

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
JULY 21, 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 2:00 PM on July 21, 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; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

Work Session

1. **Law Enforcement Grant**
2. **YMCA Building Purchase**
3. **Silk Hope Community Center**
4. **Habitat for Humanity Funds** (\$440,000) by Amy Powell
5. **School Funds:** (Draw down from Capital Outlay)
6. **CORA Food Distribution Restrictions**
7. **Resolution to Exempt** (Environmental Performance Standards for Steep Slopes and Natural Resource and Wildlife Habitat Protection)
8. **Major Corridor Ordinance Discussion:** Discussion to consider proposed amendments to the Zoning Ordinance, Zoning Map, and Land Conservation and Development Plan to include standards and policies for major corridor overlay districts; adoption of a Land Conservation and Development Plan Map; and establish a land use plan amendment process
9. **Legislative Update – Moratorium Bill**
 - ❖ Billboard Bill
 - ❖ Wildlife Conservation Land Bill
 - ❖ STAA Vehicle Bill
10. **Construction Manager at Risk for Judicial Center:** Consideration of Construction Manager at Risk for Judicial Center - Clancy & Theys. Representatives will be present to answer questions.

Chairman Lucier called the Work Session to order at 2:03 PM and welcomed those in attendance.

County Manager Charlie Horne indicated that the first item on the agenda, Law Enforcement Grant, was not ready to be discussed at this time and would be rescheduled.

YMCA BUILDING PURCHASE

County Manager Horne stated that the space at 964 East Street was for sale, and he asked for authorization to pursue the purchase of that building and come back to the Board with an appraisal and other purchase information.

Chairman Lucier stated such a space would allow the County to consolidate some of its off-site offices and services, and would provide a space for the motor pool. County Manager Horne agreed it would provide opportunities for such things.

Commissioner Barnes moved, seconded by Commissioner Cross, to begin the process of investigating the purchase of the “YMCA Building” (Performance Investments Property).

Commissioner Vanderbeck stated that he assumed that the Finance Department would be involved in that process. County Manager Horne replied that was correct.

Chairman Lucier stated he had received an email from the YMCA in regards to what such a purchase would mean to them, and he had replied that the County would not be likely to “kick them out” as some other entity might and had no intention of doing that, and that it might be a boon to the YMCA’s membership in that County employees would be close by and may find membership in the YMCA attractive.

Chairman Lucier asked if perhaps County employees could receive a membership discount. Commissioner Vanderbeck responded they already received some consideration along those lines.

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

SILK HOPE COMMUNITY CENTER

Chairman Lucier stated that the Silk Hope Ruritan Club had been working for some time on a proposal to build a community center with the help of a grant from the Gold LEAF Foundation; that the Silk Hope Ruritan Club was recognized as one of the best, if not the best one, in the State, and contributed much to the community of Silk Hope as well as to the County; that they emphasized what was important to the County in terms of their rural and cultural heritage; and, representatives of the Ruritan Club were present to provide information on their efforts to build a community center.

Doug Stensvad, Silk Hope Community Center Building Committee Chairman, introduced Harold Rogers and Robert Britson. He stated that they had given a presentation to the EDC about seven months ago of which many of those present today had attended; that they owned a 39-acre farm which would be the location of the new community center; that the farm would be developed into a tourist attraction with a park-like setting that would preserve the surrounding farm land and restore the old-fashioned methods of farming; that the current community center located at the Silk Hope Volunteer Fire Department would no longer be available once the building was demolished and a new fire department building erected; that the largest issue was the cost which continued to escalate; that bids had been received that ranged between \$650,000 and \$700,000; that they now had architectural plans; that they had applied for a grant from the Gold LEAF Foundation and would soon be sending in the final requirements for that grant application; and, they thanked Chairman Lucier for writing a letter to the Gold LEAF Foundation supporting the Ruritan’s application.

Chairman Lucier stated he believed all of the Commissioners were 100% behind the efforts of the Ruritan Club, and they would do whatever they could to support them. Mr. Stensvad offered his thanks and stated that Diane Reed, Economic Development Corporation Director, had provided a similar letter of support; and, that the Chatham County Chamber of Commerce, the Cooperative Extension Service, the Convention and Visitors Bureau, and the Parks and Recreation Board had also provided letters of support, and thanked them as well.

