups and seek volunteers and times that would be agreeable for a meeting.

Commissioner Vanderbeck volunteered to serve with that group.

Chairman Lucier suggested that the Chair and Vice Chair of the ERB and the Planning Board be designated to serve as well, or whoever was appropriate. He stated that of course Mr. Sullivan would be needed as well to help them focus their discussion, as well as Mr. Royal and Mr. Megginson. Mr. Royal stated he would send some times and dates out and report back.

BREAK

The Chairman called for a short break.

BOYS AND GIRLS CLUB STATUS REPORT

Don Lein, representing the Boys and Girls Club of Sanford/Lee County, stated they were there to provide the Board with a status report, noting they were currently in the process of trying to establish a club in Siler City spearheaded by Mona Hanner, their Director of Development. He related several of the issues facing young people today, including latchkey children, preparation for high school, teenage pregnancies and gangs. Mr. Lein stated their purpose was to address those types of issues before they came about.

Mr. Lein stated that the Boys and Girls Club, of which there were about 4,500 across the nation, had a solid reputation and worked very well, and that the Club served at-risk youth better

than any other institution that he knew of. He provided the following information regarding the Sanford club:

- since its inception 13 years ago the Club had served 11,000 youth;
- that since that time they had experienced zero teen pregnancies; and
- that out of 400 referrals from juvenile justice, only 5 had been arrested by local law enforcement.

Mr. Lein said the Club certainly knew how to reach out to today's youth and had experienced great success with them; that it was also likely the most cost-effective program available at a cost of \$1.00 per week; that upon arrival, the youth were given some time as free time, then spent an hour on homework; that they had looked at Siler City and identified that the most need was drop-out prevention with the other being teenage pregnancy; that they had set those up as their priorities and developed a steering committee; that the steering committee had begun forming a board of directors; that the Boys and Girls Club organization had suggested that the Siler City Club be a unit of the Sanford/Lee County Club rather than trying to start a new club; and, that was what they were attempting to set up now with the long range goal of having a Siler City/Chatham County Boys and Girls Club as a separate unit.

Mr. Lein stated they would be meeting tomorrow with the School Superintendent in Siler City because much of what they did was related to the schools and after-school activities. He stated the fees charged would represent less than 5% of the cost, so it would be up to the community to meet that difference. Mr. Lein stated this was a proven, successful program, and invited the Commissioners to visit the Sanford Club, noting it was an amazing success. He stated it was a needed program in Siler City.

Chairman Lucier asked specifically what Mr. Lein needed from the Commissioners, noting there were some gang coordination activities through the Sheriff's Department and Mr. Lein could contact them. He asked what he needed from the Commissioners in order to make the club happen. Mr. Lein stated they were looking for support, but were not asking for funding at this time although they likely would in the future. He stated at the present time they were only providing information regarding their activities and plans, and asked that the Commissioners contact him or Ms. Hanner if they had ideas on how to make the services provided even better. Mr. Lein added that quite possibly the school system would have facilities that the Club could use, which would be very helpful.

Commissioner Thompson stated that the Sanford program was long established and very successful, and asked if that Club had full-time staff. Mr. Lein replied yes, as well as volunteers. Commissioner Thompson asked about the budget. Mr. Lein stated the operating expenses for last year were \$876,753 for the three separate facilities, and they had 1,100 members. Commissioner Thompson asked what other sources of funding they had other than fees. Mr. Lein replied that 20% came from a grant, a little over 10% came from United Way, another 20% came from individual contributors, 20% came from the business community, and the remainder came through the efforts of Board members. He stated that the Board members were very active in pursuing funding.

Ms. Hanner stated that the cost to each child was \$1.00 per week, or \$52 for the year. Mr. Lein noted that that fee was waived for many of the children.

Chairman Lucier thanked Mr. Lein and Ms. Hanner for their presentation.

WATER POLICY

David Hughes, Public Works Director, stated that this issue had come up because they had individuals asking questions about extending payment times so that not so much money had to be paid up front. He stated they had drafted some information to provide a framework to consider extending payment times, and explained that framework as well as the enforcement method.

Chairman Lucier stated the new policy would allow for payment over a seven or eight month period. He stated that would work well for individuals. Mr. Hughes stated the policy would only be for individuals, not for developers since they had to pay their fees up front.

The County Manager noted the idea was that as they go forward that the cost of this service would likely go up, and it was difficult for some individuals to pay the \$4,500 all at once. He stated they had received requests from a couple of individuals who wanted to tie on but could not pay the entire fee at once, and that had stimulated today's conversation.