Robert Britson explained their special events program, and noted that the annual Old Fashioned Farmer’s Day regularly drew about 8,000 people; that they also sponsored tractor pulls, horse shows, and rodeos; that they wanted the Commissioners to consider partnering with the Ruritans or partnering with other agencies in utilizing the building when completed; that it would involve a rental fee for its use; or, if the County contributed to the cost of the building, then use of it could be provided at no cost for some specified period of time.

Chairman Lucier stated that at some point the Board may be interested in using such a building for forums or other County meetings, noting it was beneficial to have meeting places in various parts of the County. He stated that the County had recently purchased Camp Marantha Springs which was planned to be developed into a recreational area with possibly a school site included in the future, and believed it would be advantageous for the use of that property to tie together in some way with what the Ruritans were proposing; and, the Parks and Recreation Department would soon be scheduling a forum to allow the community to provide information and ideas on what kinds of activities should be emphasized at that park.

Mr. Stensvad stated that the Gold LEAF Foundation had been very helpful and supportive, but had noted that the one challenge with their application to build a community center was the lack of true economic development other than building the building. He stated the Foundation considered true economic development to be one that created jobs or a business that

generated revenue, which the community center would not do. Mr. Stensvad said because of that challenge, it was quite possible they would not get the full amount being requested. He stated that was why they were suggesting partnership with other groups, such as Parks and Recreation and tourism groups, to allow more opportunity for tourism on their site.

Commissioner Vanderbeck stated that the Ruritan Club held the Old Fashioned Farmers Day for three days each year, but suggested they consider holding additional events since there was the opportunity to do many cultural and historical programs including musical events that would help bring people in. He stated that the Board was attempting to guide County buildings into a more "green" or sustainable direction, and had created a Green Building Task Force to assist in that. He suggested that the Ruritan Club consider such green building methods for its community center, including the use of a cistern or other features that would keep energy costs down. Mr. Stensvad stated that their site plan did include a stage offset to the south of the building that would include a large expanse of lawn, which would be conducive to musical events and other kinds of outdoor events.

Mr. Britson stated that they were also considering partnering with the school system with field days at the farm, but that was still in the planning stage.

Chairman Lucier stated that would be worthwhile and that there may be some grant funds available for those kinds of educational programs, noting that there were sixteen schools in the County. Mr. Stensvad stated that several teachers had expressed interest in such a program because they would not have to travel very far to visit such an interesting, educational, cultural and historic place. Chairman Lucier stated that FFA groups would also be interested in such visits.

Commissioner Vanderbeck stated that to help with the Gold LEAF Foundation grant, if they knew of any farmers that had tobacco allotments that they should be asked to write letters of support to the Foundation on the Ruritan Club's behalf, indicating that they saw a value in the educational aspect of the community building and the farm. Mr. Stensvad stated they planned to emphasize that relationship with tobacco farms by moving an actual tobacco barn to the site and planting a small field of tobacco. He added that another challenge in that regard was that Chatham County was not included in the list of primary tobacco producers that was used by the Gold LEAF Foundation, which meant that they were not excluded but that no emphasize had been placed.

Chairman Lucier stated they could certainly emphasize their agricultural aspects, noting that Chatham County was one of the only counties in the State where the number of farms was actually growing.

HABITAT FOR HUMANITY FUNDS

County Manager Horne stated they had provided a stream of funding for Habitat over the last five to six years, and Habitat wanted to increase that by purchasing some property.

Amy Powell, representing Habitat for Humanity, provided an update on a project funded by the Oak Foundation, of which the County had provided matching funds. She stated that Phase I was an allotment of \$400,000 out of a total of \$750,000; that once their Phase I report was reviewed and approved, they would receive the remaining allotment of \$350,000; that their original timeline for the project was six years, but that had been revised to four years; to date they had drawn \$60,000 from the County's budget, with \$250,000 reserved for this year; from January 2007 to June 2008 they had constructed 18 houses with an emphasis on energy efficiency and environmental sustainability; they had sold those 18 houses to qualified Habitat partner families; that they had been able to regularly contract for land development and identify property; that a land committee had been formed to look for available land or seek land donations or partnerships; land negotiations had been conducted with one out-of-town property owner, but in regards to the larger 23-acre tract, they had not been able to complete negotiations at this time; that there were concerns about the long wait associated with the construction moratorium in Pittsboro; that they had looked at land in Moncure owned by Liberty Chapel Church, and that was being pursued; that they had used County funds to purchase a property on Anthony Street in Pittsboro at a cost of \$20,000 that was being used as a community meeting space or community center; that a Habitat home had been repurchased back from a family; that they had purchased 2 lots for home construction in Bear Creek using \$40,000 of County funds;

and, they had purchased 3 lots in Pittsboro at a discounted price for \$50,000 using Oak Foundation funds.

Ms. Powell stated they had received approval for the Chatham Oaks Subdivision which was the 5-acre Leach site in Pittsboro which had 15 lots for home construction; that the homes would be mixed-income homes, with 8 being Habitat homes and sold to families earning between \$15,000 and \$35,000, and 7 built by partner developers and sold to families earning between \$35,000 and \$48,000 yearly; that they had recently developed a marketing package to send to potential partner developers; that Habitat would come back before the Board to have any partner developers approved before proceeding with a project; that they had applied for and received a commitment for USDA funding of just over \$1 million for homes in Chatham Oaks Subdivision at 0% interest; and, that they were having a ceremonial check transfer on Monday, July 28 at 10 AM from the USDA to Habitat, with Congressman Bob Etheridge scheduled to attend.

Ms. Powell stated that Habitat had requested that \$250,000 be reserved in this year's budget, which would bring the total amount drawn at that point to \$310,000 of the \$750,000; and, that the \$250,000 would be used for infrastructure projects for the 3 lots on Brown Street and the 15-unit project on East Cornwallis. She stated that some of the challenges they were facing included the moratorium in Pittsboro that made it likely it would be 2011 before they would be able to begin new projects, even though Pittsboro had a great need for affordable housing. Ms. Powell stated the state of the economy presented challenges as far as fundraising was concerned; and, that the Briar Chapel project had slowed so funds expected by the County would be slower in coming.

Ms. Powell stated that regarding land acquisition, they had been in communication with the out-of-town owner but could not come to an agreement. She said her question was if a market turndown resulted in them being able to acquire that property, would Habitat be able to draw additional funds from the County beyond the \$250,000 currently budgeted for this year; and, how much of the remaining \$440,000 would be available for that purpose.

Chairman Lucier asked about the timetable as it now stood for drawing on the remaining \$440,000. Ms. Powell stated it was her understanding it would be split equally over the next two fiscal years.

Chairman Lucier stated that would be fiscal years 2010 and 2011, with \$220,000 each year. Renee Paschal, Assistant County Manager, responded that was correct.

Commissioner Vanderbeck asked about the current zoning on the land they were attempting to acquire. Ms. Powell stated it was primarily residential, with a small portion zoned commercial. Commissioner Vanderbeck stated there was a certain comfort level in sticking to that timeframe, but understood that they may miss an opportunity since the property would only appreciate in value. He stated that the Board had in the past discussed land banking, and it was possible the County might be interested in pursuing a purchase of the property for land banking using funds set aside for that. Commissioner Vanderbeck stated the Board would of course have to deliberate on that; that they were of course supportive of affordable housing; and, they would have to study the issue within their own timeframe.

Chairman Lucier stated in the past the Board had used recreation exaction fees to purchase property which was for parks and recreation, and was not a pot of money that could be used for affordable housing. He asked how large the property was they were considering purchasing. Ms. Powell responded about 23 acres. Chairman Lucier asked that Ms. Powell obtain a tax map of that property and provide it to the Board as soon as possible. Ms. Powell agreed.

Commissioner Vanderbeck stated that if Ms. Powell would provide the parcel number to the Tax Office, the Tax Office could provide the map.

Commissioner Barnes stated that basically what Ms. Powell was asking the Board was whether or not Habitat would be able to access additional funds if they were able to negotiate successfully for the parcel. Ms. Powell stated that was correct.

Commissioner Thompson stated that he would be amenable to the idea of increasing the drawdown on funds, but would want to have advice from their Finance Director before doing that. He stated that if the opportunity presented itself, he would like to give that serious consideration. Commissioner Thompson asked when a person vacated a home for whatever reason, did they use a waiting list to move people into such homes, was there any kind of foreclosure or resell procedure, and were the homes resold to qualified individuals or could anyone buy them. Ms. Powell stated that Habitat had a first right of refusal in the deed for all their properties, and it was their intention to always buy homes back and incorporate them back into the affordable housing stock, assuming funds were available.

County Manager Horne stated that he assumed from Ms. Powell's description that there was a sizable gap between Habitat's offer and the landowner's asking price for the parcel. He stated that Habitat was asking for a sizable leap in the amount of funds to be drawn down, and wondered if more manageable or lesser amounts would be helpful. County Manager Horne said lesser amounts would present less of a burden to the County. Ms. Powell stated at the present time, the negotiations were periodic and they were taking the opportunity to investigate the property more thoroughly at this time. She stated they did not anticipate needing the additional funds until the second half of the fiscal year.