Commissioner Cross asked about a cut-off fee. Mr. Hughes replied there was a cut-off fee, but did not know off hand what that was. He said if water was cut off, there was a penalty fee that had to be paid before the water was cut back on.

Commissioner Vanderbeck stated that should be in the policy as well. Commissioner Cross agreed.

The County Manager stated that if for some reason the water was cut off, the individual would not have to pay the remainder of the fee owed.

Chairman Lucier stated he believed it was the right thing to do and it was a good plan.

Commissioner Thompson asked who would do the administrative work on this, the Water Department or the Finance Department. Mr. Hughes responded the Finance Department.

Commissioner Vanderbeck moved, seconded by Commissioner Cross, to approve the tap fee plan/payment agreement, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

BAY CORP DEVELOPMENT, INC. CONDITIONAL USE PERMIT

Nick Robinson, representing Bay Corp Development, Inc., stated that the original Conditional Use Permit was approved unanimously in October of 2005; that it was for a site plan that involved a bank near the corner parcel of 15-501 and Mann's Chapel Road; that the bank would be on southbound 15-501 just past the gas station; that last August they had requested a two-year extension of time on the CUP on the basis that the applicant was working very hard in a difficult market to land a tenant; at that time the Board had agreed to a 9-month extension with the freedom to come back to request an additional extension if needed; that he had had concerns at that time about whether a 9-month extension would allow time for the market conditions to improve; that the 9-month extension had proven not to be enough time to land a tenant; and, that the applicant was now requesting a 18-month extension of the CUP to work that out.

Mr. Robinson stated this was an ideal location for a bank with minimal traffic and parking impact; that his client remained concerned that this location was ideal and wanted to continue to try to identify a tenant; that at some point it would become clear that a bank would not be located there and that his client would have to move on to something else; and, that the 18-month extension would allow time for that process.

Mr. Robinson said it was important to note that his client was incentivized to get something done, and would continue to court the bank already identified; that they had owned the land for two years and were paying the mortgage loan each month; and, were highly motivated to get something done.

Chairman Lucier stated the reason why Mr. Robinson was going through this process now was because the Board would not meet again until July 21. Mr. Robinson stated that was correct. Chairman Lucier stated that normally the Planning Board would see this request first. Keith Megginson, Planning Director, stated not necessarily, that since there was no site plan change and it was only a time extension request, it did not have to go before the Planning Board.

Chairman Lucier asked if the Planning Board had made a recommendation when the 9-month extension was granted. Sally Kost, Planning Board Chairman, replied no, that the vote was split 5-5.

Commissioner Barnes asked when the 9 months were up. Mr. Robinson replied on July 17, adding that the 9-month extension contained language that stated they were free to come back to the Board to request an additional extension should the 9-month extension prove not to be enough. He stated if the Board felt strongly that the Planning Board needed to review the request, he would ask that enough of an extension be granted to allow that to happen.

Chairman Lucier stated he would suggest a 3-month extension to allow the Planning Board time to review it and make a recommendation, adding he believed that would be the most appropriate thing to do.

Commissioner Vanderbeck asked if 3 months was adequate, or would 4 months be better. Mr. Megginson stated that 3 months was sufficient since there was no site plan review to be done.

Chairman Lucier stated that would give them till October 17, which allowed plenty of time for the Planning Board to make a recommendation and for the Board to look at this again.

Commissioner Thompson moved, seconded by Commissioner Barnes, to grant the three-month extension for the Bay Corp Development, Inc. request and to send it to the Planning Board for review. The motion carried five (5) to zero (0).

CLOSED SESSION

Commissioner Vanderbeck moved, seconded by Commissioner Barnes, to go out of Regular Session and convene in Closed Session for the purpose of discussing land acquisition and economic development. The motion carried five (5) to zero (0).

WORK SESSION

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

RECESS

The Chairman called for a motion to recess the meeting. Commissioner Cross moved, seconded by Commissioner Barnes, to recess the meeting to the County Manager's Conference Room for dinner. The motion carried five (5) to zero (0), and the meeting was recessed at 5:16 PM.

The Board discussed land acquisition with regard to the Chatham County Board of Education.

ADJOURNMENT

Commissioner Thompson moved, seconded by Commissioner Vanderbeck, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at until 5:40 PM.

George Lucier, Chairman

ATTEST:

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