Chairman Lucier asked Ms. Powell to think about paying for the property over a two to three year period so that they would not need to draw down such a large amount of funds. He stated that one positive was that land was likely cheaper now than it would be two years from now. He stated he believed the Board would be amenable to entertaining a request for additional funds after a firm offer was made and accepted by the landowner, and some specific proposal was brought back to the Board.

Commissioner Cross suggested having the landowner grant permission to have the environmental land people inspect the property and come up with a legitimate offer for Habitat to present to the landowner. Ms. Powell stated she would do so. She stated that to follow up on Commissioner Thompson's question, that when affordable homes were resold they had to be sold to persons earning less than 80% of the median income for a family of four, which was about \$48,000.

CORA FOOD DISTRIBUTION RESTRICTIONS

The County Manager provided some background, stating that many food banks were experiencing problems with the number of requests for food, as was CORA.

Udo Koopman, President of CORA, introduced Marcie Whitaker, CORA Executive Director. He explained the situation that CORA found itself in, noting that their policy was to feed anyone who came to them for food; that the present situation was jeopardizing that policy; that the demand had escalated to an unprecedented level; that the tremendous demand was challenging their resources; and, that they were facing a real crisis causing them to ration food and turn away requests.

Mr. Koopman stated their cash food costs had increased from \$45,000 a year to \$82,000 a year over the past two years; that they were able to generate those funds through donations; that they had been able to increase their federal in-kind food donations from \$41,000 to \$60,000 over the last year; and, that despite that internal growth of funding they were being overwhelmed with requests for food.

Chairman Lucier asked what he thought the shortfall would be between their actual cash donations and food donations. Marcie Whitaker stated that when CORA was founded in 1989, it served 52 families; this past fiscal year ending in June they had served 2907 families comprised of 10,227 individuals. She stated that the growth was beyond anything they could have imagined, noting that they had budgeted for about an 8% increase but had experienced a 26% increase over the past three months; that in June alone, they had served 1,700 people more than had been served the previous June. Ms. Whitaker stated that the recent plant closings were certainly a factor, but it would take some time for that impact to disperse.

Commissioner Thompson asked if they expected the same percentage increase this July as they saw in June. Ms. Whitaker stated at the present time they were serving between 40 and 50 people a day, but that was a moving target which shifted from month to month. She stated

they were already tapping into their reserves, and anticipated that their average food bill of \$8,000 would be about \$20,000 this month. Ms. Whitaker stated they could not sustain that. Commissioner Thompson asked if the 1,700 people served in June were one-time visitors or did the same person come back multiple times during the month. Ms. Whitaker stated it was possible that individuals visited the Food Bank more than once in a month, adding that they served families up to four times a year. She reminded the Board that they provided crisis support, and provided groceries for families experiencing some crisis.

Chairman Lucier stated that was still a lot of people, and 10,000 people would mean that one out of every six people in the County was being served by CORA at some point. Mr. Koopman stated that even though individuals could come four times a year, the average was twice a year. Chairman Lucier stated that would still mean that one out of every twelve people in the County was being served. Ms. Whitaker stated regardless, the need was there.

Mr. Koopman stated they had experienced a dramatic spike that had begun in April and May and had peaked in July, and if they did not contain it then it would likely stay with them for the next three to four months, possibly longer.

Chairman Lucier asked what the options were for the County to help. Ms. Whitaker asked that the County provide \$10,000 a month for the next four months to sustain them through this peak period. She added that the fall was the time of their greatest contributions through food drives and holiday donations, although the poor economy may be a factor. Ms. Whitaker stated they hoped and believed that if they had help for the next four months, that they would be able to pull out of these current difficulties. She suggested providing the Board with monthly reports during that four-month period.

Commissioner Vanderbeck asked how they purchased their food, whether it was retail or wholesale. Ms. Whitaker stated it was a blend, noting that some food came from another food bank which averaged 18 cents per pound; that they had donations from Food Lion at a zero cost; that they also received donations from individuals; and, that the bulk came from a federal assistance food program which had actually increased this month with chickens being provided for the first time in nine months. She said the big budget figure came from food that was purchased, noting CORA was not big enough to purchase food from wholesalers, although they were pursuing that.

Commissioner Vanderbeck agreed they should be pursuing that, noting a case could be made to do wholesale purchases; that he believed the Board would be willing to write letters to the appropriate people to help in that endeavor; and, he suggested that perhaps someone or a business that was qualified to purchase wholesale would be willing to place wholesale orders on CORA's behalf in order to reduce the expenditures. Mr. Koopman stated they did get a 6% discount now at Lowe's Foods in addition to no sales tax, which amounted to about \$1.05 cents per pound, for a blended average between the food bank and Lowe's of about 83 to 85 cents per pound. He stated he was not concerned for the long term because of his confidence in their fundraising and food programs, but was concerned about the short term over the next four months.

Commissioner Thompson asked if they had only one distribution center. Ms. Whitaker stated that was correct. She stated that about half of those served came from the Siler City area, with about 25% coming from the Pittsboro area and the rest from all over the County.

Commissioner Vanderbeck asked were there any other grant opportunities. Ms. Whitaker responded yes, noting they were being pursued. Commissioner Vanderbeck stated perhaps the County's grant writer might be able to assist with that. Ms. Whitaker stated that perhaps the grant writer could steer them towards other opportunities as well.

Chairman Lucier stated that perhaps the newspaper could do a public service ad to ask for in-kind assistance or donations. Ms. Whitaker stated that several articles had appeared over the last several months.

Randall Riggsbee, *Chatham Record* Reporter, stated they had run some articles, but not an ad. Ms. Whitaker stated they had considered an open letter to the residents of Chatham County.

Mr. Koopman reiterated that their most pressing needs were for financial assistance to get them through the next four months. He stated that if they needed less than the \$10,000 per month then it would be returned, but if their grocery bill continued at the \$20,000 per month level they would definitely need the full assistance.

Commissioner Thompson stated that it was obvious the area had been hit hard with job losses, and the community college was vigorously offering retraining, such as welding and other skills. He stated he believed this was a short term problem that the County could help with, noting he had talked with citizens who were in dire need. Commissioner Thompson stated he was in favor of helping CORA with some level of assistance as the Board may decide.

Finance Officer Vickie McConnell suggested that the \$40,000 could come from Contingency.

Chairman Lucier stated that CORA was a wonderful public service organization that served many people, and suggested the Board could offer up to \$40,000 with a request being made each month to the appropriate County staff. He stated that they could begin by a payment of \$10,000 for June. Mr. Koopman asked that the payments be made for July through October.

Commissioner Barnes moved, seconded by Commissioner Thompson, to give CORA up to \$10,000 for each of the next four months, not to exceed a total of \$40,000, contingent upon need. The motion carried five (5) to zero (0). After some discussion, the Board determined that the need would be defined by the amount of CORA's monthly food bill exceeding \$8,000. CORA representatives agreed to submit a copy of the monthly food bill for reimbursement.

Chairman Lucier asked if it would be helpful to send letters to food distributors to request a higher discount on their food products on CORA's behalf. Ms. Whitaker replied absolutely. Chairman Lucier asked the County Manager to draft a letter for his signature as Chair.

The Finance Officer asked if the motion could be amended to help with the Lowes Food bill as needed up to \$40,000.00 over the next four months. Chairman Lucier stated that he believed the motion was clear, in that it specifically said "up to \$10,000 for each of the next four months."

SCHOOL FUNDS

Superintendent of Chatham County Schools, Dr. Robert Logan, stated that the school system was requesting approval for the leftover funds indicated on the spreadsheet supplied with the packet to be transferred and rebudgeted for the Northwood Bleacher Project. He stated that due to the good management of resources they experienced a savings of \$38,785.35 from various capital projects. Dr. Logan stated that the additional funds would cover the shortfall experienced in the Northwood Bleacher Project.

Commissioner Vanderbeck moved, seconded by Commissioner Barnes, to redirect the savings in capital projects by the school system to the Northwood School Bleacher Project. The motion carried five (5) to zero (0).

WATER DISRUPTION ISSUE

Commissioner Barnes stated that several of the Board members had received an early Saturday AM call regarding a citizen with no water.

David Hughes, Public Works Director, stated that it appeared that at a certain time of day, there was a drop in water pressure, and they were attempting to identify the problem and determine a solution. He stated they had put a pressure gauge on equipment nearest that home to determine the time of day the reduction in pressure was occurring so they could figure out who was irrigating and when.

Glenda Cain stated there was not a drop in pressure; that there was no water at all. She stated that the irrigating was taking place at the ball fields at Briar Chapel during the early morning hours and that it had been going on all summer.

Chairman Lucier stated that Hudson Hills was the pump station in that area, and Mr. Hughes was correct in that it was a pressure issue. Mr. Hughes said they were trying to determine how to modify the irrigation system to keep that from happening.

Ms. Cain stated that the solution was to cease the irrigation, noting they were going without drinking water and the water was being wasted. She stated she had traveled down US #15-501 recently and water was running out onto the highway. Mr. Hughes stated they were also filling their pond with creek water, so they were not necessarily using drinking water at those times. He stated that there was also a new water tank that would be coming on line in Briar Chapel in about three months.

Ms. Cain stated that other developments below them were having the same issues, and believed the solution would be to put a water tower somewhere in their vicinity to serve the area.

Chairman Lucier suggested that Mr. Hughes bring back proposed solutions to the next meeting on August 4th. He asked how much water did Briar Chapel use. Mr. Hughes stated he would have to determine that, since it changed week to week.

Commissioner Barnes asked could this be resolved by the next meeting. Mr. Hughes said they could have solutions identified by the next meeting.

Ms. Cain suggested that something be put at the water plant so that when the pump cut off due to lack of water or pressure, that someone would be alerted. Mr. Hughes stated they were looking into putting a telemetry system at the water plant, but that would take some funds. Ms. Cain suggested charging fines to Briar Chapel to purchase the necessary system.

Commissioner Vanderbeck suggested that since the operator at the plant could determine when the pump cut off for lack of water, that a hard line call be made to Briar Chapel to notify them that the surrounding area no longer had an adequate water supply.

Chairman Lucier stated the Board would receive a report back on August 4th.

BREAK

The Chairman called for a short break.

RESOLUTION TO EXEMPT (LIBRARY)

Ms. Paschal stated that the Resolution to Exempt was to allow them to ask for pricing when they obtain proposals for construction and materials at the library and community college; that the Board had to act if the pricing was \$30,000 or more, but they were not yet sure of the price since they were soliciting proposals at the present time. She stated the resolution was a "just in case" measure if the pricing came in over \$30,000.

Chairman Lucier asked if the proposals had been submitted yet. Ms. Paschal stated not yet, because they needed to send the Resolution to Exempt along with the Request for Proposals. Chairman Lucier asked if they would still work with the low bidder. Ms. Paschal stated State Statutes provided that for architectural, engineering, and surveying services you did not ask for pricing; that you got Requests for Qualifications and you then negotiated with the most qualified professional. She said typically they did ask for pricing up front, and all the resolution did was asked professionals to provide pricing along with their proposals.

Chairman Lucier asked did it encourage those professionals to inflate their price. Ms. Paschal replied no, because they were competing against other professionals.

Commissioner Thompson moved, seconded by Commissioner Vanderbeck, to adopt **Resolution #2008-31 to Exempt Construction and Materials Testing for the Chatham County Library and Community College Classroom Building Project from the Provisions of GS 143-64.31**, seconded by Commissioner Vanderbeck. The motion carried five (5) to zero (0). The Resolution is attached hereto and by reference made a part hereof.

MAJOR CORRIDOR ORDINANCE

Keith Megginson, Planning Director, noted that much information had been provided with the day's packet regarding this issue and added that this process had begun in March of 2007. He stated that a Major Corridor Task Force had been formed to address the issue; that they had completed their work and sent it on to the Planning Board; the Planning Board had looked at all aspects of the Ordinance; that various public meetings had been held with the affected property owners; and, now was the time to decide whether or not to proceed with it considering the other initiatives that were ongoing. Mr. Megginson said if the Board wanted to proceed, there were certain things that would need to be done: there were 79 properties that needed to be rezoned in some manner, with some possibly being split-zoned; that a public hearing would need to be scheduled and notices placed in the newspaper; and, the 79 property owners would need to be notified by mail of the public hearing. He stated the soonest he believed that could happen was September 15th. Mr. Megginson stated that the Board would need to decide whether or not to move forward with that given the other initiatives currently being worked on.

Chairman Lucier stated that he had relayed to the Planning Board and the Environmental Review Board that the amendments to the Subdivision Ordinance were the top priority, because when the moratorium ended on December 2nd, they would need to have those amendments in place. He stated that the Major Corridor Ordinance issues, although very important, had to be a second priority at this time because they had already zoned the major corridors. Chairman Lucier asked the Board if he was correct in that analysis, and there was no objection from any Board member.

Sally Kost, Planning Board Chair, stated that taking on this issue would be more burdensome to the staff than to the Planning Board, noting they had already incorporated their feedback into the current draft.

Chairman Lucier asked if Mr. Megginson agreed with that assessment. Mr. Megginson agreed, adding that he would have to get in touch with Paul Black. Chairman Lucier stated it would be helpful if staff could begin thinking about a schedule that would be reasonable to deal with the Major Corridor Ordinance given other priorities. He said the schedule should include an estimate of when the Major Corridor Ordinance might be enacted, given that they had 79 properties to be rezoned, whether those could be done en masse or would need to be done individually, and, should they identify cases where there may be concern from neighboring property owners and separate those out. He said it was important to determine how that public hearing could most efficiently be conducted.

Jep Rose, County Attorney, stated he believed they could design a process that could be conducted expeditiously, but agreed that concentrating on the Subdivision Ordinance was the main priority.

Commissioner Vanderbeck stated that Paul Black had other projects he was working on, so they could not overload him.

Mr. Megginson asked if the Board wanted the schedule to begin sometime after action on the Subdivision Ordinance. Chairman Lucier stated that was correct. Mr. Megginson said then the schedule would likely begin sometime in January. Chairman Lucier said if they could start sooner, that was fine, but the Board would understand if that was not possible since the priority was the Subdivision Ordinance.

Commissioner Vanderbeck stated that as schedules allowed, he would like staff to work out a better process, and have that ready prior to the process beginning. He agreed that the Subdivision Ordinance had to be the priority.

Chairman Lucier stated that the moratorium document stated that the Board would focus on the Subdivision Ordinance.

Commissioner Thompson stated that he would like to pursue having at least one or two community meetings to educate the public about what the Board was doing.

Chairman Lucier agreed that was a good idea. He asked Mr. Megginson to develop a schedule and process prior to the first of the year and bring that to the Board for discussion. The Board agreed by consensus.

LEGISLATIVE UPDATE/MORATORIUM BILL

***Billboard Bill**

***Wildlife Conservation Land Bill**

***STAA Vehicle Bill**

Mr. Megginson stated that the Planning Board had made recommendations about a Billboard Bill and the cutting of vegetation, but that Bill had died; that the moratorium language had been pulled regarding buildings, but believed it would be reintroduced in the next session of the Legislature; there was a Wildlife Conservation Land Bill which has passed, and allowed anyone that had at least 20 contiguous acres that wanted to enter into a Conservation Agreement with the NC Wildlife Resources Commission to protect specific lands or species that was of significance to the Wildlife Resources Commission, such as wetlands, riparian zones, bat caves, or various animal species on the land. Commissioner Vanderbeck added that the landowner had to have owned the property for at least five years. Mr. Megginson stated that was correct and that one could not have more than 100 acres for any one person in any one county; and, that there was a study commission that would be studying the impact of that Bill.

Chairman Lucier asked if that would have an impact on wildlife or impact on revenues. Mr. Megginson responded impact on revenues.

Commissioner Cross stated he did not believe it would affect Chatham County at all, noting there were timber and farming programs that were 20 acres as well, and believed most of the land of that size was already designated.

Chairman Lucier stated that might be right but he was not sure, noting he believed there would be some impact.

Mr. Megginson stated that there were two bills related to vehicles; one regarding oversized boat trailers which had passed but the Governor was considering vetoing it; and another that addressed oversized loads which had also passed, which allowed specific locations in Chatham County, US #15-501 and Lystra Road, to be used for oversized loads. He stated if the Governor did not veto it, the Board may need to officially designate those areas, but he would have to get back to the Board on that.

CONSTRUCTION MANAGER AT RISK FOR JUDICIAL CENTER

The County Manager stated they now had the initial design completed for the Judicial Center, and the next step was to go through interviews for a Manager at Risk.

Mr. Hughes stated that they had gone through the selection process and had chosen Clancy and Theys Construction, who had a long-standing reputation in the local government arena and he had a lot of confidence in their abilities and experience. He stated that the contract was fairly involved and several paragraphs still needed to be worked out, which may take several weeks. Mr. Hughes stated they had wanted to get that process started so they had brought it before the Board at this time.

Commissioner Vanderbeck stated he was not familiar with the general cost of "General Conditions," and asked for an explanation. Scott Cutler, Vice President of Clancy and Theys, stated that General Conditions referred to the cost for the contractor to manage the job site. So, he said, it was all the project management, project administration, supervision, temporary utilities, and job site office management. Mr. Cutler stated it was the overhead cost for the contractor to oversee those aspects of the project for the duration of the project.

Commissioner Vanderbeck asked was that exclusive of the original job estimate. Mr. Cutler stated it was included in the total estimated cost of construction.

Mr. Hughes stated that the safety team, the project managers, the accountants, and anyone else connected to Clancy and Theys that were not directly a part of the actual contract were covered under General Conditions.

Commissioner Thompson stated he understood that Clancy and Theys had an outstanding reputation for utilizing minority and women-owned businesses. He asked for an explanation of the process they used to recruit those businesses. Mr. Cutler stated it started with development of a list of all regional minority and women-owned businesses; that they used various resources to compile that list including public sessions to generate interest including maintaining a high profile in the construction community; and, many times were able to get such lists from various sources such as other local governments.

Mr. Hughes stated that many times you would have to break a project down into small enough pieces that the smaller businesses were able to compete, and Clancy and Theys had experience doing that.

Commissioner Barnes moved, seconded by Commissioner Vanderbeck, to approve Clancy and Theys Construction Company as the Construction Manager at Risk for the Judicial Center subject to successful contract negotiations, and to authorize the Chairman to execute the contract when finalized. The motion carried five (5) to zero (0). The contract is attached hereto and by reference made a part hereof.

FARMLAND PRESERVATION TRUST

The County Manager stated that the Farmland Preservation Trust grant request had been successful, and they were now working with the Land Conservancy as a component of the overall program for growth management for the County.

Commissioner Vanderbeck moved, seconded by Commissioner Cross, to accept the Farmland Preservation Trust Grant. The motion carried five (5) to zero (0).

Commissioner Vanderbeck stated there were some matching funds associated with acceptance of that grant.

AIRPORT RUMORS

Chairman Lucier asked the County Manager to comment on the rumors regarding an airport in Chatham County. Mr. Horne responded that Horace Williams Airport had been discussed for a number of years in terms of moving it or closing it down; that some information had come forward last week that one location being considered was somewhere in Chatham County; and, that they had researched that and had found nothing in local legislation that indicated that Chatham County was being considered for an airport. So, he said, they were considering that information a rumor only and there was nothing to substantiate it.

Chairman Lucier stated he had received some email queries and believed it was safe to respond that it was rumor only.

Commissioner Cross stated he believed that something had been passed by the Legislature that indicated the airport would be located in Orange County only.

Commissioner Vanderbeck stated he believed that was correct. In response to a statement by Ms. Kost, he added that all universities had the power of eminent domain.

BROADBAND/DSL IN CHATHAM COUNTY

Chairman Lucier asked if any progress had been made in bringing DSL or Broadband to areas of Chatham County without it. The County Manager stated there was no progress in that area but they were looking at wireless in a broader fashion and hoped with the help of the consultants to have something to report in the near future.

Commissioner Vanderbeck stated there was an informal meeting with a consultant last week, and the goal was to find a way to get there with or without the big companies who wanted

density to justify the service. He stated there may be some proposal regarding a pilot project in a certain section of the County, but that had not yet been discussed as far as the viability of that.

Chairman Lucier stated a letter had been sent by the County to Washington several months ago which stated that Chatham County had been frozen out of those kinds of opportunities. He stated there had been two pilot programs for service, one in Matthews and one in Bennett, but the County had received no response to that letter.

Commissioner Vanderbeck stated he had asked Lisa West to follow up on that since no reply had been received.

MUNICIPALITY INCORPORATION

Commissioner Cross asked had anyone else received an email about a church that was going to incorporate as a municipality, which he believed was St. Luke's. Several Board members responded yes. He stated that the church needed to check the State statutes because they were not qualified to apply.

CLOSED SESSION

Commissioner Barnes moved, seconded by Commissioner Cross, to go out of the Work Session and convene in Closed Session for the purpose of discussing matters relating to the location or expansion of business and industry in Chatham County. The motion carried five (5) to zero (0).

REGULAR SESSION

Commissioner Barnes moved, seconded by Commissioner Thompson, 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 Vanderbeck 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 4:33 PM.

The Board discussed the request by Nicolas Robinson, Attorney-at-Law, on behalf of Baycorp Development, Inc. for an 18-month extension of their Conditional Use Permit for property located near the corner of US #15-501 North and Mann's Chapel Road. They also discussed the Strowd property in terms of school location.

ADJOURNMENT

Commissioner Barnes moved, seconded by Commissioner Cross, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 5:45 PM.

George Lucier, Chairman

ATTEST:

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